

Human Rights Committee's 107th session concludes

26.04.2013

The 18 experts who make up the UN's Human Rights Committee recently concluded their 107th session in Geneva with the novel recommendation that a 'State party should guarantee that the impeachment process [of a president] is always carried out with respect for the basic principles of due process'. The observation came as the Committee considered the report submitted by Paraguay on the status of the country's implementation of the UN Covenant on Civil and Political Rights.

The 18 experts who make up the UN's Human Rights Committee recently concluded their 107th session in Geneva with the novel recommendation that a 'State party should guarantee that the impeachment process [of a president] is always carried out with respect for the basic principles of due process'. The observation came as the Committee considered the report submitted by Paraguay on the status of the country's implementation of the UN Covenant on Civil and Political Rights.

Former president of Paraguay, Fernando Lugo had been accused of 'bad governance' during a forced land eviction which led to the killing of 11 farmers and 6 policemen, and which prompted the manoeuvrings that led to his impeachment. Although the events took place after Paraguay had submitted its national report, and after the Committee had drawn up its own list of issues of concern, the experts made space in their dialogue with the Paraguayan delegation to address these significant developments.

Along with recommendations regarding the impeachment process, the experts also recommended an 'immediate, independent and impartial investigation' of the killings in Curuguaty, together with all related events, which have been reported by victims, particularly torture, arbitrary detention and extrajudicial killings.

The review of the situation in Peru saw the Committee examine claims that the country is criminalising peaceful protests by its broad definition of 'hostile groups' which could be interpreted to include and justify violence against peaceful protestors. Many of the protests in question have taken place in mining communities, where local residents have expressed concern about the environmental impact of schemes and mistrust about the response of the government and the companies.

Peru has denied these claims, with the President last year addressing this issue in a speech to the International Labour Organisation in which he said 'what we are trying to do [in trying to end these protests] is to defend the rule of law'. The delegation that appeared before the Human Rights Committee emphasised that Peru fully respects the right to social protest, as long as citizens respect public order. The experts of the Committee, however, concluded that a review of legislation was needed to ensure that the rights of human rights defenders are protected.

The relationship with mainland China was an inevitable theme of the reviews of both Hong Kong and Macao, with the Committee expressing particular concern about the power of the Standing Committee of the National People's Congress to interpret the laws which guarantee rights protected under the Covenant. However, the news that courts in Macao blocked the transfer of offenders to mainland China, where they might face the death penalty, was particularly welcomed by the Committee.

While the Committee has not shied away from addressing timely and difficult subjects with State parties, it continues to struggle with States that do not comply with its procedures. This was starkly exemplified at this session as Belize, whose first report to the Committee was due in 1997, finally faced review in the absence of a report. The lack of a delegation lent a perfunctory air to the review, despite the identification of a number of substantive issues, including the criminalisation of homosexuality, lack of a functional asylum system, and the failure to comply with decisions of the Inter-American Court of Human Rights and Belize's own Supreme Court with regard to resource exploitation on Mayan lands.

Committee discusses content of right of liberty and security of person

Alongside examining the substantive implementation of the UN Covenant, the expert members of the Committee also develop their own interpretations of articles in the Covenant, with a view to assisting States to understand their obligations.

At this session the Committee began the first reading of its latest draft general comment, which examines article 9 of the Covenant, on liberty and security of persons. The purpose of the general comment will be to identify the limits of a State's obligation to protect people from injury and from physical confinement. Issues such as the State's obligation to protect people from known threats to life, procedures for legally authorised deprivation of liberty, and protection against use of force will all be considered. The draft also point to particularly vulnerable groups including human rights defenders and sexual minorities.

Once the first reading has been completed, the Committee will solicit input from all stakeholders on the revised text.

For a full overview of the Committee's last session, visit the website of the Centre for Civil and Political Rights, which works closely with the Human Rights Committee.

ISHR