

## **Statement at 18th session of the Human Rights Council**

30 September 2011

### **End of session statement**

**Joint statement: Canadian HIV/AIDS Legal Network, CIVICUS, Action Canada for Population and Development, Asian Forum for Human Rights and Development (FORUM-ASIA), Cairo Institute for Human Rights Studies (CIHRS), International Commission of Jurists (ICJ), International Service for Human Rights (ISHR).**

Señora Presidenta,

**We echo the thanks just expressed by Senegal. Despite your stewardship, the session had – like many before – a mixed record.**

**Several commendable advances on thematic areas provide a beacon of hope to human rights defenders that all is not lost at the Council. The panel on peaceful protest represented an attempt to rise beyond the stale political debates, and a number of useful and concrete recommendations emerged from it. We hope that the Council will maintain the creativity needed to find ways to follow-up on those recommendations. Some other thematic advances, which we welcome, include:**

- **The initiative to set up a panel discussion on the issue of reprisals against those who cooperate with the UN system is a much-needed attempt to increase the attention that the Council gives to this critical issue. The seriousness of this issue was demonstrated – sadly – during the current session, when a human rights defender from Sri Lanka was again the victim of a media smear campaign and death threats following his presence in these halls. The panel on reprisals should thus be seen as only as the starting point for the Council to consider ways in which it can actually improve protection for persons who cooperate with the UN.**
- **The establishment of the Special Rapporteur on truth, justice, reparation and guarantees of non-recurrence is a positive outcome and we congratulate the co-sponsors for it. Most importantly, the mandate is established in a way that aims at restoring the rule of law so as to be able to move forward whilst ensuring justice and accountability.**
- **We also welcome the adoption of the resolution on preventable maternal mortality and morbidity. The expert workshop and its outcome will enable States, the UN and other stakeholders to take practical steps in applying the human rights based approach to policies and programmes in this area.**

**Despite these positive developments, much work remains. At its 16<sup>th</sup> and 17<sup>th</sup> sessions the Council laid the bedrock for a change in dynamics and a strengthened, and principled response to country situations. It is regrettable that at this session the**

**Council has all but squandered the opportunity to maintain and continue to build on that foundation in a positive direction. States have not been able to maintain their principled stances combined with perseverance that helped produce the notable successes of recent sessions.**

**This session has seen weak or non-existent responses to some urgent country situations. On Yemen, the Council failed to establish the independent, international investigation that would have enabled it to follow-up effectively on the recommendations of the High Commissioner. Equally weak are the outcomes on Sudan, South-Sudan and Burundi.** While the renewal and creation of specific country mandates demonstrate the Council's continued attention to this, the lack of substantive human rights content within those mandates is deplorable.

**The Council's failure yet again to take action on Sri Lanka and follow-up on its own special session on the country, and on the report of the Secretary-General's panel of experts transmitted to this Council at the beginning of the session, is one of this session's most egregious omissions.**

We further regret attempts to portray as quote-unquote 'politicised' the efforts of the Council to protect the human rights of all. A fruitful examination of the situation in Belarus, following on from the positive initiative at the 17<sup>th</sup> session to request a report from the High Commissioner on the situation in the country, was obstructed through a divisive debate. Criticism and dismissal of the Council's consideration of serious human rights situations as 'non-objective', or as 'naming and shaming', threatens to undermine the ability of the Council to effectively and strongly address serious country situations. The weak outcomes of this session of the Council therefore threaten to undo the good results of recent sessions.

**In closing, Madam, we wish to highlight two worrying institutional developments. During UPR adoptions, many States failed to circulate written materials pertaining to the status of recommendations prior to the adoption of their UPR outcomes, despite the encouragement contained in the review outcome document.** In the absence of such vital information about the State's position on recommendations, it is impossible for NGOs to provide constructive input.

**Secondly, while we appreciate the last minute agreement to not jeopardize OHCHR's independence through the proposed initiative for so called 'transparency', we deeply regret the continued attempts by a small group of States to undermine the effective and independent functioning of the UN's lead institution on human rights protection.**

**Madam President,**

**We look to the Council to urgently regroup from the setbacks of this session. It is not too late for the Council to reclaim the principled positions it was beginning to take and which instilled hope in human rights defenders around the world that this body was beginning to assert itself as a defender of all human rights for all.**

Thank you.