HUMAN RIGHTS FEATURES

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12 PAGES
A SOUTH ASIA HUMAN RIGHTS DOCUMENTATION CENTRE PUBLICATION
GENEVA, 19-25 JUNE 2006
ISSN NO. 1541-2482

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‘HRC process a reflection of reality’

...and it also reflects the expectations within that reality, says President of the first session of the Human Rights Council

Interview

The Road Ahead

What to expect from the first session of the Human Rights Council and beyond

GARETH SWEENEY

The significance of the first meeting of the Human Rights Council cannot be overstated. On its shoulders rest the aspirations not only for an improved global mechanism to protect and promote human rights, but also the success of UN reform.

This article seeks to quickly review the transition from Commission to Council and to detail some of the major issues that require attention over the coming year. In each case, it is the quality of initial decisions that will dictate the future efficacy of the Human Rights Council.

From Commission to Council

Initiated from the quickly discarded recommendations of the High Level Panel on UN Reform in December 2004, radically transformed by the Secretary General’s own recommendations contained in the report ‘In Larger Freedom’ of March 2005, endorsed in principle by the September 2005 World Summit, and finally drafted by GA member states under the facilitation of GA President Jan Eliassen, the Council came into existence through the adoption of UNGA resolution 60/251 on 15 March 2006.

The drafting process was arduous and not without controversy, but the end product, despite last ditch attempts to scupper its adoption by a small minority, has been generally well-received. It has come to symbolise what has been referred to by many as a ‘reflection of the real world, not an ideal one’.

Due to rancour over the core content of the resolution, and attempts to postpone consideration of the draft, the vote to adopt the Resolution had been postponed by a number of weeks. This resulted in the vote taking place in New York at the same time as the Commission on Human Rights was (expected to be) in session in Geneva. The effect was to throw the Expanded Bureau of the Commission into utter confusion, and upon confirming that the truncated meeting in Geneva was to be the last of its kind, member States with one eye on the future decided there was then to forge the need to assume any substantive responsibility. On this basis, the final session of the Commission decided

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The most relevant element of the Resolution is the reference to the importance of promoting and protecting all human rights in all countries. So, independent of the record of each of us, the Resolution opens a possibility for all to do better. I think that is a very important message. This message is very much in line with the Universal Periodic Review, and in the message that merit needs to be taken into account. The invitation of pledges containing commitments for membership of the Council should also be taken into account. I think that is the right philosophy. The most important element at this stage is countries

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‘HRC process a reflection of reality’

...and it also reflects the expectations within that reality, says President of the first session of the Human Rights Council


In an interview with Human Rights Features, Ambassador de Alba spoke about the significance of the landmark event that is the opening session of the UN Human Rights Council, his role as President, and his expectations...

Human Rights Features (HRF): As a general introduction, your colleague in New York, Ambassador Enrique Berruga Filloy, upon adoption of the Resolution to establish the Human Rights Council, said that the Resolution "did not reflect an ideal world, but the real one", yet that it achieved the objective of ensuring that the Council was "substantially" better than the Commission on Human Rights. Do you share this view?

H.E. Ambassador Luis Alfonso de Alba: Obviously I agree with him because the Resolution was the result of a long process of negotiations based on the effort that the President of the General Assembly and the co-facilitators exercised to get everybody on board. In other words, the fact that the process was very much inclusive and dependent upon building consensus and common understandings to create an institution that would be as strong as possible is also a reflection of what the realities of today are.

But I would add that the result of the process is not a closed one. It reflects the reality but it also reflects, to a large extent, the expectations within that reality. It allows the process to move on, to be creative, to be flexible. It gives a guideline that will allow us to work with a different approach and to develop new tools. In that sense, the Human Rights Council is an ideal instrument of promotion and protection. How long it will take is up to us. The road is not a fixed one or a closed one.

HRF: What is your view on the idea that election to the Council was achieved on the basis of merit? Whilst it is true that many of the most egregious human rights violators did not seek candidacy this time, there are numerous examples of States whose ‘voluntary pledges’ did not display any discernable merit and yet they were elected without difficulty. Also, Mexico has supported the suspension mechanism of referring a state that has committed egregious human rights violations to the General Assembly. Could you explain how you would see this working in practice, given that the General Assembly is not known to vote by a two-thirds majority against any state, including, as a most damning example, Sudan?

H.E. Ambassador De Alba: The most relevant element of the Resolution is the reference to the importance of promoting and protecting all human rights in all countries. So, independent of the record of each of us, the Resolution opens a possibility for all to do better. I think that is a very important message. This message is very much in line with the Universal Periodic Review, and in the message that merit needs to be taken into account. The invitation of pledges containing commitments for membership of the Council should also be taken into account. I think that is the right philosophy. The most important element at this stage is countries

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‘Address all human rights equally in all countries...’

Ambassador De Alba: As a member of the Latin American and Caribbean Group (GRULAC), I regretted it at the time, and I still think that it was not the best way to close it, because we were in a position to take decisions on some important achievements of the Commission. The Commission had been discredited to a certain extent, but it had also made important contributions. At the closure of the Commission session in particular, we were looking to the achievements and contributions of the Convention on Disappearances and the Declaration on the Rights of Indigenous Peoples. We were also looking into some other decisions that were potentially ready in our view to modify mandates or to give new mandates to mandate-holders.

I think there was no serious impediment for addressing those issues, which were ready for a decision. So in a certain way the decision to close was actually, without addressing substantive issues, delayed decisions on human rights. It is not so grave as many of the decisions that were potentially ready in our view to modify mandates or to give new mandates to mandate-holders.

The [GA] Resolution opens a possibility for all to do better. The most important element at this stage is countries making an effort and committing to the system, opening themselves up to different mechanisms that the country will have at its disposal.

Ambassador De Alba: When I got the support first of the GRULAC, and later from other regions, I realised that the first task was to build a level of confidence and to open as many stages as possible for dialogue among ourselves. There were quite a lot of ideas that did not necessarily conflict with each other, but there were different ways to address a single issue. This includes the selection of the HRF, which is very important to have some clarity on the process because of the very limited time that we had. I emphasised that elections need to be held in a very open and wide process of consultations. This applied to the public sessions with the participation of members, observers, governmental and non-governmental organisations etc., and also to other formats of meetings: bilateral, sub-regional, organised groups and representatives of specific organisations. I used all formats of dialogue. I was involved in very different kinds of meetings during which we were able to collectively discuss and get an agreement on the process. I am quite confident that this proved to be useful because we were relatively rapid in identifying and accommodating the substantive issues and the programme of work. This will allow the Council to deal not only with procedural issues but also with the so called substantive issues.

HRF: So would you say that you are satisfied with the draft agenda for the first session and also the rest of the year or would you have done it differently, would you have been given more time for preparation?

