



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"

ICJ Intervention in the General Discussion
6th Session of the UN Human Rights Council
14 September 2007

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Distinguished Mr. President,
Madam High Commissioner,
Ladies and Gentlemen,

The UN Human Rights Council has now entered its second cycle, following the establishment of its institutional architecture in June 2007. During the Council's first year, with the exception of necessary special sessions focusing on most egregious situations in the Occupied Palestinian Territories, Lebanon and Sudan/Darfur, critical situations of human rights violations have not been dealt with.

We welcome that the Council sessions have included an enhanced dialogue with Special Procedures mandate-holders, engagement of NGOs and other actors in interactive dialogue, and a new way of interaction between thematic and country Special Procedures.

Now it is time to enhance promotion and protection of human rights through new procedures and mechanisms, in dialogue between all States regardless of regional or other groupings.

The ICJ recalls that security, human rights and development are interdependent, and human rights are universal and indivisible. We consider it is essential to close the protection gap between civil and political rights and economic, social and cultural rights. The ICJ welcomes that states are drafting an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The work so far offers a solid basis for the next stage. This Optional Protocol, which will create a complaints mechanism, should adopt a comprehensive approach, protecting all social, economic and cultural rights and enforcing all of the duties enshrined in the Covenant.

The fulfilment of human rights must be ensured without discrimination, based on race, ethnicity or any grounds. The ICJ considers the Council should address discrimination on the ground of sexual orientation.

The Council has been mandated with fulfilling the dual role of preventing and monitoring human rights violations. The UPR should help to prevent human rights violations, including by insisting that states implement the recommendations already made by expert bodies. The Special Procedures, thematic and country, must be allowed to continue to contribute to protection through timely and tailored monitoring and recommendations on how to prevent or end human rights violations. The ICJ calls on Governments to allow visits by, and guarantee full access to, the Special Procedures and adhere to their recommendations. Numerous current human rights situations deserve action by the Council to prevent further violations and extend remedies to victims.

The situation has markedly deteriorated in **Myanmar** where peaceful protest and opposition has again been suppressed, with arrests of demonstrators and further restrictions on freedom of expression and assembly.

In **Colombia**, the impunity of paramilitary groups and limitations to the victim's rights to truth, justice and reparation need to be addressed. Politicians involved or suspected of complicity in paramilitary activities should be brought to justice.

In **Sri Lanka**, the situation has deteriorated since 2006 with violations of human rights and international humanitarian law by all parties to the conflict impacting the lives of civilians. As

violations, impunity and impediments to the rule of law continue, the ICJ calls on the Council to urge the Government of Sri Lanka to agree to the establishment of an OHCHR field presence to contribute to preventing further violations.

In **Zimbabwe**, the ICJ has been concerned most recently about the escalation of physical attacks, on and harassment of, the legal profession and continuing intimidation of the courts. Internally displaced persons continue to suffer the consequences of forced evictions and are denied reparations for destruction of their homes a year ago.

Implications of anti-terrorism measures remain of serious concern in number of countries, including **Israel**, the **United States**, **Russia** and **Pakistan**.

Mr. President, the ICJ hopes that the Council will start living up to the expectations of victims and the public at large.

I thank you.
