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Statements and press releases issued by Amnesty International during the 61st session of the UN Commission on Human Rights

I. PRESS RELEASES AND PUBLIC STATEMENTS

In 2005, Amnesty International issued 18 press releases, briefings and public statements related to the 61st session of the United Nations Commission on Human Rights (the Commission) which took place from 14 March to 22 April. In these documents, AI focused on the countries and issues selected as its priorities for this year's session. AI held three press conferences: on the eve of the 61st session, 10 March, AI organized a briefing to present its main priority issues for this year's session; on 30 March, AI's Secretary General Irene Khan met with the Geneva press corps to stress the need for an effective Commission; and on the final day of the session, 22 April, AI and three other human rights organizations, the International Federation for Human Rights, the International Service for Human Rights and the International Commission of Jurists, held a joint press conference to assess the outcome of the 61st session of the Commission.

1. 2005 UN Commission on Human Rights: Amnesty International calls on Members to demonstrate unequivocal commitment to human rights, 17 January 2005

Amnesty International takes the opportunity of today's election of the officers of the Bureau of the 61st session of the Commission on Human Rights (the Commission) to urge governments to take careful account of the findings of the High-level Panel on Threats, Challenges and Change about the Commission as they prepare for the upcoming session. Members of the Commission must act now to re-establish the credibility and professionalism of the Commission. Amnesty International calls upon Members of the Commission to end their use of double standards in dealing with human rights violations, to demonstrate a real commitment to human rights, and to enhance the human rights expertise of their delegations to the Commission.

Amnesty International urges the Members of the Commission represented on the Bureau, as well as the other Members of the Commission, to demonstrate unequivocal commitment to the promotion and protection of human rights by taking substantive measures both at the international and national levels.

Amnesty International calls upon the Members of the Commission to take the following measures at the international level:

- Ensure that promotion and protection of human rights in individual countries from all regions is a central function of the Commission;
- Establish objective and transparent criteria and procedures for the examination by the Commission of the human rights situation in individual countries. Such criteria and procedures should draw on the expertise of the UN High Commissioner for Human Rights and her Office and take into account the recommendations by the Special Procedures and the human rights treaty monitoring bodies as well as any country's failure to cooperate with the human rights mechanisms of the UN;
- Create an effective system of monitoring and evaluating governments' implementation of the determinations and recommendations of the Commission and its Special Procedures in order to increase governments' accountability for their respect for human rights;
- Support adequate funding from the UN regular budget for the human rights programme in order that the resolutions and decisions of the Commission can be implemented fully, and that the Office of the High Commissioner for Human Rights can adequately support the activities of the Special Procedures and the treaty monitoring bodies.

At the national level, each State's measures should include:

- Extension of a standing invitation to the Special Procedures of the Commission and prompt facilitation of their requests for visits;
- Full and prompt implementation of recommendations made by the Special Procedures;
- Full and timely response to urgent appeals and general letters of allegation from the Special Procedures;
- Ratification of the UN human rights treaties and the withdrawal of reservations;
- Full and effective national implementation of the human rights treaties to which the State is a party, including through the development of a national action plan for implementation;
- Timely submission of periodic reports to the treaty monitoring bodies and full and prompt implementation of their recommendations;
- Prompt implementation of requests for interim measures made by the treaty monitoring bodies in connection with individual communications.

Amnesty International encourages governments to inform the Commission about their initiatives to promote and protect human rights at the national level in their statements delivered during the Commission's High-Level Segment.

2. 2005 UN Commission on Human Rights: An important opportunity to address human rights violations whenever and wherever they occur, 10 March 2005

On the eve of the 61st session of the UN Commission on Human Rights, Amnesty International calls on the Commission, its Members and observer governments to reaffirm unequivocally that the absolute prohibition of torture and ill-treatment applies in all circumstances, including the "War on Terror".

"Torture and cruel, inhuman or degrading treatment or punishment are prohibited in all circumstances, without any possible exception or derogation, including in times of war, unrest or emergency. The Commission must also acknowledge that statements and any other evidence that has been obtained as a result of torture or ill-treatment shall not be invoked in any proceedings, except against a person accused of torture or ill-treatment," Peter Splinter Amnesty International's representative at the UN in Geneva said.

"Governments have a responsibility to ensure the security of their citizens. However, any measures to prevent or respond to attacks by armed groups or individuals will only be effective if they are fully consistent with international law. The Commission can support this by expanding the Independent Expert's mandate on counter-terrorism and authorize him to monitor and analyze the impact on human rights of measures taken by states to combat terrorism," Peter Splinter said.

At the 61st session, the organization will also focus on the abolition of the death penalty, violence against women, business and human rights, and human rights of refugees, asylum-seekers, migrants and other non-nationals. It will also continue to follow closely the standard-setting exercises related to the rights of indigenous peoples, the protection of persons from enforced "disappearances", an optional protocol to the International Covenant on Economic, Social and Cultural Rights, and the Basic Principles and Guidelines on the Right to a Remedy and Reparation. In recent years, the Commission has increasingly failed to denounce gross and systematic violations of human rights and fundamental freedoms by some governments.

The organization urges the Commission members to end their shameful failure to act on human rights violations in countries such Iraq, Russian Federation (Chechnya), USA (Guantánamo Bay) and Zimbabwe. That failure lies behind the legitimacy deficit that the Secretary-General's High-level Panel on Threats, Challenges and Change characterized as casting doubts on the overall reputation of the United Nations. Every Commission member and observer government shares the responsibility to act at the 61st session to re-establish the credibility and professionalism of the Commission.

Amnesty International is also calling on the Commission to act on the human rights situations in Colombia, the Democratic Republic of Congo, Israel/Occupied Territories, Nepal, Sudan and Turkmenistan.

"Nepal is on the verge of a human rights catastrophe -- basic human rights have been suspended; impunity is rampant. The international community must take immediate and decisive action to pull Nepal back from the verge. The Commission must adopt a strong resolution on Nepal and establish a Special Rapporteur to monitor the human rights situation," Peter Splinter said.

Amnesty International urges members and observers to use the occasion of the 61st session of the Commission on Human Rights to explore measures that can be taken within the reform process launched by the UN High-level Panel report to enable the UN address more effectively the protection and promotion of human rights in all countries at all times and to respond more effectively to crisis situations.

3. Amnesty International welcomes UN Secretary-General's bold steps to strengthen human rights in major new report, 21 March 2005

Amnesty International warmly welcomes the bold initiatives of the UN Secretary-General to strengthen the UN's human rights machinery announced in his report, *In larger freedom: towards development, security and human rights for all*.

As the Commission on Human Rights is becoming increasingly paralyzed in effectively addressing human rights violations around the world, the creation of a Human Rights Council with enhanced authority that can sit in sessions throughout the year could be a huge step forward.

