



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

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IMMEDIATE RELEASE

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Resumed 6th Session of the Human Rights Council: Council fails to take resolute action on Sudan/Darfur, Myanmar and Pakistan, despite long-awaited substantive debate

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The International Commission of Jurists (ICJ) today called on all governments to raise the voice and take bold measures to protect human rights wherever vigorous action is needed, after the UN Human Rights Council concluded its resumed 6th session on 14 December 2007. At the session, the Council extended the mandates of experts on Sudan, Liberia, counter-terrorism and human rights, freedom of religion or belief, internally displaced persons, adequate housing and the right to health and established an expert group on indigenous peoples. The ICJ is concerned at the termination of the mandate of the Group of Experts on Darfur and the Council's failure to adopt sound measures in response to human rights crises in Myanmar and Pakistan.

"The negotiations on country resolutions strove for consensus, not for real improvements in human rights protection. Human rights discourse cannot be subordinated to consensus at almost any cost", said Nicholas Howen, Secretary-General of the International Commission of Jurists.

The Council held a long-awaited discussion, after an initial institution-building phase, on numerous human rights situations in different countries, including Afghanistan, Sudan/Darfur, Pakistan, Sri Lanka, South Africa, Israel, Somalia and the United States. Interaction with the High Commissioner for Human Rights, follow-up to the Special Sessions on Darfur and Myanmar and the debate with Special Rapporteurs also enabled substantive exchange on thematic issues. Thematic debate on terrorism, internally displaced persons, adequate housing and right to health focused on good practices in legislation and administrative practice and provided guidance to Special Rapporteurs in their renewed mandates.

Decisive action at this session was frustrated by the weakness of states traditionally advocating human rights protection. "The Council has not responded to calls to establish an Investigation Commission on the recent crackdown in Myanmar and to establish a support team on the ground to assist such an inquiry. Neither has the Council addressed the rule of law crisis in Pakistan, or made a formal request to reinstate dismissed Supreme Court Judges and lift all amendments and practices which maintain martial law", continued Nicholas Howen.

The Council also failed to extend the mandate of the Group of Experts on Darfur to monitor progress on issues of insecurity, investigation of war crimes, crimes against humanity, combating impunity and other measures requested by the different UN and other bodies. Despite the fact that the Group of Experts confirmed progress only on 4 out of 46 short and medium-term measures, its mandate has not been extended. Yet the task has been vested in a single mandate-holder, the Special Rapporteur on Sudan, whose mandate is different, as she has been tasked with a fact-finding and early warning role. "This move, instigated by the African Group, is starkly inconsistent with the gross and serious violations of humanitarian law and human rights, taking place in Darfur even now", added Nicholas Howen. The African

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

Group should have shown the same constructive spirit as when extending the mandates on Sudan and Liberia.

“Sound measures to address situations of human rights crisis are a central and non-negotiable objective and purpose of the Council’s work; in which the Council has failed once again. The year, when the Universal Declaration of Human Rights celebrates its 60th anniversary must become a turning point, so that universality, indivisibility and interdependence of human rights would become a reality”, said Nicholas Howen.

The thematic debate at this session suffered from a lack of vision. On terrorism, for example, the Council adopted only a procedural resolution on means of cooperation by the Special Rapporteur with the other bodies dealing with the implications of counter-terrorism measures for human rights.

“The Council must start acting decisively, to bring to an end coercive interrogation techniques, arbitrary detention and other excessive and discriminatory counter-terrorism measures. It must also urge the cooperation of States with special procedures, including unhindered and full access to countries and their places of detention”, said Nicholas Howen.

The Council has also failed to achieve consensus on the important question of elimination of all forms of intolerance and discrimination based on religion or belief. The ICJ considers it essential to find a balance between the international human rights law providing for the enjoyment of freedom of religion or belief by individuals and the need to refrain from any sort of religious or other profiling and stereotyping. It should be done so through the application of the International Covenant on Civil and Political Rights that stipulates the right to freedom of religion and belief of individuals, prohibits national, racial or religious hatred against individuals and allows also legal restrictions necessary for respect of the rights or reputation of others. “The request for a vote on this issue was a regrettable move, which contradicted the consensus reached on this important issue at the current session of the UN General Assembly”, concluded Nicholas Howen.

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