Ambassador De Alba: Time was limited, certainly, but I am quite satisfied with the result. I think the programme of work reflects the wishes of a large majority of the membership not only of the Council, but also the United Nations and other stakeholders. I sense a degree of acceptance and, to a certain extent, also satisfaction with the possibility of addressing many of the substantive issues in such a short time. I am also satisfied because people were able to progress through a first step, very much linked to the second and third steps. So we are not only referring to the first session in an isolated manner, but together with the session in September, in which we will be able to continue discussion on issues and further on.

HRF: So you think that the pressing issues that should have been addressed in the opening sessions are covered?

Ambassador De Alba: There is nothing missing. The implementation of the Resolution covers all relevant issues. The Resolution is a very important tool that also provides a basis of the subsequent reports that came from the Commission needing to be considered. It covers the exercise of new mandates, strengthening existing mechanisms and creating new mechanisms for the Council. It also encompasses a new approach to the issues, which includes dialogue and consultations that have developed well and has moved toward a basis that left outside and the first session will address not all of them in terms of an exhaustive list, but all of them in terms of possibilities. It is now for the Member States, the Secretary-General and NGOs that in many cases have dealt with, to work and explore some of the possibilities that remain, but this is the process we have to work and explore some of the possibilities that remain. It is now for the Member States, the Secretary-General and NGOs that in many cases have dealt with, and some that others will be necessary to deal with in September or later. But the programme of work in the first session is not closed. It includes an item in particular, called ‘Pressing Issues’, on which no limit is imposed. The sense of the membership is that we need to focus on a few items, under that heading there is no strict limitation.

HRF: Do you concede that there has been a protection gap? Special Procedures completed before March 2006 were not discussed and have not been tabled and addressed until now?

Ambassador De Alba: There has certainly been a delay in the consideration of those reports. However, this does not necessarily mean that there has been a gap, as the whole mechanism is still working, mandate holders have continued to do their work. It is also known that we are preparing for the Council. Therefore, it is very likely that we will renew all mandates for a period of one year while we conduct the review process. So the protection gap should not occur.

HRF: The High Commissioner stated in the context of the Commission that it is time to focus less on standard setting and more on implementation. Do you subscribe to this view, and, if so, do you think the Council is more inclined to move in such a direction?

Ambassador De Alba: Well, I think the High Commissioner is right in the sense that it is very important to put a special emphasis on implementation and to really make decisions that may in fact weaken standards as they existed under the Commission, for instance in the role of the Special Procedures or the participation of NGOs?

HRF: Over the year, do you foresee any potential threats to the work of the Council, for example from other initiatives, or from new human rights challenges?

Ambassador De Alba: On the contrary, I think it is quite clear that the Resolution that was adopted to strengthen the system of protection, including Special Procedures, and we need to open participation to NGOs and civil society. But I think we need to develop a sense of partnership and we need to work more closely with NGOs, but also we will put emphasis with working with other actors on the international scene, who play a critical role. I am referring to parliamentarians. We will also strengthen the participation of national institutions for the protection of human rights, of Ombudspersons, of the national human rights institutions, who have capacities to deal with the human rights issues. In that context, national efforts and national institutions are fundamental. Not only for getting technical and financial contributions from outside, but to encourage and develop local initiative and commitment. This would encourage the States and human rights mechanisms that are much owned by the people themselves, and not only by the authorities.

HRF: What, in your view, should be the core elements of the Universal Periodic Review?

Ambassador De Alba: The core element would be to address all human rights in an equal manner in each country. I acknowledge that the process should be based on a gradual approach. We should not rush into this exercise.
information from different sources including from governments involved. We need to have a close look at the situation of human rights in all Member States coming up for review in the Universal Periodic Review, and at some international institutions, and see if we can help those countries to improve their situations. That may include, at a certain time, some way and means to put pressure on the governments to fulfill their commitments and obligations. And, as I told you, I think the most important element is that the process is fair, transparent and gradual.

Ambassador de la Vega: We do not intend to substitute through [the Universal Periodic Review] process the consideration of urgent critical issues. Instead, that has to do much more, with fairness when addressing the human rights situation in all countries. It has to do much more with institution-building locally and with the long term, whether it is about combating phenomena like torture or fighting for the administration of justice, it is not only the will of a government to solve long-term problems but also crises.

HRF: If the states with the best records are now on the Council and they are to be reviewed and scrutinized over that period of time, how will the Council ensure that the worst offenders who are not on the Council are given the extra scrutiny that they arguably require?

Ambassador de la Vega: We will not qualify whether one country is good and bad and we will not separate members from non-members. I think the obligation of members to be the first to go through the process does not imply that non-members would not go through the system as soon as it is in place. I personally think that a combination of members and non-members being under scrutiny from the beginning would be a good way to proceed and that is the method of deciding who goes first, because eventually we will all go through the process.

The main design of this exercise is to get the necessary human and financial resources for the exercise. It may take three to four years to complete a round of reviewing the situation in all 191 UN Member States. But I see it as a combined process of evaluation of members and non-members, regardless of the obligation of members to go first.

HRF: How do you intend to address the entry into force of the Optional Protocol to the Convention Against Torture on June 22?

Ambassador de la Vega: We have discussed the issue on the ways in which we could highlight this achievement. I have personally worked for the approval of the Optional Protocol in New York while I was there and I think it would be important to do it. We have not yet decided how we are going to do it, but we need to have some event on this, in terms of ideas, and we need to see whether we are going to do this within the Council.

The Rapporteur has a very important role. I have sponsored the resolution on counter-terrorism. We have a very important role now, to continue the Rapporteur's work in this area. This is a very good example of an initiative that my country took very much on the basis of a consultation with other Member States and NGOs. We presented this Resolution on our own because we considered it was quite an important issue. Although we had a very wide level of support in private civil society and other UN Member States, we felt it was particularly important considering the efforts we are all making to fight terrorism, to remind everybody that this is not only the will of a government to solve long-term problems but also crises.

The initiative has, I would say, a more universal and nationwide approach. It was not because of the situation in Mexico, but because of the situation in every single country. Liberties have been affected throughout the world and we have to make sure that certain rights are not derogable under any circumstances. There are plenty of documents from the UN Committee on Human Rights and other sources that clearly identify the obligations of States under these circumstances. The appointment of the Special Rapporteur on Counter-Terrorism is an important step in this process. It is an appointment that came after a few years of analysis on how the system was working. Special Rapporteurs make their reports to the Council and it is palosol to have a Special Rapporteur because we did not want to use an instrument that may overlap with other mandates holders. We even conducted a study that we entrusted to a very good and independent expert, Mr. McShane. The Rapporteur then presented the report. We have to ensure that the Rapporteur sets the agenda for the Council to take an active role in this issue.