The prominent place which the report gives to human rights is a clear acknowledgement of the need to strengthen the protection of human rights in every country. In proposing a new Human Rights Council to replace the Commission on Human Rights, the UN Secretary-General has provided governments with a unique opportunity to put the UN's chief human rights body on a more transparent and objective footing. Amnesty International calls on all governments to respond constructively to the Secretary-General's proposal to establish a strong UN human rights body that enhances the strengths of the Commission on Human Rights and the Third Committee of the General Assembly, while remedying their shortcomings.

Amnesty International stresses that a Human Rights Council must build on the strengths of the Commission on Human Rights, the UN's principal human rights body. These strengths, some of them specifically acknowledged by the Secretary-General in his report, must be maintained and include:

- the system of independent human rights experts and rapporteurs who make a unique contribution to the advancement of human rights as thematic or country experts;
- the rights and customary activities that NGOs enjoy under the NGO Consultative Status with ECOSOC and which do not exist elsewhere in the UN system. These must be preserved because they enable NGOs to make that crucial contribution to the activities of the Commission on Human Rights without which it would not have made the substantive progress in human rights promotion and protection that it has achieved;
- the mandate to take political action on country situations where serious violations of human rights occur.

With the necessary political will, this time of UN reform offers a rare opportunity to create an effective UN human rights body consistent with the promise of the UN Charter of a world where peace and justice prevails and all people enjoy all their human rights and fundamental freedoms without discrimination.

Governments must also firmly support the Secretary-General's welcome proposal to substantially increase the resources for the Office of the High Commissioner for Human Rights, whose budget is grossly inadequate to carry out its increasingly complex human rights mandate.

Background

The Secretary-General's report sets out a wide range of proposals to be discussed by the September High-Level Summit reviewing the implementation of the Millennium Declaration. The report proposes the creation of a new UN human rights body - a Human Rights Council - either as a new principal organ of the UN, which would require an amendment to the UN Charter, or as a subsidiary body of the General Assembly, which could be established under Article 22 of the Charter. The new body would be in session throughout the year and be able to meet as new circumstances demand, unlike the current Commission on Human Rights. The Commission normally meets annually in a single six-week session in Geneva, unless the cumbersome rules for a special session can be successfully invoked. The Secretary-General's report acknowledges the major achievements of the Commission but rightly concludes: "Yet the Commission's capacity to perform its tasks has been increasingly undermined by its declining credibility and professionalism. In particular, States have sought membership of the Commission not to strengthen human rights but to protect themselves against criticism or to criticize others. As a result, a credibility deficit has developed, which casts a shadow on the reputation of the United Nations system as a whole."

Amnesty International believes that the UN's chief human rights body should be shaped following a comprehensive review of the strengths and weaknesses of the existing UN bodies dealing with human rights. It should include the following characteristics:

- be in session throughout the year and thus be able to meet in more frequent focussed sittings and be capable of convening rapidly to deal with human rights crises;
- consist of members demonstrably committed to the promotion and protection of human rights. For example, members would make electoral pledges to promote and protect human rights which could be subject to peer review;
- regular scheduled review of the human rights accomplishments, shortcomings and capacity-building needs of *all* countries in respect of *all* human rights based on an impartial, transparent and objective assessment of the human rights situation in each country. This assessment could be made under the authority of the High Commissioner for Human Rights with the assistance of independent expertise as is customary in several other UN bodies and agencies;
- substantial depoliticization and professionalization of the body's deliberations by distinguishing the analysis of human rights situations from decisions about how the UN should address particular situations. The UN's human rights experts and NGOs would be full participants in the analysis of country situations;
- retain country specific resolutions for serious human rights situations.

4. Israel/Occupied Territories: Removing unlawful Israeli settlements in the Occupied Territories: Time to act, 23 March 2005

For the first time in four and a half years, we are witnessing some positive developments in the human rights situation in Israel and the Occupied Territories. In recent months, killings by both the Israeli army and Palestinian armed groups have significantly diminished, as has the destruction of Palestinian homes and properties by Israeli forces, and preparation is underway for the evacuation of the Israeli settlers from the Gaza Strip.

These welcome developments have raised new hopes among the Israeli and Palestinian civilian populations, who have borne the brunt of the violence in recent years. Since September 2000, more than 3,200 Palestinians have been killed by Israeli forces and some 1,000 Israelis have been killed by Palestinian armed groups. Most of those killed were unarmed civilians and among them were more than 600 Palestinian children and more than 100 Israeli children.

But the cycle of killings has not been the only human rights tragedy which has wrecked the lives of so many men, women and children. Palestinians, who have been living under Israeli occupation for 38 years, have faced an unprecedented level of human rights violations in the past four and a half years. The unlawful destruction by Israeli forces of more than 4,000 homes, vast areas of agricultural land, commercial properties, and infrastructure throughout the Occupied Territories, has left tens of thousands of Palestinians homeless and destitute.

The impact of such mass destruction will be long-lasting. For the Palestinians who lost their homes and their livelihood overnight, it will take years to rebuild their lives and they will need the assistance of the international community.

Hundreds of checkpoints, blockades and roadblocks hinder the movement of Palestinians between towns and villages in the West Bank and Gaza Strip, arbitrarily curtailing their access to their land and their jobs, to education and healthcare facilities and to other crucial services. As a result, unemployment and poverty have dramatically increased, pushing a growing number of Palestinians below the poverty line, and a growing number of people are suffering from poor health and malnutrition. Children, women and others amongst the most vulnerable members of Palestinian society have been particularly affected.

The ongoing construction by Israel of a fence/wall through the West Bank has exacerbated the problems of access for Palestinians to crucial services in the affected areas. These problems and the resulting deterioration in the humanitarian situation have been well documented by several UN agencies and by the Commission's Special Rapporteur on the situation of human rights in the Palestinian Occupied Territories since 1967. The International Court of Justice, in its Advisory Opinion of July 2004, declared that the construction of the fence/wall inside the West Bank is illegal under international law and called for it to be dismantled.

The fact that most of the fence/wall lies inside the West Bank, and not on the Green Line between Israel and the West Bank, indicates that it is intended to encompass most Israeli settlements - rather than to stop Palestinian suicide bombers and other attackers from entering Israel, as Israel claims.

Israel's decision to dismantle all its settlements in the Gaza Strip and some sparsely populated settlement in the West Bank is a welcome development. However, the evacuation of some 8,000 Israeli settlers from the Gaza Strip and from some very sparsely populated settlements in the West Bank must not be allowed to be used by Israel as an opportunity to expand other settlements in the West Bank, where some 400,000 Israelis live in violation of international law.

