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**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Written statement* submitted by Amnesty International (AI), a non-governmental
organization in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[26 June 2006]

*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

Amnesty International (AI) welcomes the inauguration of the new Human Rights Council (the Council). The Council has great potential to be stronger and more effective than the former UN Commission on Human Rights (the Commission). Council members, observer governments and other participants in the Council must act now to realize that potential.

This first session of the Council will be crucial in setting the tone for the future. Governments must demonstrate not only by their words but by their actions that they are prepared to make the Council a stronger and more effective body for the promotion and protection of human rights than was the Commission. As a political body made up of governments, the Council will rely heavily on its members creating an institution that will encourage them to put respect for human rights before political self-interest. They must demonstrate that they can rise above the base politics that did so much damage to the credibility of the Commission. They must begin in earnest at this session to put in place procedures and working methods that will enable the Council to fulfil the aim of ensuring effective enjoyment by all of all human rights.

While the Council should give itself the time necessary to complete its unfinished institution-building and avoid hasty decisions that could reproduce the shortcomings of the Commission, it must also demonstrate a commitment to the protection of human rights here and now. At a minimum, that commitment should be demonstrated by ensuring that all Special Procedures are preserved and empowered to act until the deadline set for completion of their review in June 2007. The draft International Convention for the Protection of All Persons from Enforced Disappearance and the draft Declaration on the Rights of Indigenous Peoples should be approved and recommended to the General Assembly for adoption in 2006. The mandate of the Open-ended Working Group to consider options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights should be extended and modified to enable the Working Group to get on with drafting the Optional Protocol.

The Council has a clear mandate to promote and protect human rights, including addressing gross and systematic violations, contributing to the prevention of human rights violations, and responding promptly to human rights emergencies. Moreover, it is clear that this mandate applies to all situations in all countries. Although AI has not called on the Council to address country situations at its first session, the organization expects the Council to complete the Commission's unfinished business under the 1503 Procedure at its next session in September 2006.

One of the new tools for the Council is a Universal Periodic Review mechanism. All member states of the UN must undergo this review of the extent to which they fulfil their human rights obligations. The Council must proceed with vigour and courage to establish the modalities for the universal periodic review that will ensure that it will not be possible to turn a blind eye to human rights situations because they happen in powerful countries or in countries with powerful friends.

Members of the Council must give themselves no excuse to fail to address situations of grave violations of human rights like Darfur or Guantánamo Bay and the related web of secret detention centres or chronic situations like the denial of land rights and the pervasive violence against women that is endemic in so many countries throughout the world.

Important as it is, the new universal periodic review mechanism cannot and should not be the sole means for the Council to address human rights problems. It will be crucial to the success of the Council that it develops a range of responses to address the many different human rights situations across the world. No one approach will suit all situations. If the Council is to have a real impact on the ground it must adapt its response to the specific situation and draw on options ranging from advice and assistance to public condemnation.

The General Assembly has also instructed the Council to promote effective coordination and mainstreaming of human rights in the UN system. This is an important responsibility that the Council must take seriously. The Council must ensure that in meeting its own responsibility to prevent human rights violations and respond promptly to human rights emergencies, it plays a catalytic role by engaging other parts of the UN system, including the Security Council. It also has an important role to play in the UN's efforts to give effect to the "responsibility to protect", which was acknowledged in the World Summit Outcome Document of 2005.

The Council will meet regularly throughout the year in at least three sessions, and it can be convened in special session with the support of just one-third of its membership. This will allow the Council to respond more quickly to human rights emergencies and to follow more closely those issues with which it is already seized. There will be no excuse for situations slipping out of sight or out of mind. As a body meeting regularly throughout the year, the Council will also have much more flexibility in addressing these situations. AI expects the Council to use that flexibility creatively and forcefully.

The ability of the Council to implement its decisions will be key to its success. The Council must focus on action, not rhetoric. The measure of its success will be the improvements that it makes in the lives of people, not the number of resolutions that it adopts.

The General Assembly, in establishing the Council, placed great emphasis on the importance of constructive international dialogue and cooperation in its work. AI agrees that the Council must place an emphasis on assisting countries who are willing to be assisted in implementing their human rights obligations. But, if countries refuse to cooperate with the Council, it must be able to resort to other means to impress on countries that respect for human rights is an international obligation. Members who serve on the Council must be committed to respect for human rights, and they must demonstrate that commitment, including through full cooperation with the Council and its mechanisms.

Among the strengths of the Commission that the Council has inherited are the Special Procedures and the practices and arrangements for the participation of NGOs and national human rights institutions. These strengths must be built upon. In the review of the Special Procedures that the Council is mandated to complete by June 2007, it should place emphasis on strengthening the system of Special Procedures, including by integrating their information and analysis more fully into the deliberations and decision-making of the Council and by encouraging greater cooperation of governments with the Special Procedures. The Council must respect the letter and the spirit of General Assembly resolution 60/251, where it decides that the participation of NGOs in the Council shall be based on the arrangements and practices

observed by the Commission. From this base, the Council should pursue deeper cooperation with non-governmental organisations.

AI calls on the Council to establish at this first session open, transparent and predictable procedures to establish the modalities for the universal periodic review mechanism and to carry out the review of the Special Procedures and other mandates and mechanisms inherited from the Commission. These procedures should combine the flexibility and responsiveness of informal consultations with the formality and transparency of open-ended working groups. They must allow for the meaningful participation of NGOs and other stakeholders.

AI believes that the Council on Human Rights can be a stronger and more effective body than the Commission on Human Rights in the promotion and protection of human rights. AI will be vigilant to ensure that this promise is not squandered.

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