Ambassador de la Vega: It is important to the High Commissioner's Office involved. I am very happy that the Rapporteur is doing that work in cooperation with the already existing mechanisms and trying to maintain a consistent and professional approach to the issue.

HRF: A recent report by Human Rights Watch alleges that the ambitious human rights agenda of President Fox is looking for. We do not claim to fulfill all the expectations, our agenda is still full of issues that we still need to deal with, but we need to understand that this is a process that takes time. There are quite a lot of decisions that are on the hands of the government and on the hands of local governments, there are decisions that need to be generally better understood by public opinion.

What I think is important is not to look at whether we still have problems; certainly we do. But the issue is whether we have the will and the means to address those problems with a longer perspective, and whether this policy will be continued by the next administration. I am very confident that in Mexico there is already a culture that will allow us to develop a State policy in favour of human rights. The foreign policy we have had will help to boost international human rights commitments and I do not disagree with the judgment of the administration of President Fox.

HRF: Finally, on a personal level, what do you hope you can bring to the proceedings as the first President of the Human Rights Council?

Ambassador de la Vega: Well, I do not think I can bring much, but I think, my will, my commitment to the UN, to its principles and objectives, may pass through the multilateral affairs and probably my experience at the negotiating table. That is what I can offer, but I think this is a time in which one person cannot do much. We need to get the will of a lot of people and institutions and if I can make a contribution to get that common will to work for a common objective that will be my biggest satisfaction.

HRF: Is there anything else you would like to communicate to our readers?

Ambassador de la Vega: Maybe just my appeal to use new tools within this process. This includes, not only the internet and other means of communication we have used before, but also same advice, particularly from the press to be able to transmit messages in two ways: communication should come from the Council to the citizens and also from the citizens to the victims, that the Council will become an institution that can be useful for all of us and that economic, political and social means with the expertise of the media we can get some results. Diplomats are not good at communicating with the outside world!
I MAGINE a country where arbitrary detention, extrajudicial killing, and torture are routine within the confines of a raging internal armed conflict, and is proximate to its distant neighbors. Now imagine that in that very same nation-state, the eventual consolidation of power by the central government added an estimated 10,000 daily legs on the national liberation movement. Mostly civilians, comes at the expense of critical political and civil liberties, such as freedom of expression. Finally, picture this seemingly automatic state proudly boasting that gender equality in the construction of a progressive modern society, Algeria guaranteed women equal protection consistent with international human rights resolutions is only slightly more progressive than perennial human rights violators Cuba, Saudi Arabia, and Zimbabwe, was one of 13 African nations to vote against the resolution condemning Russia actions against resolutions condemning Russian actions.

In March 2006, Algeria, like all other declarants for the HRC, opened its campaign for a seat on the Council by providing the General Assembly with a detailed pledge highlighting its membership and international commitments to the preservation and promotion of international human rights law. In the pledge, the Algerian government begins by trumpeting the implementation of various institutions that have served as vehicles for the advancement of: “education, health, social security, work security, access to drinkable water, energy, lodging and the like.”

The Algerian pledge does not provide explicit, in-depth details about the structure and organization of these institutions. Nevertheless, according to a recent Human Development Report (HDR) prepared for the United Nations Development Programme (UNDP), the adult and youth literacy rates for Algeria have increased by 12-17 percent over the course of the last 15 years. Furthermore, the average life expectancy for Algerians has increased nearly 17 years since 1970, which signifies advancement in the domestic health care system.

The Algerian pledge mentions the country's candidacy pledge, its existing commitment to human rights in the Algerian political system, as well as the “liberty” of the Algerian press corps to operate uninhibited. However, such comments contrast starkly to recent experience. In 2005, President Abdelaziz Bouteflika was re-elected with unequal division of inheritance. Furthermore, Algeria's numerous reservations to CEDAW, including an assertion that no provision of the convention will be enacted if it conflicts “with the fundamental tenets and principles, moral, cultural, and political values of the nation,” could be an impediment to human rights progress. During the 59th session of the CHR in 2003, Algeria joined Sudan, Zimbabwe and Cuba in voting against resolutions condemning Russian actions in Chechnya and the human rights situation in North Korea.

Algeria seemingly had no qualms in dismissing overwhelming evidence against these countries, as well as against the Sudanese government’s role in the widespread genocide and crimes against humanity. Algeria also voted against a human rights resolution condemning Cuba, and abstained from voting for a human rights resolution on Belarus.

One of Algeria's more nefarious decisions while on the CHR came in a non-action vote on the human rights situation in Zimbabwe in 2003, where they, alongside Cuba, Saudi Arabia, Sudan, Syria and Uganda, voted against the consideration of a resolution that would curtail the government's power to pass domestic laws and procedures mandates from the United Nations Procedures on the Administration of Justice.

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Algeria's candidacy pledge refers to the past allowance of international human rights inspectors and NGOs into the country. Yet, the pledge does not specifically cite what rapporteurs, if any, were assigned to and completed reports concerning Algeria. The pledge also fails to specifically name the NGOs that have purportedly examined the Algerian human rights situation firsthand. An examination of recent Special Procedures mandates from the United Nations High Commissioner for Human Rights (UNHCR) was carried out. Algeria has not hosted any recent visits from UNHCR and five other Special Procedures.

After the 2006 HRC elections, Algeria, alongside Brazil, China, Iceland, and South Africa, were elected to the Council. With an election win, Algeria is now an official member of the Council. Thus, the Algerian government's actions and statements will be scrutinized and monitored by international human rights bodies.

Algeria's candidacy pledge mentions the country's commitment to promoting human rights as it claims in its candidacy pledge. The prospect of Algeria being a positive force on the HRC is limited to what is described as a substantive and procedural history that indicates a serious commitment to international human rights.

The Algerian pledge mentions the country's commitment to "conforming progressively to international norms". It also states that Algeria has fully complied with the provisions of international conventions it has domestically ratified. However, under the scope of even minimal scrutiny, it is apparent that Algeria has violated the civil and political rights of its citizens. The recent "Charter for Peace and National Reconciliation", which criminalises mere discussion and debate regarding the Algerian internal armed conflict of the 1960s and 1990s, appears to violate customary international law regarding freedom of expression and the International Convention on Civil and Political Rights, to which Algeria is a party.

According to a joint statement released by several leading human rights NGOs, the "Charter for Peace and National Reconciliation", which was implemented on the basis of a referendum vote, also provides complete amnesty for imprisoned or surrendering members of armed groups who may have engaged in: "grave crimes...including torture and the abduction of persons whose fate remains unknown".

The fact that this new law was just recently implemented suggests a negative signal to the international community that Algeria has not quite progressed into a full-fledged democracy with a robust rule of law.