The international community has long recognized the unlawfulness of the Israeli settlements in the Occupied Territories. UN Security Council Resolution 465 (of 1 March 1980) called on Israel "... to dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem".

However, the international community failed to take any measure to implement this resolution. Most Israeli settlements in the Occupied Territories were built after this resolution was passed, with the greatest expansion having taken place in the past decade. The establishment and expansion of settlements and related infrastructure in the West Bank is

continuing on a daily basis, contrary to Israel's commitment under the UN-sponsored 2003 Roadmap peace plan. This week the Israeli government confirmed its plan to build 3,500 new settlement houses in the East Jerusalem area of the West Bank.

As well as violating international humanitarian law *per se*, the implementation of Israel's settlement policy in the Occupied Territories violates fundamental human rights provisions, including the prohibition of discrimination. The seizure and appropriations of land for Israeli settlements, bypass roads and related infrastructure and discriminatory allocation of other vital resources, including water, have had a devastating impact on the fundamental rights of the local Palestinian population, including their rights to an adequate standard of living, housing, health, education, and work, and freedom of movement within the Occupied Territories.

The Commission collectively and member states individually have a responsibility to take measures to ensure that the Israeli and Palestinian sides comply with their obligations to abide by international law and respect fundamental rights. The international community must support the parties concerned when they take measures towards improving the human rights situation and must bring pressure to bear on them if they do not.

A crucial factor in the collapse of previous peace initiatives has been their failure to address key human rights issues. A human rights agenda must be a central part of any solution to the conflict.

In recent months, pressure from the international community has undoubtedly contributed to breaking the cycle of killings of Israelis and Palestinians. This pressure must be kept up on both parties to encourage them to build on the progress achieved so far. This includes taking the necessary measures to ensure that Israel halts the construction or expansion of settlements in the Occupied Territories and evacuates Israeli settlers living there, in compliance with UN Security Council Resolution 465.

It is essential that the international community puts in place an adequate mechanism to monitor the degree to which each of the concerned parties implements its commitments. An international monitoring presence would appreciably enhance and build on efforts made by the concerned parties and provide a useful framework for enhancing their accountability. Recognizing that the deployment of international monitors requires the agreement of all parties to the conflict, Amnesty International reiterates its call on Israel and the Palestinian Authority, as well as states with influence with the parties, to take the steps necessary for the deployment of international human rights monitors.

**5. 2005 UN Commission on Human Rights: Time to act to protect human rights,
30 March 2005**

Responding to the momentum created by the proposals to reform the UN Commission on Human Rights, Amnesty International's Secretary General Irene Khan challenged all member states of the Commission to rise above national and regional interests and restore the credibility and legitimacy of the UN to protect victims of human rights abuses.

"Responsibility to avoid selectivity and double standards rests with each member state. Each member that calls on the Commission to address some human rights situation, but turns a blind eye to others; that supports or abstains from 'no-action motions', contributes to undermining the credibility of the Commission and fails in its obligation to address the human rights challenges of the moment," said Ms Khan. Her visit to Geneva, which coincides with the Commission's discussion of country situations, is intended to emphasize the need for the UN's human rights body to be able to effectively tackle such problems.

"Political factionalism has hampered effective action to address major human rights crises in countries such as Chechnya, Iraq and Zimbabwe. Others, like Guantánamo Bay, do not even make it on to the Commission's agenda."

"The Commission on Human Rights must act forcefully and decisively to reverse the human rights catastrophe unfolding in Nepal," declared Ms Khan as she called on the Commission to adopt a strong resolution establishing a Special Rapporteur on Nepal and ensuring a strong international human rights monitoring presence in the country.

"Nepal is a test case to measure the Commission's willingness and ability to tackle human rights crises. Failure to act decisively will prove that not only do power politics prevent the consideration of serious human rights violations in large countries, but that the members of the Commission are incapable of acting to prevent a human rights disaster in any country."

In February 2005, an Amnesty International delegation, led by Ms Khan, was the first international NGO to meet with Nepal's government after the declaration of the State of Emergency. The organization has documented how, as a result of the State of Emergency in Nepal, fundamental rights have been suspended; hundreds of people have been arrested and "disappeared"; and the hand of the military has been strengthened, increasing the likelihood of intensified violence and human rights abuses in the decade-long conflict by both the security forces and Maoist rebels.

Ms Khan cautioned that human rights standards are being undermined by the measures taken by governments in the context of the "war on terror".

"The Commission has played a major role in setting standards for human rights. Now, as countries large and small erode them in the name of security, the Commission must urgently act to preserve its own legacy," Ms Khan warned.

Amnesty International is calling for the Commission to establish a Special Rapporteur on human rights and counter-terrorism to continue the work of the Independent Expert appointed last year.

"The pursuit of security cannot be at the expense of justice and respect for human rights. The role of the Special Rapporteur on human rights and counter-terrorism will be essential to ensure that respect for human rights and fundamental freedoms is a cornerstone in efforts to enhance security," Ms Khan added.

Welcoming the UN Secretary-General's report, *In larger freedom: towards development, security and human rights for all*, Ms Khan stated: "At a time when the credibility of the Commission is at its lowest point ever, reform of the UN human rights machinery is urgently needed and must be substantial -- tinkering around the edges is not enough."

"Reform must be geared towards ensuring that the UN's human rights machinery can effectively deal with country situations, and retain its ability to name and shame countries with serious human rights violations," Ms Khan said.

"Human rights abuses must be tackled whenever and wherever they arise -- regardless of political interests."

Ms Khan called on member states to encourage and support the High Commissioner for Human Rights to take independent initiatives as the UN's chief guardian of human rights.

"While governments talk shop, the human rights of women, men and children around the world are at risk as never before," Ms Khan concluded.

"Governments must make a demonstrable commitment to re-establishing the authority of the Commission at its 61st session."

6. Death penalty: 3,797 executed in 2004, 5 April 2005

During 2004, more than 3,797 people were executed in 25 countries and at least 7,395 were sentenced to death in 64 countries, said Amnesty International today.

Releasing its annual worldwide statistics on the use of capital punishment, Amnesty International called on the UN Commission on Human Rights, currently meeting in Geneva, to condemn the death penalty as a violation of fundamental human rights.

"The figures released today are sadly only the tip of the iceberg. The true picture is hard to uncover as many countries continue to execute people secretly -- contravening United Nations standards calling for disclosure of information on capital punishment," said Amnesty International.

A few countries accounted for the majority of executions carried out during 2004. China executed at least 3,400 people, but sources inside the country have estimated the number to be near 10,000. Iran executed at least 159, and Viet Nam at least 64. There were 59 executions in the USA, down from 65 in 2003.

