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UN Human Rights Council resumed sixth session: Promise for the future haunted by ghosts of the past

Amnesty International considers that the Human Rights Council made notable progress at its resumed sixth session in the maintenance and development of mechanisms inherited from the former Commission on Human Rights. The Council also managed to sustain its consideration of the serious human rights situations in the Darfur region of Sudan and Myanmar.

While the Council achieved some positive outcomes at the resumed sixth session, Amnesty International believes that its members would be well-advised to reflect on where they are taking the Council, which is showing troubling signs of reverting to ways of the discredited Commission. The focus on decision-making by consensus on Sudan led the Council to affirm progress in the protection of human rights in Darfur in manifest contradiction with the analysis of the Council's own experts, who have found little improvement of the situation of human rights in Darfur. The developing human rights crisis in Sri Lanka received only superficial attention. The assault on the rule of law in Pakistan was scarcely mentioned. The Council membership essentially abdicated responsibility for the negotiation of a resolution on the universally important issue of freedom of religion and belief to the European Union and the Organisation of the Islamic Conference. The full Council membership has a duty to ensure that issues of such importance are addressed with commensurate care.

Among the highlights of the resumed session that Amnesty International welcomes were the renewal of the mandates of the Special Rapporteurs on adequate housing, health, freedom of religion or belief, the promotion and protection of human rights while countering terrorism, and Sudan, the Representative of the Secretary-General on the human rights of internally displaced persons and the Independent Expert for Liberia.

Amnesty International also welcomes the adoption by consensus of the comprehensive resolution on integrating the human rights of women throughout the United Nations system. Of particular note are the Council's decisions to dedicate at least a full day annually to discussion of the human rights of women and to hold an annual discussion of the integration of a gender perspective throughout the Council's work. This resolution signals a welcome resolve to move beyond rhetoric to action in efforts to end violations of women's human rights and discrimination based on gender.

While Amnesty International applauds the decision to extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan, the organisation is

dismayed by the decision to terminate the mandate of the Group of Experts. The Group was a key element of the process the Council itself had established, with the full participation of the Government of Sudan, to foster the effective implementation of previous UN recommendations related to the protection of human rights in Darfur. Despite almost no progress on implementation of those recommendations by the Government of Sudan, the Council has disbanded the Group mid-way through the process. The onerous task of monitoring implementation has been left to the Special Rapporteur on the Sudan, who with few resources is also mandated to monitor the deteriorating situation throughout all of Sudan. The establishment of the Group of Experts in March 2007 had been widely regarded as a turning point in the Council's engagement on the situation in Darfur and as a promising innovation by the Council. Amnesty International hopes that the termination of the Group does not signal a return to a time when States supported by an axis of powerful friends would regularly escape scrutiny regardless of their human rights record.

Amnesty International acknowledges that the Council membership remains united in efforts to address the human rights situation in Myanmar. However, it is disappointed that the Council saw fit to do little more than reiterate the demands that it had already made of Myanmar at the fifth special session in October 2007. The Special Rapporteur found no significant signs that the Government of Myanmar is implementing key provisions of the resolution the Council adopted at that time, and the Council has now missed an opportunity to convey to the Government of Myanmar the international community's expectations that actions replace words. Amnesty International believes that the Council must find more effective means to convey its concerns if the Government of Myanmar is not more cooperative in the period leading up to the seventh session. At that session, the Council must, at a minimum, consider comprehensively the human rights situation in Myanmar and extend the mandate of the Special Rapporteur.

Amnesty International regrets that once again the Council did not seize the opportunity to assist the Government of Sri Lanka in preventing human rights violations. The International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights had only just decided that the Human Rights Commission of Sri Lanka is no longer independent in accordance with the Paris Principles. This development was further corroboration of the assessment of the High Commissioner for Human Rights that Sri Lanka's national institutions and mechanisms are unable to deliver adequate human rights protection. Even the Ambassador of Sri Lanka spoke of his country's determination that its national institutions and national processes be supplemented and supported by international assistance. The time has come for the Council to move beyond sterile political discussion of the human rights situation in Sri Lanka to discuss concrete measures to respond to the human rights emergency there.

In a display reminiscent of the double standards and selectivity of the Commission on Human Rights, nearly all members of the Council turned a blind eye to long-term damage done to the rule of law and the protection of human rights by the recent imposition of the state of emergency in Pakistan. Rather than calling on Pakistan to fulfil its duty to "uphold the highest standards of human rights" as a member of the

Council,¹ Members and Observer States preferred to ignore the concern expressed by civil society and the High Commissioner for Human Rights that emergency rule and actions taken under it have inflicted severe, long-term injury to the judiciary and civil society.

As the Council looks ahead to its seventh session in March 2008, Amnesty International urges its Members and Observers to rise above the temptation to lose themselves in reworking the Council's institution-building package and to consider how to better realize the promise that the Council offered when it replaced the Commission on Human Rights.

¹ UN General Assembly resolution A/RES/60/251, op 9.