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UN:Third Committee rejects strong draft Declaration to protect Indigenous Peoples

Amnesty International deplores today's decision to deny the Third Committee of the General Assembly a unique opportunity to adopt a strong Declaration on the Rights of Indigenous Peoples. Successful efforts to block adoption of this landmark draft Declaration were led by Australia, Canada, New Zealand, the United States of America, Botswana and Namibia. In a procedural move Namibia introduced an amendment to defer adoption of the text to "allow time for further consultation". The draft Declaration is the product of more than 10 years of negotiations and has already been adopted by the UN Human Rights Council. The Declaration fills an important gap in the protection of indigenous peoples' rights, represents the best that could be achieved, and must not be weakened. Any revision of the draft text must be transparent and allow full and effective participation by Indigenous Peoples and NGO's.

Amnesty is also deeply disappointed that the Third Committee had no full and frank discussion on a long-overdue proposal to address the abhorrent practice of secret detentions and unlawful inter-State transfers of detainees after Belarus withdrew its draft resolution last week. This important matter, involving secret practices of "disappearances" in countries across four continents (see background), deserves focused attention by the General Assembly. Amnesty International calls on all states to take immediate steps to eliminate these practices without delay, and to ensure that those responsible for human rights violations committed in this context are brought to justice. Should that not happen, the current draft text should be submitted in strengthened form for consideration at the Committee's session next year.

Important decisions were also taken by the Third Committee at this session to strengthen human rights protection and address serious human rights situations. Amnesty International welcomes the determination by the majority of UN member states to oppose repeated efforts led by Belarus, China, Cuba, Iran, Myanmar, and the Russian Federation to adopt procedural "No Action Motions" that would have blocked country-specific action. Amnesty international opposes such procedural motions in principle because they would deprive the Committee of one of its most important tools to improve human rights situations in specific countries. After "No Action Motions" were defeated, the General Assembly adopted country resolutions on human rights in Belarus, Myanmar, and Iran. The Committee also adopted a resolution on human rights in the Democratic People's Republic of Korea. However, a successful "No Action Motion prevented the serious human rights situation in Uzbekistan from being addressed. Draft resolutions on human rights situations in the United States of America and Canada received little support. The four country-specific resolutions were adopted after the Committee had passed a resolution, brought by Belarus, that stresses "the need to avoid politically motivated and biased country specific resolutions on the situation of human rights".

One of the most important achievements of this session of the Third Committee was the unanimous

adoption of the strong draft International Convention for the Protection of All Persons from Forced Disappearance. Once adopted by the plenary of the General Assembly, this major new Convention, that commands universal support, will be a crucial instrument for preventing and combating the appalling practice of "disappearances". Amnesty International urges all states to support the text in the plenary later this year and to sign and ratify it at the earliest opportunity.

Background

The UN Declaration on the Rights of Indigenous Peoples fills an important gap. It addresses Indigenous Peoples' protection against discrimination and genocide. It reaffirms their right to maintain their unique cultural traditions and recognizes their right of self-determination, including secure access to lands and resources essential for their survival and welfare.

It is estimated that 370 million people worldwide are identified as "indigenous peoples". The text of the United Nations Declaration on the Rights of Indigenous Peoples was drafted by a working group of the former UN Commission on Human Rights with the participation of indigenous peoples' organizations. It was adopted at the first session of the new 47-member Human Rights Council -- which has replaced the Commission on Human Rights -- in June this year by a vote of 30 in favour, two against (Canada and the Russian Federation), with 11 abstentions and four states not participating in the votes.

Belarus withdrew its proposal on secret detentions and unlawful transfers (L.30/Rev.1). In September 2006 the President of the United States of America acknowledged that the CIA had operated secret detention facilities. The exact location of most of these centres, commonly known as black sites, remains unknown, although detainees are known to have been held in secret in Afghanistan, Iraq, Guantanamo Bay and on US Naval ships. There have been reports that the USA operated black sites in Jordan, Pakistan, Thailand and Eastern Europe, as well as in Uzbekistan, Ukraine, Egypt, Morocco, Poland, Romania, and the British Indian Ocean territory of Diego Garcia, although most governments have denied the existence of such sites on their territory.

Airports in the following countries have reportedly been used for the transfer of prisoners held in secret detention: Algeria, Afghanistan, Azerbaijan, Bahrain, Belgium, Canada, Croatia, Cyprus, the Czech Republic, Djibouti, Egypt, Estonia, Fiji, Finland, France, the Gambia, Germany, Iceland, Ireland, Greece, Italy, Israel, Kuwait, Libya, Jordan, Macedonia, Malaysia, Malta, Morocco, the Netherlands, Norway, Pakistan, Portugal, Qatar, Romania, the Russian Federation, Saudi Arabia, Spain, Switzerland, Thailand, Turkey, the United Arab Emirates, the United Kingdom, the United States of America and Uzbekistan (see: United States of America: Below the radar: secret flights to torture and "disappearance" AI Index: AMR 51/051/2006).

The Third Committee adopted country specific resolutions on Belarus (adopted 70-31-67, No Action Motion (NAM) moved by the Russian Federation and rejected 67-75-31 China and Cuba having spoken in favour), Myanmar (adopted 80-28-63, NAM rejected 64-77-30, China and Cuba having spoken in favour), the Democratic People's Republic of Korea (adopted 91-21-60) and Iran (adopted 70-48-55, NAM moved by Iran and rejected 75-77-24). A NAM was adopted on Uzbekistan by a vote of 74-69-24, Azerbaijan and China having spoken in favour of the motion. A draft resolution on the human rights situation in Canada was rejected (6-107-49) as was a draft resolution on human rights in the United States of America (6-114-45).

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