"Despite the worldwide trend towards abolition, these figures highlight the ongoing need for concerted action by the international community to consign the death penalty to history."

"It is worrying that the vast majority of those executed in the world did not have fair trials. Many were convicted on the basis of 'evidence' extracted under torture."

In 2004, Ryan Matthews became the 115th prisoner in the USA since 1973 to be released from death row on the grounds of innocence. He had been sentenced to death in Louisiana in 1999 for a murder committed when he was 17 years old. His death sentence was overturned in April 2004 after an appeal judge found that the prosecution had suppressed evidence at the trial, and on the basis of DNA evidence that pointed to another person as being the murderer.

While executions continued, the abolition of capital punishment advanced. Five countries abolished the death penalty for all crimes in 2004 - Bhutan, Greece, Samoa, Senegal and Turkey. At year end, 120 countries had abolished the death

penalty in law or practice.

Several countries, while retaining the death penalty in law, observed moratoria on executions. A law on "the suspension of the application of the death penalty" was signed into force in July 2004 in Tajikistan, and in January this year, President Aksar Akayev of Kyrgyzstan announced that a moratorium on executions, which had been in place since 1998, would be extended for another year. Other countries with moratoria on executions included Malawi and South Korea.

Amnesty International welcomed the United States Supreme Court ruling in March this year declaring unconstitutional the use of the death penalty against child offenders -- people under 18 at the time of the crime. With this decision, all countries have now formally rejected the application of the death penalty to child offenders. However, Amnesty International remains concerned that child offenders continued to be executed in a few other countries. Iran executed at least three child offenders in 2004, violating its obligations as a party to international treaties which preclude the practice. China executed a young man despite concerns that he may have been a juvenile when he committed a capital crime. His execution was carried out while his lawyer and family were still petitioning the Supreme People's Court to review his case. Another child offender was executed in Iran in January this year.

"It is high time the Commission affirms clearly that the imposition of the death penalty on those aged under 18 at the time of the commission of the offence is contrary to customary international law."

Amnesty International also welcomed the decisions of several countries to adopt constitutional provisions precluding the death penalty. In a survey of constitutional measures released today, Amnesty International reported that Turkey prohibited the death penalty in its constitution in 2004, as did Belgium in February this year. Other countries with recently enacted constitutional prohibitions of the death penalty include Ireland and Turkmenistan.

"These are important advances that the Commission should welcome and encourage."

"The case of Ryan Matthews and scores of others sentenced to death in the USA for crimes they did not commit demonstrate that no judicial system is infallible. However sophisticated the system, the death penalty will always carry with it the risk of lethal error", Amnesty International said.

7. 2005 UN Commission on Human Rights: Nepal human rights crisis continues: Member states must stand firm on Nepal at the Commission on Human Rights, 7 April 2005

Amnesty International, Human Rights Watch and the International Commission of Jurists today called on the international community to stand firm in its response to the human rights crisis in Nepal at the Commission on Human Rights and continue to monitor ongoing violations.

"The release of some political prisoners on 1 April must not be mistaken by the international community as an improvement in the human rights situation in Nepal. Hundreds remain detained and arrests continue," said Brad Adams, Asia Director of Human Rights Watch. "A careful examination of the conduct by the government of Nepal by independent and credible sources in Nepal reveals that the government's record is getting worse, not better."

Over 600 rights activists, journalists, lawyers, students, and political activists remain detained for their peaceful and legitimate activities since the State of Emergency was declared on 1 February 2005. Madav Kumar Nepal, General Secretary of CPN (UML) who was arrested just prior to the King's proclamation on 1 February remains under house arrest. Like many others, he has now been detained for over 50 days with no charge.

"We see no sign that the rule of law is being restored. The appalling violence against civilians carried out by the Maoists and security forces continues and the democratic parties, human rights organizations and the media are still intimidated and controlled under the State of Emergency," said Nicholas Howen, Secretary General of the International Commission of Jurists.

On 20 February, in the east of Nepal, two political activists and a local trade union leader were detained, beaten, kicked and threatened that they would be killed by the military after leading a peaceful pro-democracy demonstration. They were handed to the police on the following day and later released.

In a disturbing trend, civilians are increasingly becoming victims of vigilante violence by so-called "village defence forces". In a recent case in Navalparasi District, a group of villagers reportedly tortured and killed a civilian. Following a recent case of village militia violence in Kapilbastu, the Home Minister went on public record to applaud allegations of extrajudicial executions by vigilante groups, stating that recourse to the courts "is not relevant during a war".

The atmosphere of intimidation and control has prevented human rights investigation and reporting. In spite of its critical role in this context, and notwithstanding government affirmations to the contrary, the National Human Rights Commission (NHRC) has been prevented from exercising its mandate, most recently on 31 March 2005, when military authorities refused the NHRC access to detainees held in military barracks in Kathmandu. In February, members of the NHRC were prohibited from travelling to Kapilbastu District where they were planning an investigation into reports of killings, sexual violence and house-burning by village militia.

"These abuses must be fully investigated and those responsible brought to justice," said Purna Sen, Director of the Asia and Pacific Programme at Amnesty International. "The Commission on Human Rights must take a decisive stand by appointing a Special Rapporteur and ensuring the establishment of a stand-alone Office of the High Commissioner for Human Rights that can contribute to monitoring and protecting human rights throughout Nepal."

The organizations called on the members of the Commission on Human Rights to approve a resolution urging the establishment of a UN High Commissioner for Human Rights office with a strong monitoring mandate and the appointment of a Special Rapporteur mandated to report publicly on the human rights situation in Nepal.

8. Amnesty International's views on the proposals for reform of the UN's human rights machinery, 11 April 2005

Amnesty International welcomes the UN Secretary-General's report, *In larger freedom: towards development, security and human rights for all*¹ wherein he has drawn upon *A more secure world: Our shared responsibility*² and upon *Investing in Development: a practical plan to achieve the Millennium Development Goals*³ to identify human rights as one of three pillars of the United Nations, which are covered by his proposals for the UN summit of world leaders in September 2005.⁴

In particular, Amnesty International welcomes the Secretary-General's bold initiative to strengthen the UN's human rights machinery by proposing a body that would give human rights a more authoritative position in accordance with the importance of human rights in the UN Charter. The Commission on Human Rights, the UN's main human rights body, has become increasingly paralyzed in effectively addressing human rights violations around the world. The proposal to establish a Human Rights Council with enhanced authority that is in

¹ A/59/2005 of 21 March 2005.

² A/59/565 of 2 December 2004.

³ Available at: <http://www.unmillenniumproject.org/reports/index.htm>.

⁴ The other pillars are development and security.

session and can meet throughout the year holds great promise for the improvement of the capacity of the United Nations to promote and protect human rights.

