

## Joint end of session statement

28 September 2012

*Check against delivery.*

This is a joint statement on behalf of: *Asian Forum for Human Rights and Development (FORUM-ASIA), Human Rights Watch, Cairo Institute for Human Rights Studies, Canadian HIV/AIDS Legal Network, CIVICUS, International Federation of Human Rights Leagues (FIDH), East and Horn of Africa Human Rights Defenders Project, Human Rights House Foundation, International Commission of Jurists, International Service for Human Rights.*

Madame President,

First of all, we want to thank you, Madame President, for your guidance and leadership over the past 18 months. You have made a difference, on many fronts, but we wish to highlight in particular your personal commitment to protect those engaging with the Council. We, and many human rights defenders around the world, admire your courage and determination.

We debated whether to use the valuable seconds at the beginning for our thanks – as we did not want to run the risk of being cut off. We look to the indulgence of the secretariat to let us pass the following messages as well.

This session took place against a backdrop of growing expressions of intolerance and violence. Fortunately the Council overcame efforts to score political points from these events. Reason, respect for differences, tolerance and free expression must be our answers to such challenges.

We wish to highlight 7 achievements and setbacks of the session.

**One**, on country engagement, the session was weak.

- The Council's potential is stifled by Geneva politics. Several resolutions adopted at this session, including those on Mali, Sudan and Yemen fail to clearly reflect the situation on the ground, condemn human rights violations and emphasise State responsibility.
- Leaving the Geneva bubble would mean giving support to stronger mandates for OHCHR, an opportunity partly missed on several resolutions, including Mali, Somalia and South Sudan. We look to the Independent Expert on Sudan to insist on direct access to the entire country, as the resolution demands.
- On Syria we again regret the lack of consensus on Security Council referral to the ICC. The GA last month deplored the lack of appropriate action by the Security Council. The international community should do the same in the Human Rights Council.

**Two**, we appreciate the strong focus on the protection of key stakeholders during this session. The panel on ending reprisals affirmed the consensus on the unacceptability of this scourge. However, we have experienced an unprecedented number of reprisals against

participants of this session. Attacks included slander, incitement to hate and violence on national level, physical and verbal harassment, death threats and threats and intimidation of family members. We simply cannot wait for another year. We thus call on the Council and its members to adopt a resolution in March outlining concrete steps to prevent and react to reprisals and go beyond reporting.

We should be mindful that allegations of reprisals be treated in confidence and consultations with victims to not expose them further. Publicity can be a form of protection, but must only happen with the free, prior and informed consent of the person(s) concerned.

**Three**, the focus on civil society in the resolution on the **rights to peaceful assembly and freedom of association** is a welcome acknowledgement of our contribution, and the restriction of civil society space in many countries – and at times in the Council. We wish to underline that civil society has multiple facets, ranging from organised groups to individual members of civil society.

**Four**, on the resolution on the **safety of journalists**, we are glad to see that absurd attempts to limit freedom of expression under the guise of protecting journalists have been resisted. The consensual adoption of this text strongly affirms the importance journalists, including Internet and multi-media workers, play in the promotion, protection and defence of human rights.

**Five**, the adoption of the Russian resolution on **'traditional values'** is a failure of both substance and process. There is no doubt that this resolution will be invoked to impose State morality at the expense of human rights. As human rights defenders from Russia pointed out, 'tradition' is regularly invoked to advance stereotyped notions of the role of women, to criminalise those who are deemed 'immoral' by the State, and to restrict the activities of NGOs working on 'non-traditional' issues.

We are particularly disappointed at States who took the floor to express their serious concerns with the resolution, but then abdicated responsibility by abstaining. Stopping the trend of undermining the universality of human rights will require more political courage.

Before responding to the request for yet another report, we would encourage the High Commissioner to wait for the Council to receive and meaningfully address the serious concerns highlighted in the report of Advisory Committee in March.

**Six**, we are concerned about the lack of will demonstrated by the Council to uphold real independence of all its experts. We hope that similar rigour applied by the consultative group for the selection of special procedures will be applied to Advisory Committee members in the future.

In this regard, the appointment of the **Special Rapporteur on Eritrea** is the first step in correcting the dismal gender balance among country specific special procedures. As the gender integration panel highlighted among other things, more must be done on this issue.

**And seven**, We've also seen a **reaffirmation of the independence of the OHCHR** in the statement made by 35 States.<sup>1</sup> They reaffirmed that the OHCHR 'operates under the

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<sup>1</sup> Afghanistan, Algeria, Argentina, Australia, Austria, Botswana, Chile, Cote d'Ivoire, El Salvador, France, Greece, Guatemala, Honduras, Indonesia, Italy, Liechtenstein, Luxembourg, Maldives, Mexico, Monaco, Morocco, Nigeria, Norway, Pakistan, Peru, Qatar, Romania, Saudi Arabia, Senegal, Switzerland, Thailand, Tunisia, Turkey, Ukraine and Uruguay.

administrative direction and authority of the UN Secretary General and General Assembly' is encouraging. We hope that this translates into a constructive consideration of the OHCHR strategic framework in NY this fall.

Thank you.