

Joint NGO statement on the end of the 13th session of the Human Rights Council

26 March 2010

Thank you Mr. President,

This is a statement on behalf of Human Rights Watch, International Service for Human Rights, Cairo Institute for Human Rights Studies, Canadian HIV/AIDS Legal Network, Asian Forum for Human Rights and Development (FORUM-ASIA), Baha'i International Community, International Federation for Human Rights (FIDH) and CIVICUS. Arc International and the Egyptian Initiative for Personal Rights share the views expressed in this statement. We NGOs would like to give some general comments on the dynamics and outcomes of this session of the HRC.

1. At the start of this session we were concerned that the HRC would censor the report on Secret Detentions. NGOs were alarmed at the efforts made by a number of states to prevent the publication and discussion of this report. We were particularly concerned at baseless suggestions that Special Procedures might need permission from the Council to choose their own areas of thematic focus, and at continued misuse of the Code of Conduct to threaten the independence of the Special Procedures. Thankfully the Council will consider this report in June.
2. NGOs were also concerned that some of the proposals made during the negotiation on the resolution on the protection of human rights defenders would create new restrictions on existing rights and undermine the Declaration [on human rights defenders], yet the Council has adopted a resolution that clearly recognises the legitimacy of our work and voices and provides protection. We urge States to report regularly to the Council, for example through the UPR and its follow-up, on their progress towards putting in place protection mechanisms in accordance with this important resolution.
3. At this session we have seen the first signs of depolarization of the Council. The efforts of cross regional groups, the positive initiative and investment of individual member States and the work of those governments that have fought at this session to uphold international human rights standards are commendable. Such efforts if sustained and fortified by others will strengthen the Council's work.
4. The mandate of the Council is to improve the protection of human rights for all. Its value is measured by its ability to take on human rights situations of concern and respond to victim's needs through meaningful action. In this connection, the principled decision of some delegations to depart from their previous or group positions in order to uphold higher human rights standards, in thematic and country resolutions adopted at this session is valued by NGOs. It should serve as an example to others.
5. During this session governments have also taken the risk to support consensus in order to strengthen dialogue. Governments succeeded in avoiding the adoption of a divisive resolution that would have too hastily precipitated the drafting of a legally binding instrument in the area of racism and discrimination. We encourage governments to take an approach at the Ad-Hoc Committee on Complementary Standards that will ensure that future steps do not undermine existing standards and that they enjoy the consensus of the Council as a whole.

6. The Council's adoption of UPR outcomes at this session has raised fundamental questions about the meaning of cooperation. We are concerned at an increasing trend by some States to simply "take note" of large numbers of recommendations, without providing a clear response, thus undermining the spirit and intent of the IB text. Those questions will have to be answered as the Council begins the assessment of its work and functioning. At the same time we welcome the increased engagement by some States in seeking clarifications from States under review regarding their position on UPR recommendations.
7. Lastly Mr. President, we commend those that have defended the right to freedom of expression of NGOs within the Council in response to the various attempts at this session to silence speakers for fear of criticism.

Thank you Mr. President.