In anticipation of the informal discussion of the human rights section of the Secretary-General's report at the 61st session of the Commission, Amnesty International draws attention to principles and other considerations that should be addressed in that discussion. Generally, the discussion of the mandate and working methods of a Human Rights Council must be based on an analysis of the problems faced by the Commission on Human Rights that should be corrected, a recognition of the strengths of the Commission that should be preserved and reinforced, and an identification of the gaps in the existing UN human rights machinery to be filled by the new body.

Amnesty International urges governments and other participants in the human rights reform discussion to address the following matters:

- Above all, the reform must address the legitimacy deficit of the Commission. Power politics and double standards have prevented the Commission from addressing, and often even discussing, the widespread or serious human rights violations in many countries. A human rights body must be conceived to address *all* human rights in *all* countries at *all* times.
- A Human Rights Council must have a position in the United Nations that corresponds with the primacy which the UN Charter accords to encouraging respect for human rights as a purpose of the United Nations.
- The rules for Human Rights Council sittings should allow the routine review and discussion of the human rights situations in all countries and offer the possibility of dealing promptly with human rights crisis situations when they arise. The existing rules for special sessions are excessively rigid and make it difficult to consider even the most acute human rights crises in a timely manner.
- A Human Rights Council should be in session throughout the year in order to allow shorter but more frequent sittings.
- A Human Rights Council should offer member and observer governments and NGOs a better opportunity to engage substantively in its deliberations. Few, if any, governments or NGOs can follow the discussion of the over 100 resolutions and decisions currently considered during the six-week session of the Commission. Attention should be paid to enabling the least developed countries to participate more fully in the human rights body's activities.
- A Human Rights Council must be able to condemn human rights violations where the seriousness of the situation warrants.
- A Human Rights Council must be conceived to monitor and evaluate the implementation by governments of its decisions and recommendations.
- A Human Rights Council must have at its disposal methods of assisting Member States to ensure respect for human rights, in accordance with international standards,

through capacity-building measures to uphold human rights and the rule of law. Its working methods should allow for a variety of approaches to addressing human rights violations and the implementation of human rights standards and commitments that is broader than the stark and artificial distinction between agenda items 9 and 19 offered by the Commission agenda.

- Measures must be developed to depoliticize the examination of thematic and, in particular, country situations by a Human Rights Council. At present, analysis and policy response to the analysis are combined, because the Commission examines country situations largely on the basis of draft resolutions. These two processes could be distinguished. More objective and transparent methods should be considered for the analysis and discussion of the human rights situation in individual countries. The political decisions of a Human Rights Council should have a firm grounding in objective and transparent analysis of the relevant human rights situations.
- A Human Rights Council must make better use of human rights information and analysis available in the UN system. This would involve drawing more effectively on the reports and recommendations of the Special Procedures, the UN human rights treaty bodies, and the Office of the High Commissioner of Human Rights. Effective means should be explored to supplement this information and analysis where it is lacking or incomplete. Consideration also needs to be given to how available information and analysis can most effectively be brought before a Human Rights Council. For instance, the proposal in the High-level Panel's report for an annual report on the situation of human rights worldwide merits careful consideration.
- A Human Rights Council must preserve the system of Special Procedures established by the Commission. Means should be explored to strengthen and support the work of the Special Procedures, including by measures to encourage states to respond fully and promptly to their communications, to consider and implement their recommendations, and to improve dialogue such as through extending a standing invitations and facilitating without delay any visits requested.
- If the Commission were to be replaced by a Human Rights Council, the UN must maintain NGOs' consultative status, currently based on Article 71 of the UN Charter, as well as the best practices and customary activities of NGOs that are a vital part of the dynamic work of the Commission. A Council should continue to have regular meetings that offer national NGOs and national human rights institutions the opportunity to contribute to the body's deliberations.
- If a Human Rights Council has limited membership, the Council's election rules and working methods should encourage the nomination and election of governments with a demonstrated commitment to the promotion and protection of human rights. Amnesty International does not consider that imposing specific criteria for membership is an effective approach. The organization firmly believes, however, that membership of the UN's chief human rights body attracts distinct responsibility of each member to strengthen domestic and global human rights performance and standards. Members and aspiring members could be asked to make annual pledges to that effect. The reform process should examine the nature of membership of a

Council as one element of a package of broad and comprehensive reforms aimed at strengthening the current UN human rights mechanisms; membership should not be examined in isolation.

- Members of a Human Rights Council should be elected in contested elections that ensure that commitment to the promotion and protection of human rights is the principal criterion for membership. A Council's working methods should discourage membership sought with the objectives of avoiding criticism or merely criticising others for political ends. They should also discourage bloc solidarity and political factionalism, which have hampered effective promotion and protection of human rights in the Commission.
- A Human Rights Council will need to have sufficient dedicated financial and personnel resources to enable the body to function effectively. A Council's resource needs must be considered separately from the requirements of the High Commissioner for Human Rights and her Office for additional resources. The financial requirements for a Human Rights Council and for the High Commissioner for Human Rights and her Office are complementary, but distinct.
- The relationship of a Human Rights Council to other UN bodies concerned with human rights should be considered. For instance, discussion of the mandate and working methods of a Human Rights Council offers an opportunity to enhance the mainstreaming of women's human rights.
- The Commission's flexibility in its working methods for standard-setting should be preserved in a Human Rights Council.

Amnesty International welcomes the opportunity to contribute to the discussion of reform of the UN's principal human rights body. The organization considers that it is incumbent on all governments and organizations that have been critical of the Commission to contribute positively to the discussion of the proposal for a Human Rights Council. While Amnesty International supports the Secretary-General's urging of UN member states to reach early agreement in principle to establish a Human Rights Council, the organization also urges member states to ensure that any council that they establish contributes effectively to the promotion and protection of *all* human rights in *all* countries at *all* times.

9. UN: Establish new human rights body: Human rights organizations support Secretary General's UN reform efforts, 12 April 2005

UN Member States should move quickly to establish a stronger human rights body as recommended by UN Secretary-General Kofi Annan, 15 leading human rights organizations said today.

“Our organizations support the call of the Secretary-General to replace the Commission on Human Rights with a new body that has greater authority by being given a higher status in the UN, and that, as a standing body, is able to meet whenever necessary to

address human rights issues in the world,” the groups said in a joint speech to the Commission, which is meeting in Geneva.

The organizations argued that the new body should:

- respond quickly to human rights crises year-round through monitoring, adopting resolutions and alerting the international community;
- respond effectively to early warnings by taking preventive action—within the UN system and its agencies and with the international community—on the basis of reports of the High Commissioner for Human Rights from field presences, monitors and missions as well as reports from Special Procedures and NGOs;
- ensure follow-up and implementation of country-specific commitments and decisions, and recommendations from Special Procedures (Special Rapporteurs and Working Groups) and treaty bodies; and
- provide a more comprehensive supervisory framework and continue to develop human rights standards and norms.