While the incongruity between Algeria's candidacy pledge and its documented domestic human rights record is a reliable indicator of how productive an HRC member Algeria will be, an examination of their voting record on the Commission on Human Rights (CHR) is also critical. Algeria's representative voting record on the CHR has been scrutinised.

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Australia: Missing In Action

Earlier this year, the Australian Government's tourism promotion body launched a controversial international advertising campaign. Phrased in the Australian-American terms, the campaign portrayed potential tourists around the world “where the bloody hell are you?” As the Human Rights Council convenes for its first meeting, the international community will be justified in questioning Australia's absence in similar terms: Australia, where the *** hell are you?

Australia and Canada: A marriage of inconvenience?

While Australia will be absent from the first Human Rights Council, out of sight should not mean out of mind, and it should not be allowed to escape scrutiny. Australia's recent stances on these specific issues, but terror laws have all been less, and its raft of new anti-population, its record on the treatment of its indigenous peoples is worthy of further analysis both analyses critical of Israel as often being "inflammato-
ry...biased...[and] that "Israel must continually fight for its very existence. This is the truth. The Australian Government understand this very clearly.

An analysis of Australia's voting record at the UN Commission on Human Rights shows that the country's close relationship with the USA extends beyond military support and rhetoric. Australia is increasingly reaffirming its international diplomacy in distinctly American terms.

The Outsiders

Part I

Australia at the 61st Session of the CHR

On a variety of controversial resolutions at the 61st session, Australia consistently and system-
atically backed the USA. The Australian Government of conservative Prime Minister John Howard has been a steadfast ally of the Bush administration, especially in Iraq and Afghanistan, with "President Bush recently declaring that "in the spread of freedom to create lasting peace, we have no better friend than Australia." In unusual terms, Prime Minister Howard recently described the Australia-USA relationship as "something very precious and something very special and something to which so many on both sides are very deeply commit-
ted.” It is clear that this precious and special relationship, a template other countries is reflected in Australia's voting record on a number of significant human rights issues.

On the draft resolution on the treatment of detainees at Guantanamo Bay (L.94/Rev.1), Canada abstained from voting while Australia followed the lead of the US, with both nations abstaining and opposing these two resolutions respectively.

One might imagine that the common experiences of Canada and Australia might result in common positions on issues relating to the rights of indigenous people. And yet, on Item 15, the two nations held divergent views on three of the five resolutions. Unlike Canada, both Australia and the United States opposed the resolution on the "Working Group on Indigenous Populations of the Sub-Commission on the Promotion of Human Rights" (2005/49) and the resolution on the "Final Report on the study 'Indigenous peoples' permanent sover-
egignty over natural resources'" (2005/101) (Sub Commission)(Decision) 4). And Australia and the USA were the only two nations to vote in favour of the USA's oral resolution: "Terrorism and human rights" (2005/107), Australia differed from its Canadian cousins and unfavourably opposing the resolution. As a result, Australia and the US were the only two nations to vote against the resolution, perhaps reflecting the two countries' similar views on environmental issues and, particularly, global warming.

On Item 8, Australia joined with the USA to be the only two nations opposing the resolution on the rights of indigenous people. And yet, on Item 8 resolutions.

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Looking forward

Australia is not one of the inaugural members of the HRC. Instead, the CANZ group backed Canada. But this decision should not give the impression that Australia shares Canada's views on human rights issues. Indeed, this article has demonstrated that Australia's increasingly Americanised approach to foreign policy also extends to human rights.
Malaysia: Inaction louder than words

TOGETHER with Indonesia and the Philippines, Malaysia is one of three Southeast Asian nations voted onto the Human Rights Council in June 2006. Malaysia received 158 votes, the fourth highest for any Asian country. But Malaysia's pledge document, like some others, was effectively an advertising pitch for membership, promising promotion and protection of human rights. A good example, mentioned in its pledge document, is the formation in 2000 of the national human rights commission, SUHAKAM. However, even then, no mention is made of recent attempts to undermine its independence through the appointments process. In this context, Malaysia's pledge document is not so clear in practice.

The lack of concrete pledges is also apparent when Malaysia is a party to only two international human rights conventions - the CAT and the CRC. A record shared by Burma. The reality is that Malaysia, a democracy, is facing real issues that continue to severely undermine respect for diversity in Malaysia. This article looks at three key civil and political rights freedoms: expression of opinion in cyberspace, respect for diversity, liberty and security - where bold claims made in its pledge document are not so clear in practice.

Free media

Malaysia claims that the government promotes a free media, including cyber space. In practice, free press is regularly undermined by government interference, when certain political or religious lines are crossed. Various laws are used as blunt tools to dampen free speech. Newspapers that are overtly critical of the government risk losing their license, the Malaysian Communications and Multimedia Commission (MCMC) and the Malaysia Communications and Multimedia Act 1998, or their staff going to prison under the Sedition Act 1948, the Internal Security Act 1960 (ISA) or the Dangerous Drugs Act and the notorious ISA.

The ISA permits detention without trial for up to two years - renewable indefinitely - of anyone considered a potential threat to national security or public order. Some 108 people were being detained under the ISA as of 30 November 2005. In 2003, SUHAKAM recommended the repeal of the ISA and its replacement by legislation conforming to the principles of Article 9 of the ICCPR. Malaysia's claim to promote free media is weak since it is not a party to the ICCPR and does not systematically apply the principles of Article 19.

Respect for diversity

Malaysia also claims to have an inclusive and responsive political and legal system, as the basis for a stable multi-ethnic and multi-religious society. And yet, press and NGO reports refer to an "increasingly intolerant Malaysia", where some federal states are unilaterally imposing "morally policing" under strict Syariah laws, religious minorities labelled 'un-Islamic' are persecuted and their religious symbols destroyed, and where migrant workers are physically abused at the hands of government authorities.

Whilst Sunni Islam is prescribed by the government, the interpretation of the official religion of freedom of religion is protected under Article 11 of the Constitution. However, Article 11 rights are increasingly being undermined. In April 2005, the 'Sky Kingdom' commune, which believes in a peaceful fusion of all faiths, was raided by the Terengganu Islamic Religious Affairs Department (JHEAT). Followers of their leader, Ayah Pin, were arrested; 58 were detained, 45 of whom were subsequently charged as "deviants" to the Islamic religion under the Syariah Criminal Offences Act. The commune's symbols and property were destroyed. Amnesty International's Annual Report 2006 reports that some 22 religious sects were labelled 'deviant' by the government.

Two recent cases have also highlighted the fine balance between the application of Syariah law and secular law in Malaysia, when faced with upholding the "highest standards" in the promotion and protection of human rights.

