



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

"Dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights"

United Nations Human Rights Council
13th Session, 1 – 26 March 2010

ICJ Intervention on the annual report of the UN High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

4 March 2010

Check against delivery

Distinguished High Commissioner,

The Strategic Management Plan setting out six thematic priorities and operational strategies for 2010-2011 demonstrates OHCHR's vision and leadership, exercised in accordance with the mandate provided by the General Assembly resolution 48/141 and the Strategic Framework for 2010-2011 it has approved.

Particularly valuable are your emphases on countering discrimination, including the recognition that "other marginalized groups" involve persons who are discriminated against on the grounds of sexual orientation. Too many people, as a consequence of their sexual orientation, have been targeted through violent attacks, arrests, imprisonment or risk of the death penalty. The urgency of this issue can not be denied. The ICJ encourages all of the Special Procedures and the treaty bodies to promote the application of international human rights law to ensure equal protection of human rights and non-discrimination based on sexual orientation and gender identity.

Countering irregular migration through expulsion of migrants has been another challenge, to be mitigated by making the expulsion procedures subject to a judicial review to ensure respect for the principle of *non-refoulement*. The ICJ also calls on the Council and its mechanisms to recommend and promote, with the assistance of the OHCHR, alternative measures to reverse an increased use of administrative detention and criminalization of irregular migrants.

The international community must enhance its response to protection of human rights in situations of armed conflict, and ensure that such violations are on the agenda of relevant UN bodies, including the General Assembly and the Security Council. To this effect, the Council should consider establishing a dedicated mandate – such as the Early-warning Commission – to identify the emergence of human rights violations in crisis situations and make recommendations to the UN to prevent human rights violations and ensure accountability of their perpetrators.

Special Procedures have effectively examined situations of human rights around the world and through their recommendations have assisted States in implementation of their legal obligations. They must be able to work in full independence and with vigour and effectiveness, including when dealing with urgent issues such as secret detention.

To improve coordination among treaty bodies and their members, including in relation to their working methods, the ICJ has called for more systematic access by individuals to the individual treaty bodies, regular and unified follow-up to the treaty body recommendations and a greater use of the joint general comments. Systematic use of humanitarian interventions,

improved quality of membership and enhanced NGO coordination and media coverage would also help render the treaty body system more effective, visible and accessible.

Madam High Commissioner,

Almost a year after the end of the war in Sri Lanka, the Government continues to deny the exercise of rights to the political opposition and human rights defenders, including by placing impermissible limitations on free expression and peaceful assembly through the abusive application of sweeping emergency regulations and the Prevention of Terrorism Act. Impunity for rights violations continues to be the norm. Journalists, opposition figures, and ordinary citizens have faced a heightened campaign of intimidation since the presidential elections on 26 January 2010.

Moreover, some 12,000 “surrendeeds”, suspected of links to the LTTE are still being arbitrarily detained in closed camps, deprived of legal status, due process and fair trial rights. The ICJ calls on the Government to pursue a sustainable peace based on rule of law by repealing emergency laws that violate international law, respecting lawful dissent, and guaranteeing human rights for all, including members of minority communities.

The recent UPR of Iran exposed concerns about the rapidly deteriorating human rights situations in the country. The delegation of Iran failed to engage in the dialogue and failed to address the concerns of ineffective application of constitutional and legislative guarantees and international law obligations. The Government’s claims that there have been no human rights defenders imprisoned for their peaceful activities and the justification of the oppression of Baha’is as permissible prohibition of “cult activities” amounted to an abuse of the UPR. It underscored the need for this Council to take action to ensure the country’s observance of human rights law and cooperation with the UN human rights mechanisms.

Madam High Commissioner, the ICJ hopes that the Council will continue to actively support a geographical breadth and substantive depth of your Office’s activities.

I thank you.

□ □ □