The groups called also on Member States to increase financial resources for the Office of the High Commissioner for Human Rights.

In a speech to the Commission last week, Kofi Annan recommended that UN Member States replace the 53-member Commission on Human Rights with a new standing Human Rights Council.

The organizations making this statement are Amnesty International, Association for the Prevention of Torture, Baha’í International Community, Centre on Housing Rights and Evictions, Colombian Commission of Jurists, Dominicans for Justice and Peace, Federation Internationale des Ligues des Droits de l’Homme, Franciscans International, Human Rights Watch, International Commission of Jurists, International Service for Human Rights, Lutheran World Federation, Organisation Mondiale Contre la Torture, Friends World Committee for Consultation (Quakers) and Rights Australia.

10. 2005 UN Commission on Human Rights: Joint public statement on UN reform, 12 April 2005

In his address to this year's Commission, the Secretary-General of the United Nations has set out a compelling vision of the need for urgent reform of the human rights system.

Let us seize this historic opportunity to reshape the human rights system comprehensively, so that it protects *all* human rights of *all* persons in all countries at *all* times.

Amnesty International, Association for the Prevention of Torture, Baha'i International, Centre on Housing Rights and Evictions, Colombian Commission of Jurists, Franciscans International, Human Rights Watch, International Commission of Jurists, International Service for Human Rights, Lutheran World Federation, Organisation Mondiale Contre la Torture, Friends World Committee for Consultation (Quakers) and Rights Australia welcome the strong reaffirmation in the Secretary-General's report, *In larger freedom*, that human rights and the rule of law are integral components of the "vital and achievable" reform goals for the Millennium summit next September. We agree that security, development and human rights are intrinsically linked and mutually reinforcing. Thus, any peace building commission and rule of law assistance unit must have a strong human rights component.

We share the concerns of the Secretary-General that the Commission on Human Rights lacks credibility. For years NGOs have been exposing the shortcomings of the UN's main human rights body, including its inability to address many situations of gross and systematic human rights violations around the world.

The Commission has been undermined by a number of actions, including:

- by states seeking election to the Commission not to strengthen human rights but to protect themselves against criticism or to criticise others;
- by states using procedural ploys to prevent debate on legitimate human rights concerns;
- by the undermining and lowering of human rights standards and norms, and
- by the unacceptable selectivity and double standards that have seen many situations of grave human rights concern ignored.

As the Secretary-General himself told us, these trends have stained the reputation of the UN.

We welcome this opportunity to examine the achievements and the failures of the Commission and to establish a system that responds swiftly to the needs of victims of human rights violations and their defenders.

Any reform must result in a stronger UN human rights system. Reform must lead to the principal UN human rights body addressing systematically and effectively all human rights violations in all countries on the basis of expert and independent information, including from treaty bodies, Special Procedures, UN country teams and the Office of the High Commissioner for Human Rights. Non-governmental organizations and human rights defenders supplement official sources, through their knowledge and experience working with and for victims. The human rights system must draw on all these sources of information.

The effectiveness and legitimacy of any human rights body depends in large part on its members' demonstrated human rights commitment, their readiness to be held accountable for their human rights obligations and their effective cooperation with human rights

mechanisms. By cooperation, we mean responding fully and promptly to communications, facilitating visits by Special Procedures including through the issuance of standing invitations, by implementing their recommendations and by submitting timely reports to the treaty bodies.

The new body must be conceived to attract as members those that have a demonstrated commitment to the highest human rights standards. The mandate and working methods of the body must also be conceived to contribute to legitimacy and effectiveness.

Our organizations support the call of the Secretary-General to replace the Commission with a new body that has greater authority by being given a higher status in the UN, and that, as a standing body, is able to meet whenever necessary to address human rights issues in the world.

We call on states to make rapidly a commitment to establish such a new human rights body. We call on states to set up an inclusive process, involving civil society, to discuss and shape the details of the new body.

A new permanent body should provide the international community an ability to:

- respond quickly to human rights crises all year round, through monitoring, adopting resolutions and alerting the international community;
- to respond effectively to early warning by acting preventatively within the UN system and its agencies and the international community on the basis of reports of the High Commissioner for Human Rights from field presences, monitors and missions and reports from special procedures and NGOs;
- ensure follow up and implementation of country specific commitments and decisions, and recommendations from Special Procedures and treaty bodies; and
- overall, provide a more comprehensive supervisory framework and continue to develop human rights standards and norms.

NGOs make a crucial contribution to the activities of all parts of the UN human rights system. Non-governmental organizations must have full opportunity to participate in the work of the new human rights body, at least at the same level and on the same basis as in the present Commission.

Special Procedures, including country and thematic Special Rapporteurs, Independent Experts and Working Groups, have emerged as one of the most creative and practical tools of the Commission. The system of Special Procedures is an integral part of the UN human rights system and should be not only maintained, but significantly strengthened in a new body.

The present Commission can proudly claim credit for the development and adoption of numerous key human rights instruments, including the Universal Declaration of Human

Rights and the two Covenants. The standard-setting role of the Commission must be preserved in the new human rights body.

Victims also rely on the growing impact of the human rights treaty monitoring bodies. Yet especially with the increasing ratification of human rights treaties, these expert bodies face a severe overload. States Parties and the Secretary-General must work in concert with NGOs and other stakeholders to strengthen the treaty bodies to function as a strong, professional and unified system, with members that clearly have the highest competence, independence and commitment.

We also share a vision of the leadership role of the High Commissioner for Human Rights and her Office, in human rights protection and capacity-building, expressed especially through an expanded and more meaningful role for human rights field presences. The High Commissioner's Office is vital in helping to transform the work of Special Procedures and treaty bodies into change on the ground, as well as in the UN's work in conflict prevention and crisis response. We look forward to the plan that the High Commissioner will present to the Secretary-General by 20 May. The Office of the High Commissioner for Human Rights receives a paltry 2 percent of the regular UN budget. The gap between expectations and resources is enormous. The High Commissioner's plan of action must lead to States providing a dramatic increase in regular funding for the Office so it is equipped to exercise its protection and capacity-building leadership role in countries around the world.

Today we have a rare opportunity to bring about fundamental improvement in the human rights system, based on a clear vision that the protection of human rights is at the core of the United Nations. We join the Secretary-General in calling on Member States to rise to this challenge and to swiftly translate words into deeds.