In September 2005, the Malaysian Court of Appeal denied Lina Joy, who had renounced Islam, the right to delete the word "Islam" from her identity record and to practice the religion of her choice. The Federal Court is to hear appeal. Malaysia's claim, in its pledge, to understand the need for "mutual tolerance and respect for diversity", is therefore proving rather more difficult to achieve in practice. Application of the principles of freedom of expression contained in Article 19 ICCPR, the Race Discrimination Convention and the Migrant Workers Convention would assist Malaysia in achieving its stated goal, but still it shies away from signing these treaties.

Just more words

Compared to the pledge documents of some Council members, Malaysia's document is disappointing, if it fails to address the specific issues. Its pledge document states: "Malaysia will continue to take proactive and innovative measures to further promote and protect the fundamental freedoms in the country." An encouraging, but ultimately hollow, sentiment without concrete examples of what these measures will be.

For example, will the government implement the recommendations of the long-awaited Report of the Royal Commission on Enhancing the Operation and Management of the Police Force, published last year?

Or will the Royal Malaysian Police continue to be accused of serious human rights violations? The latest was on 28 May 2006, when riot police in Kuala Lumpur violently broke up a peaceful demonstration against increases in fuel and electricity prices.

In the context of the Council itself, Malaysia pledges to "engage constructively in evolving the modalities of the work of the Council, but only to "participate actively" in the norm-setting work. Just semantics - perhaps - but "active participation" in the drafting of resolutions, but not always constructive when doing so.

Or action

Malaysia claims that human rights are "indispensable" to its development as a nation. As a member of the Council, over the next three years, Malaysia's challenge is to prove this. "Nothing short of tangible improvement on the Commission, Council members must embrace the spirit of the new Council, and "work towards fostering a spirit of co-operation", according to the Council's principles of work.

For Malaysia, this must include fulfilling its pledge to constructively participate in the work of the Council - including the Universal Periodic Review - to welcome scrutiny by the Council. For example, wonder why Malaysia pledges to "support" the work of the High Commissioner, "participate actively in the norm-setting work" and "work towards fostering a spirit of co-operation". Take at face value these words are, again, encouraging. A seasoned CHR-watcher would have expected, however, wonder why Malaysia pledges to "engage constructively in evolving the modalities of the work of the Council, but only to "participate actively" in the norm-setting work. Just semantics - perhaps - but "active participation" in the drafting of resolutions, but not always constructive when doing so.

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The international community needs to take a far more stringent stand on Burma

The human rights situation in Burma poses a grave threat to international peace and security. In addressing the urgency of halting Burma's governmental abuses, the international community must consider both the breadth and magnitude of the issues implicated by the Burmese crisis. While the current Burmese situation seems contingent upon the approval of all of the Security Council's Permanent Members, the international community's integrity is at stake, as Burmese human rights abuses should take precedence over the Permanent Members' economic costs.

Democracy

The most debilitating blow to Burma's path to democracy occurred following the junta's call for the 1990 Burmese general elections - the first democratically held elections since the junta took power in 1962. The National League for Democracy (NLD) unexpectedly won the 1990 election by accruing over 80 percent of the seats in Parliament. Despite the NLD's landslide victory, the State Development and Peace Council (SPDC) - undergirded by the junta - refused to transfer power to the NLD. If the 1990 election results accurately depict Burma's contemporary political preference, then the Burmese Government owes democracy to its citizens.

Additionally, Daw Aung San Suu Kyi, Nobel Laureate and leader of the NLD, has been imprisoned by the SPDC for the majority of the past 16 years. Aug San Suu Kyi and hundreds of other "prisoners of conscience" have emerged as symbolic figures for democratic reform. However, the future of Burmese political reform is contingent upon the liberation of its pro-democratic leaders.

The SPDC's "roadmap" to democracy is empty rhetoric. The Constitutional Convention's February 2005 meeting excluded NLD representatives and various other ethnic political parties that fairly won seats in the 1990 elections. Thus, the Burmese Constitution, which has yet to be finalized by the Constitutional Convention, will be a mechanism by which to promulgate the SPDC's agenda unless full political participation is mandated in the constitution-building process.

TEST CASE

BURMA

The SPDC's anti-democratic agenda extends to Internet censorship. The junta blocks citizen access to e-mail services, such as Yahoo and Hotmail, as well as to international news media. The nature of Burma's governmental induced censorship is both pervasive and excessive. Thus, the Security Council must take stark measures in liberating all echelons of the Burmese society from anti-democratic censorship if democratic reform is to occur.

The xenophobic Burmese Government aggressively back its oppression by imposing violence on ethnic and religious minorities. Decades of governmentally-imposed violence have contributed to the creation of the minority contingent, which comprises approximately 35 percent of Burma's population. According to Human Rights Watch, the junta has tried outrages, such as murder, torture, forced labor, recruitment of child soldiers, and forced displacement and demolition of entire villages, as part of military operations against ethnic minority groups by the junta.

The Muslim and Christian populations have faced the most widespread persecution by the junta. The junta's Burmanisation campaign actively attempts to convert the Chins to Buddhism while simultaneously repressing Christianity. The campaign is marked by a massive increase in military units stationed in the Chin regions, coupled with the destruction of Buddha statues and the construction of Buddhist temples. These destructive deeds are typically achieved through the use of local people as forced labor.

Refugee outflows

The outflow of nearly 700,000 Burmese refugees is clear evidence of the gross oppression plaguing Burma. Most refugees are from the Karen minority group. Burmese refugees from the Karen region find sanctuary by seeking refuge in such countries as Mizoram state in India, Bangladesh and northwestern Thailand. Even with ceasefire agreements in place, refugees fear returning to their respective countries due to the junta's inability to trust the junta because ceasefire agreements are continuously breached, as refugees are killed upon return.

Call for strategies

This is an opportune moment for the Security Council to take up the Burmese human rights crisis. The UN Human Rights Council (HRC) in its Resolution 6/34, adopted on 16 December 2001, by the General Assembly. According to the Resolution, "the Council should address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon. It should also promote the effective coordination and the mainstreaming of human rights within the United Nations system." The Human Rights Council resolution calls on UN Member States to address international human rights violations. Thus, an HRC resolution referring Burma to the Security Council would be of great import.

Ultimately, the Permanent Members of the Security Council - the United States, Britain, China, Russia, and France - would find it difficult to circumvent a Burma resolution passed by the Human Rights Council. In the past, diplomatic tolerance for Burma's governmental abuse has permeated the junta's incessant corruption.

More specifically, a significant reason why the US's reluctance to address the situation is ability through China and Russia's consistent exercise of veto power in the Security Council. This veto position is supported by Japan, which exercises considerable economic interests in Burma and now stands "on the other side from every single democracy in the Security Council." However, the weight of an HRC resolution on Burma would deter harmful diplomatic maneuvers in the Security Council.

Additionally, United States' support for a UN Security Council resolution signifies a message that despite the US refusal to be a member of the Human Rights Council, it supports efforts against human rights abuses in Burma. Sean O'Malley, a senior advisor to the United States State Department, addressed the international significance of a UN Security Council Resolution on Burma. "The international community needs to continue to bring pressure to bear on the Burmese junta to change its policies. To this end, the United States intends to pursue a UN Security Council resolution which would express the international community's concerns about the situation in Burma." The Burmese Government is far too dependent on its oil wealth and the junta's ability to circumvent a UN resolution with its veto power. Therefore, the United States is in a position to play a particularly constructive role in reining in Burma's current human rights crisis.

Mission of Burma

BURMA'S authoritarian military junta government has a long-standing history of committing egregious human rights violations and seeking to erode human rights standards in Burma. The international community often turns a blind eye to Burma's human rights abuses, yet international efforts at reforming Burma - including multiple resolutions passed by the UN General Assembly and Commission on Human Rights, more than 38 years prior to the democratization of the Burmese Government. Therefore, the UN must take a far more stringent international stance towards reforms, Burma's oppressive regimes.

The international community's most effective and pragmatic solution is an UN Security Council Resolution that implements a comprehensive strategy directed at Burma's compliance with international human rights standards.

Security Council Resolution regarding Burmese Governmental reform would contain various benefits. The short-term goals erected via the resolution would effectuate an unprecedented level of pressure on the Burmese Government, forcing it to either comply with the stipulated conditions, or in the alternative, face a substantial diminution of international goodwill. In the long-term, the resolution would officially elevate the international community's moral intolerance towards Burma - thereby establishing a higher global standard in human rights.

The international community must put its political allegiances aside in dealing with Burma's governmental issues, as the junta's confrontation in Burma is contingent upon the approval of all of the Security Council's Permanent Members. Therefore, the international community's integrity is at stake, as Burmese human rights abuses should take precedence over the Permanent Members' economic costs.

A threat to the peace

The Burmese Government poses a grave threat to international peace and security. In addressing the urgency of halting Burma's governmental abuses, the Security Council involvement necessary step in preventing further atrocities manifested by the Burmese Government. The Security Council's most effective intervention in Burma will be accomplished pursuant to Resolution VII. Article 39 of the UN Charter, which articulates the UN's scope of authority to react to "a threat to the peace". However, Security Council involvement requires a threshold analysis of the situation in Burma. In addressing the Burmese situation as a matter of "a threat to the peace", there is no precise definition of "threat to the peace", the mandate derives its meaning through past application - most notably, regarding the Security Council's involvement in the Congo, Afghanistan, Haiti, Yemen, Rwanda, Liberia, and Cambodia.

In response to Burma's urgent human rights crisis, Vaclav Havel (Former President of the Czech Republic) and Bishop Desmond Tutu (Archbishop Emeritus of Cape Town and Nobel Peace Laureate) commissioned an influential report entitle Threat to the Peace: A Call for the Protection of Human Rights in Burma, published in 1989. The report underscores the salience of the following factors, which the Security Council applies on a case-by-case basis, to determine whether the Burmese situation actually constitutes a "threat to the peace": (1) overthrow of a democratic government; (2) conflict among factions; (3) governmental abuse; (4) political unrest.

All of the factors mentioned are present to excessive degrees in Burma. The latter section of this report will analyze the Burmese abuses, which should prompt the international community to forgo symbolic action, and seek concrete methods to correct the following atrocities.

Saudi Arabia, a gross human rights violator, is in the Human Rights Council

In pledging for the future, Saudi Arabia states that it will "endeavor to contribute to the deliberation and activities for the protection and promotion of Human Rights."

But it fails to offer any concrete measurable statement of how it might contribute. In fact, Saudi Arabia does not even commit itself to the deliberations and activities of the Human Rights Council.

Saudi Arabia's pledge is misleading and false. Saudi Arabia claims to be a "party to eight international human rights instruments".

It is unclear which human rights instruments it is referring to. Of those four, its sweeping reservations to the Convention on the Elimination of All Forms of Racial Discrimination ("CERD"), the Convention Against Torture ("CAT"), the Convention on the Elimination Against Women ("CEDAW") and the Convention on the Rights of the Child ("CRC") of those four, its sweeping reservations in CERD, CEDAW, and CRC essentially nullify any force behind the commitments they impose.

Freedom of religion remains non-existent in Saudi Arabia, and religious discrimina-
tion is widespread. The government prevents the public practice of non-Muslim religions and puts limitations on the practice of Shia and Sufi sects. Arbitrary arrests for practicing Christianity also continues to take place. Adap-
tion, conversion by a Muslim to another reli-
gion is considered apostasy, a crime punishable by death.

Finally, the use of corporal punishment and the death penalty remain common. Flogging is used routinely as a means of punishment for a wide range of offences, and in 2005 alone, 86 people were executed. Many death sentences were imposed on prison-
cers who were tried and sentenced in a language they did not speak or understand. For example, on 4 April 2005, six Somali men were executed despite the fact that they had served their prison sen-
tences and were subjected to corporal punishment. Neither they nor their families were aware that they were at risk of execution.

Saudi Arabia's election to the Council was supposed to effect something more than a mere cosmetic change. The election result suggests otherwise.

As an initial matter, Saudi Arabia's three-paragraph pledge for election to the Council is both illegal and indefinitely vague. The pledge is neither specific, nor measurable, nor verifiable as was requested by the Office of the High Commissioner for Human Rights. Instead, in outlining its past commitments to the protection and promotion of human rights Saudi Arabia merely claims to have made a "confirmed commitment". What they might mean is unclear, and Saudi Arabia makes no attempt to clarify. In pledging for the future, Saudi Arabia states that it will "endeavor to contribute to the deliberation and activities for the protection and promotion of Human Rights." Again, Saudi Arabia fails to offer any concrete measurable statement of how it might contribute. In fact, Saudi Arabia does not even commit itself to the deliberations and activities of the Council. It merely says it will "endeavor" to contribute to them.

Beyond being vague and noncommittal, Saudi Arabia's pledge is misleading and false. Saudi Arabia claims to be a "party to eight international human rights instruments". It is unclear which human rights instruments it is referring to. It is clear however, that Saudi Arabia claims to be a "party to eight international human rights instruments". It is unclear which human rights instruments it is referring to. Of those four, its sweeping reservations to the Convention on the Elimination of All Forms of Racial Discrimination ("CERD"), the Convention Against Torture ("CAT"), the Convention on the Elimination Against Women ("CEDAW") and the Convention on the Rights of the Child ("CRC"). Of those four, its sweeping reservations in CERD, CEDAW, and CRC essentially nullify any force behind the commitments they impose.

The treatment and conditions for women continue to suffer from severe discrimination despite the fact that Saudi Arabia has ratified CEDAW, and it ostensibly has laws to protect women. Women cannot work, study or travel without explicit permis-
sion from a male representative. In fact, no more than five percent of women are al-
lowed to stand in elections. Even now, they can neither stand for election nor vote in municipal elections.