11. Nepal: UN human rights field operation a step forward - Continuing abuses and state of emergency must still be addressed by the Commission on Human Rights, 12 April 2005

Amnesty International, Human Rights Watch and the International Commission of Jurists today welcomed the signing of a Memorandum of Understanding between the Government of Nepal and the United Nations High Commissioner for Human Rights providing for deployment of an international human rights presence to Nepal.

The agreement calls for UN offices to be established in Kathmandu and, importantly, in regional centres, to help establish accountability for rights abuses and prevent further violations by both government forces and Maoist rebels, who have been locked in a civil war since 1996.

The organizations stated that full and rapid implementation of the agreement is necessary in order to stem the tide of abuses being committed by the security forces and Maoists.

They stressed that the UN monitors must have complete freedom of movement in all parts of Nepal, not just to monitor, but also to investigate and report on allegations by any party.

"The establishment of a free-standing Office of the High Commissioner for Human Rights in Nepal is an important step towards protecting human rights in Nepal," said Brad Adams, Asia Director of Human Rights Watch. "The UN human rights operation will monitor and act on abuses by both the government security forces and the Maoists. Although the agreement is clear, the international community must remain vigilant to ensure that this agreement is complied with effectively and fully."

The organizations emphasized the challenges facing the UN, particularly after the King seized power on 1 February.

"Civilians across Nepal -- particularly those in rural areas -- have experienced gross human rights abuses, terror and violence for many years now," said Purna Sen, Director of the Asia and Pacific Programme at Amnesty International. "These abuses have only increased since the King's seizure of power, suspension of fundamental rights and crackdown on civil society. The establishment of an effective UN human rights operation can help provide the protection these civilians so desperately need."

On 5 April, the Maoists publicly called for an international presence and committed themselves to cooperating with such an operation.

"We now have a clear commitment by the Maoists and the government of Nepal, which must be translated into sustained and real cooperation by both sides," said Nicholas Howen, Secretary General of the International Commission of Jurists. "The Maoists have carried out brutal acts against civilians. This is the first opportunity to test whether their promise to bring their behaviour into line with international standards will be backed up by deeds."

Nepal's vibrant civil society will continue to play an essential role in promoting and protecting human rights and documenting abuses, and it is vital that the UN human rights operation provides them with the support and protection required to do this.

The organizations said that while the agreement with the UN is an important mechanism to address the grave human rights situation in Nepal, equally important is a frank recognition by the international community of this situation and a determination to resolve it. In a resolution the Commission on Human Rights must recognise the gross and systematic

abuses of human rights that have been continuing on both sides for years and set out clearly the action that must be taken by both sides to protect human rights. The Commission must also provide a Special Rapporteur who can provide guidance to the UN operation, the government of Nepal, Nepali civil society and others, as well as represent the human rights situation in Nepal in the international arena.

"One of the major roles of the Commission is to set out the benchmarks for change that should guide the government, the Maoists and this new UN human rights operation," said Nicholas Howen.

12. 2005 UN Commission on Human Rights: The Commission must act to prevent continuing human rights violations in Sudan, 13 April 2005

The human rights situation in Sudan continues to be extremely serious. In Darfur, civilians are still targeted by militias supported or condoned by the government. Nearly two million displaced people in the region are not able to return home. The government of Sudan continues to commit serious and sometimes flagrant human rights violations in many parts of the country - political opponents or critics of the government are detained for long periods without trial; the state of emergency remains in place; and camps for displaced people are being demolished in Khartoum.

In the run-up to the voting on a resolution on the situation of human rights in Sudan, it is crucial that the Commission on Human Rights urges the government of Sudan in the strongest terms to address these human rights violations. The Commission must appoint a Special Rapporteur with a mandate to monitor and report publicly on the human rights situation in Sudan.

If the Commission does not act to halt the human rights crisis in Sudan, the credibility of the Commission will be further undermined.

13. Sudan: Continuing human rights violations, 13 April 2005

The situation remains insecure for the 1.86 million displaced people in Darfur who have not been able to return home. In Darfur, civilians are still targeted by militias supported or condoned by the government. Notwithstanding all the pressure, the government of Sudan has still not stopped carrying out serious and sometimes flagrant human rights violations in many parts of the country.

Continuing attacks and targeting of civilians in Darfur:

- On 7 April, militias carried out what African Union (AU) mission and the UN in a joint statement described as a "senseless and premeditated attack" on Khor Abeche, South Darfur, "burning everything in their paths and leaving in their wake total destruction". The joint AU/UN statement says that the danger of an attack was known before, the AU force wanted to station themselves in the area to protect the population but were prevented from acting by "what can only be inferred as deliberate official procrastination over the allocation of land for the troops' accommodation". They called for the arrest of the known leader of the raid -- who had said often before that this was what he was going to do, but the government did nothing to prevent him or protect the people.
- Displaced people in Darfur continue to travel from one place to another in search of security; over the past week according to the UN more than 200 who fled Khor

Abeche came to Galab Camp while other displaced people fled from the insecurity in Kass town in South Darfur to Kalma Camp near Nyala.

- The government continues to arrest and torture those -- mainly from Fur, Masalit and Zaghawa groups -- whom they suspect of supporting the rebels. When charged, they are tried in the Specialised Criminal Courts in trials that fall short of international standards.
- Sexual violence continues in Darfur, such as the targeting of women who leave the camp to fetch fire wood and water. In a recent report, *Médecins Sans Frontières* said they had treated almost 500 women who were raped between October 2004 and February 2005 and reported the arrest of women who fell pregnant as a result of rape who were subsequently charged with *Zina* (unlawful sexual intercourse, which is a punishable offence under the Sudan Penal Code).
- The Darfur authorities have harassed the staff of international non-governmental organizations (NGOs) who appear to criticize the government including investigating cases of rape. Several arrests have been reported.

Continuing impunity: Government reports of *Janjawid* brought to justice in Sudanese courts have consistently proved false.

Use of excessive lethal force against demonstrators: On 29 January 2005 in Port Sudan, more than 20 demonstrators were killed by security services. Two national Commissions of Inquiry were set up to investigate this but neither has reported publicly.

Continued use of prolonged detention without charge or trial of suspected political opponents or critics of the government: Those arrested are held for days, weeks, and sometimes months without access to the outside world. One example is Dr Mudawi Ibrahim, Director of the Sudan Social Development Organization and human rights defender, who was held incommunicado without trial from his arrest on 24 January and whose wife was allowed to visit him for the first time only on 23 February, after he went on hunger strike demanding to be charged or released. Scores of people remain in detention without charge or trial: for instance, Ma'mun Issa Abdel Gadir, a Darfur community leader from Niyertiti, who has been imprisoned since February 2004 without charge or trial and been allowed to receive visits by his family only twice.