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Saudi Arabia's pledge is misleading and false. Saudi Arabia claims to be a "party to eight international human rights instruments".

It is unclear which human rights instruments it is referring to. Saudi Arabia has only ratified or acceded to four of the major human rights treaties - CERD, CAT, CEDAW and the CRC.

Of those four, its sweeping reservations in CERD, CEDAW, and CRC essentially nullify any force behind the commitments they impose.

Saudi Arabia has shown no intention of living up to its treaty obligations. Highly active rights violators cooperate with treaty bodies. It is consistently late in submitting its state reports. It has been espe-
cially uncooperative in its reporting obligations for CAT, CEDAW and CRC. Saudi Arabia's commitment to the protection and promotion of human rights has been highly uncoop-
flawed. Saudi Arabia has a terrible human rights record. It has consistently avoided work-
ing with organizations to improve its record, and it shows no inclination to change this poli-
icy in its pledge.

Now, in looking to the future, it will be interesting to see whether the periodic review requirements will have their intended effect and prompt Saudi Arabia to finally embrace its human rights obligations and improve its record.
A seat on the Human Rights Council must spur better behaviour at home

Sri Lanka's pledge is a lot more substantive and progressive than those submitted by its South Asian neighbours. But whether and how soon it will act on the pledge remains to be seen.

EXCERPTS...

"In pursuit of its commitment to the further promotion and protection of human rights, Sri Lanka will soon be undertaking the following activities:

Take appropriate implementation measures in respect of relevant recommendations made by the Human Rights Treaty Bodies after considering the Periodic Reports submitted by Sri Lanka in the past, through the Permanent Standing Committee on Human Rights Issues, Co-Chaired by the Ministers of Foreign Affairs and Human Rights.

Build the capacity of the Ministry of Human Rights, Human Rights Commission of Sri Lanka and other independent statutory bodies established as part of the national human rights protection system.

Introduce a Human Rights Charter in line with the policy statement made by the President of Sri Lanka soon after assuming office.

Invite the Special Rapporteur on the freedom of expression and opinion and the Special Rapporteur on extrajudicial executions to undertake missions to Sri Lanka.

Co-operate with Human Rights Treaty Monitoring Bodies by submitting future Periodic Reports on time."

To do list

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Human Rights Council: TEST CASE
Between Rhetoric and Reality
The immediate needs of education and the responsibility of the Human Rights Council

JESSICA ANNA CABOT

In September 2005, the Heads of State and Government gathered in New York to reaffirm the commitment to human rights enshrined in the United Nations Millennium Declaration. The Declaration, better known in its more detailed sequels, the Millennium Development Goals (MDGs), lays down the international community’s commitment to human rights and development and outlines the most pressing problems that people face around the world. While the MDGs clearly declare the intent to combat issues like extreme poverty, vagrancy, and haphazard education systems, they do not provide a clear framework through which to attain these goals. Goals are firmly and proudly put forward, but practical solutions are deliberately omitted. Too often does the assembly of countries resolve to issue broad human rights mandates. The only “take special measures to address the challenges of” specific social ills without detailing any actual course of action.

After assessing the status of the MDGs in 2005, the 2005 World Summit Outcome was presented, re-establishing the purpose of the UN Millennium Declaration. Unfortunately, the 2005 World Summit Outcome was steady to its aims, but evasive in the discussion of its methods. The international community enthusiastically declared its desire to rectify problems like gender discrimination and environmental degradation, but was unable to come to a consensus over solutions or timelines.

Though the 2005 World Summit Outcome frequently reassures that it will “put into place policies to ensure” sustainable development and human rights, the First Special Rapporteur on the Right to Education, Prof. Katarina Tomasevski, outlines further problems. In her article “Between Rhetoric and Reality - The immediate needs of education and the responsibility of the Human Rights Council,” she identifies the lack of specificity in resolutions and mandates as a recurring issue. While the 2005 World Summit Outcome was the United States of America’s (USA) initiative, the “Quick Impact Initiatives” is the only place where implementable policies are actually defined.

Further states: “Given the need to accelerate progress immediately in countries where current trends make the achievement of the internationally agreed development goals unlikely, we resolve to urgently identify and implement country-led initiatives...” In this regard, we will take such actions as the distribution of school textbooks, including free distribution, where appropriate, and effective anti-malarial treatments, the expansion of local school meal programmes, using home-grown malarial treatments, the expansion of local development and human rights protection, Article 34, of the 2005 World Summit and the consensus of the UN General Assembly, the Human Rights Council must give it high priority.

The Commission on Human Rights also created the mandate of the Special Rapporteur on the Right to Education in 1998 to investigate the status of the right to education. Despite these international efforts, the right to free primary education has only been marginally realised.

Prof. Katarina Tomasevski, the former Special Rapporteur on the Right to Education, outlined many violations of the right to free primary education. Students are forced to pay for their schooling for various reasons: supplementing inadequate public funding of schools (34 countries including China, Pakistan, Bosnia, Russia and the Philippines); registration, admission, or enrollment (19 countries, including Burma, Colombia, and Fiji); periodic payments during attendance (28 countries, including Indonesia, Nepal, South Africa and China); charges for school fees (32 countries, including China, Indonesia, Kenya); school building and maintenance (13 countries including Bhutan, Laos and Fiji); teaching and learning materials, where “school textbooks are increasingly sold on the free market, but charges for books and other materials have been reported” (16 countries including Iran, Cambodia, and Ukraine); and fees for products and services (6 countries including Jordan and New Zealand).

To provide one particularly bad example of levied charges, some schools charge for entertainment at dignitaries. With the view that economic, social and cultural rights had been marginalised, the Commission on Human Rights created the mandate of the Special Rapporteur for the right to education. A Special Rapporteur would ideally have the power to visit countries and report on policy was minimal, all of the Heads of State and Government agreed that work.

The Human Rights Council has the duty to promote and protect human rights and assumes control of the establishment of the Human Rights Council. Though the Human Rights Council created the Human Rights Council, it is imperative that the Human Rights Council give priority to the right to education, it is imperative that the Human Rights Council give priority to the right to education. The first opportunity must be taken by the Council to create a definitive set of international standards and amend the mandate of the Special Rapporteur to expedite the realisation of the right to education.

Given the significance of the 2005 World Summit Outcome and its emphasis on the right to education, it is imperative that the Human Rights Council give priority to the right to education. The first opportunity must be taken by the Council to create a definitive set of international standards and amend the mandate of the Special Rapporteur to expedite the realisation of the right to education.

The establishment of the Human Rights Council is critical to the realisation of the right to education because, while well-defined in international human rights law, confusion surrounds the justiciability of the right, and violations are manifest around the world. The right to education, it is imperative that the Human Rights Council give priority to that right, to education, it is imperative that the Human Rights Council give priority to the right to education, it is imperative that the Human Rights Council give priority to the right to education.
from page 1...

The road ahead...

to conclude by congratulating everybody for their past achievements, and wishing them all the best in June. Symbolically, such an anticlimactic finale was perhaps fitting.

The process is not as apparent in anticipation of 19 June. Candidates that sought election quickly formulated their required ‘voluntary pledges and commitments’ to respond to the GA resolution and to the work of the Human Rights Council (OP8). This proved to be the first cession of an intersessional review mechanism. Regardless of the CPs of the HRC.

The first fixed point to be agreed upon the original recommendation of the

Yet even prior to the election of members to the new Council, informal consultations got under-

Sideshows aside, the final circulated draft agenda of the President for the first ses-

-Handy reference

The International Service for Human Rights (ISHR) and Friedrich-Ebert-Stiftung (FES) have developed a joint publication titled A new chapter for human rights: a handbook on issues of transition from the Commission on Human Rights to the Human Rights Council. The handbook highlights the major issues of transition from the Commission on Human Rights to the new Human Rights Council. It briefly describes the old system under the Commission, what the Council was charged to consider, and its first term, some of the key issues, suggestions and choices. The handbook also identifies the main questions and recommendations, and offers an analysis and reflection on what NGOs and defenders hope can be achieved through the system. The book is available online at http://www.ishr.ch/handbook/index.htm.

Conclusion

There remain a lot of wide-open questions and space does not permit even a preliminary party at trying to provide simple answers. The objective of the handbooks and reports is to provide guidance to stakeholders, and to allow them to shape the future role and structure. For these reasons, it is imperative that those who wish to engage in the new process, and ensure that it is an improvement on previous.

The road ahead...
Breathing new life into OPCAT

Ratifications create greater transparency

The international campaign to curb torturous practices by nation-states received a major boost recently with the announcement by United Nations Secretary General Kofi Annan that the Optional Protocol to the Convention Against Torture (OPCAT) would enter into force beginning 22 June 2006. Though OPCAT had 50 signatories before May of 2006, it did not have the compulsory 20 member-state ratifications to be fully adopted. With the signature and ratification of OPCAT by Bolivia and ratification by Honduras, the substantive and procedural content of the Optional Protocol are now in effect.

The Protocol's primary attribute is that it creates a mandate for independent experts to make "regular visits to places of detention" on behalf of international and national institutions. These national preventive mechanisms can include existing independent National Human Rights Institutions or Ombudsmen. The visits are unannounced, which is critical since governments can easily alter the internal conditions of the detention centres when anticipating the arrival of inspectors.

At the international level, the Protocol creates a Sub-Committee directly beneath the Committee Against Torture, which will "consist of 10 independent, multi-disciplinary experts", who will not only visit detention facilities of concern, but also provide recommendations for States Parties to improve conditions therein.

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At the international level, the Protocol creates a Sub-Committee directly beneath the Committee Against Torture, which will "consist of 10 independent, multi-disciplinary experts", who will not only visit detention facilities of concern, but also provide recommendations for States Parties to improve conditions therein. The Protocol also requires States Parties, in correspondence with international and domestic organisations and institutions, to implement "mechanisms" that safeguard against abuses within one year of entry into force of the Protocol.

While the implementation of OPCAT will certainly lead to heightened transparency and oversight in certain member states, it lacks the necessary number of parties to effectuate immediate, large-scale change. A number of countries systematically deploying dubious interrogation and holding tactics, including Saudi Arabia, North Korea, Sudan, and Myanmar, have not signed the Optional Protocol.

Of the more glaring signatory omissions to the Protocol are the United States, Australia and Germany, which seemingly provide cover to member states such as Cuba and China from adopting serious internal reform. The United States, in particular, objects to the Protocol because of the alleged absence of "universality".

Several Eastern European countries, which were under Soviet influence for a number of years, including Poland and the Republic of Georgia, have ratified the Protocol. This signals these nations are committed, in theory, to the preservation and advancement of international human rights and humanitarian law and view state-sponsored torture as an impediment to their personal democratic development.

The entrance into force of the Protocol also opens the door for a more in-depth examination of alleged secret American detention facilities within Poland, which have purportedly been used as interrogation sites for terrorist suspects.

Of the more glaring signatory omissions to the Protocol are the United States, Australia and Germany, which seemingly provide cover to member states such as Cuba and China from adopting serious internal reform. The United States, in particular, objects to the Protocol because of the alleged absence of "universality". Other countries have been more coy about their reservations, but have yet to backup their 127 votes in favour of the Protocol on the General Assembly floor with substantive action.

Ultimately, the ratification of the Protocol by 20 member-states and implementation of its content will lead to the strengthening of international legal institutions and instruments. However, further lobbying of non-signatories, especially countries with otherwise stable democratic infrastructure, is of the utmost importance if OPCAT is to have long-term effectiveness.

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**ANNOUNCEMENTS**

**Wednesday, 21 June 2006**

**Visions for the Human Rights Council:** Perspectives form different quarters

Complementary event by the International Service for Human Rights (ISHR)

1 pm - 3 pm, Palais des Nations, Room VIII

The event is an opportunity to look at the future of the Council from the perspectives of Governments, Special Procedures, treaty bodies and civil society.

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**Thursday, 22 June 2006**

- A Step Forward for Torture Prevention: Entry into force of the Optional Protocol

OHCHR-Association for the Prevention of Torture (APT) Panel Discussion

Participants will include the Deputy High Commissioner, the Special Rapporteur on Torture and the Secretary General of the APT

1 pm, Palais des Nations Room XI (3rd floor)

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**Thursday, 22 June 2006**

- Special Procedures and their relationship with the Human Rights Council

International Service for Human Rights (ISHR)

1 pm - 3 pm, Palais des Nations, Room IX

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**Friday, 23 June 2006**

Draft International Convention for the Protection of All Persons Against Enforced Disappearances

Parallel event co-organised by organisations of victims' families, FEDEFAM, AFAD, Human Rights Watch, the International Commission of Jurists (ICJ), the International Service for Human Rights (ISHR) and the Fédération Internationale des Ligues des Droits de l'Homme (FIDH).

1 pm - 3 pm, Palais des Nations, Room VII

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**Human Rights Features**

**South Asia Human Rights Documentation Centre**

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Printed and published by the South Asia Human Rights Documentation Centre

(SAHRDC)

SAHRDC is a network of individuals across the region. It seeks to investigate, document and disseminate information about human rights violations, the role of education, refugees, media freedom, prison reform, political imprisonment, torture, summary executions, disappearances and other cruel, inhuman or degrading treatment.

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