The State of Emergency remains in place: Emergency laws allow the Sudanese authorities to detain people indefinitely, without charge or trial, to break up peaceful demonstrations and to violate human rights under the pretext of counter-insurgency. Some laws legalize human rights violations: National Security Forces Act, Article 31, allows prolonged detention without charge; Article 33 allows national security forces members immunity from prosecution; and Article 10(i) of the 1993 Law of Evidence allows evidence obtained by torture.

Demolition of camps for displaced people in Khartoum: The Khartoum authorities have frequently demolished homes in settlements for displaced people in Khartoum describing it as part of "urban renewal". This has been continuing over the past months. Since December 2004, the homes of at least 11,000 displaced people in Shikan, a settlement north of Khartoum, have been demolished and the displaced have been moved to El Fateh more than 30 km north of Khartoum. On 22 March, the Advocacy Director of the UN Office for the Coordination of Humanitarian Affairs was quoted as saying: "Security forces arrived without advance warning and started to load the displaced people onto trucks. People were not allowed to bring any personal belongings, and most arrived in El Fateh with only the clothes they were wearing".

Freedom of expression:

- **Media control blackout on the UN Security Council resolution 1593:** The Sudanese media received a circular instructing them not to comment in favour of the resolution which refers the situation in Sudan to the Prosecutor of the International Criminal Court. The media coverage has been predominantly critical of the resolution. Reporting about Darfur is also heavily censored.
- **Targeting of political opposition:** 17 Beja Congress members, a political party in eastern Sudan, remain in detention. In addition, the Umma Party main office in Omdurman was raided by security forces and temporarily closed when they were planning celebrations for the 20th anniversary of the April uprising which overthrew President Ja'afar Nimeiri. Scores of supporters of the Popular Congress (PC) have been arrested since September 2004 or before. In September 2004, two PC student activists from marginalised groups died a few hours after their arrest, apparently as a result of beating at the hands of the national security forces. The government promised inquiries into their deaths, but no results have ever been made public.

Key recommendations for the Commission on Human Rights resolution on the situation of human rights in Sudan to include:

- The appointment of a Special Rapporteur on the situation of human rights in Sudan with a clear monitoring component;
- A call for the ending of the emergency laws which limit human rights -- the government of Sudan should bring Sudanese law in conformity with fundamental principles of human rights;
- Pressure on the government of Sudan to disarm the militias in accordance with UN Security Council resolutions 1556 and 1591;
- Commission support for the African Union peacekeeping forces in Darfur in carrying out their mandate to monitor and verify the disarmament of the militias

14. 2005 UN Commission on Human Rights: Monitor needed to protect rights in counter-terrorism; US, China and Russia lead efforts to block establishment of Special Rapporteur, 15 April 2005

As the international community is poised to establish a Special Rapporteur on protecting human rights in counter-terrorism efforts, a small number of states -- led by China, Russia and United States -- are colluding to block the establishment of an effective mandate, a group of leading international human rights organizations said today.

In addition to these three permanent Security Council members, Australia, India and Pakistan have sought to undermine the initiative currently under consideration by the UN Commission on Human Rights which is meeting in Geneva.

Nearly four years after the 11 September 2001 tragedy and the Security Council mandate for robust international action to combat terrorism, and despite more than three years of discussion in the UN human rights system, China has argued that it is "too early" to establish such a Special Rapporteur.

UN Secretary-General Kofi Annan, UN High Commissioner for Human Rights Louise Arbour, most Commission Member States, national human rights institutions, and a large number of non-governmental organizations have endorsed the call for a United Nations investigator. The Special Rapporteur would monitor counter-terrorism laws and practices for their compatibility with human rights, act to prevent human rights violations arising from counter-terrorism measures and provide technical assistance to states.

The countries blocking the mechanism have demanded a number of unacceptable amendments designed to kill or hollow-out the mandate.

Mexico and many other states proposed the Special Rapporteur following a clear conclusion by Robert Goldman, the Commission's Independent Expert on the protection of human rights and fundamental freedoms while countering terrorism, that there is a pressing need for monitoring under a single mandate that has a comprehensive overview of the relationship between human rights and counter-terrorism measures.

Amnesty International, Human Rights Watch, the International Commission of Jurists, the International Federation for Human Rights and the International Service for Human Rights share the assessment of the Independent Expert that "a broad range of human rights have come under increasing pressure or are being violated by States in the context of ... counter-terrorism initiatives".

The organizations called on the Commission to act now to address meaningfully one of the greatest human rights challenges presently faced by the international community.

15. A coalition of non-governmental organizations is calling for a death penalty-free zone in Europe and Central Asia, 20 April 2005

The organizations joining this appeal are unconditionally opposed to the death penalty in all circumstances in all countries around the world on the grounds that it is a violation of the right to life and that it is the ultimate cruel, inhuman and degrading punishment. As long as the death penalty is maintained, the risk of executing the innocent can never be eliminated. Executions are brutalizing and only serve to reinforce the cycle of violence. They achieve nothing but revenge and cause anguish for the innocent relatives of those who are executed.

One hundred and twenty countries -- more than half of the countries in the world -- have now abolished the death penalty in law or practice. An average of three countries a year have abolished the death penalty in law or, having done so for ordinary offences, have gone on to abolish it for all offences.

On 20 April 2005, the United Nations Commission on Human Rights adopted a resolution on the question of the death penalty calling for a moratorium on executions and the observance of international safeguards in death penalty cases. We welcome its adoption and urge all countries in Europe and Central Asia that retain the death penalty to follow the Commission's recommendations.

In particular, we are calling on the authorities in Belarus and Uzbekistan, whose countries are the last executioners in Europe and Central Asia, to move swiftly towards abolition by introducing a moratorium on death sentences and executions as a first step with a view to complete abolition of the death penalty.

We are calling on the governments of all countries and territories in the region that currently have moratoria in place to fully abolish the death penalty as a matter of urgency.

We urge the Presidents to exercise political leadership on this issue and to do all within their remit to further the trend towards abolition in the region.

The introduction of moratoria in Belarus and Uzbekistan is particularly pressing as flawed criminal justice systems in both countries provide a fertile ground for judicial error. There have been credible allegations of unfair trials, and torture and ill-treatment, often to extract "confessions", on a regular basis. In Belarus, between four and seven people have reportedly been sentenced to death and executed every year since 2000. President Islam Karimov said at a press conference in December 2004 that between 50 and 60 people had been sentenced to death in Uzbekistan in 2004. However, both governments have consistently failed to publish comprehensive statistics on death sentences and executions. The application of the death penalty in Belarus and Uzbekistan is surrounded by secrecy. As a result death row prisoners and their relatives are subjected to cruel and inhuman treatment. Neither the prisoners nor their relatives are informed of the date of the execution in advance, denying

them a last chance to say goodbye. The body of the prisoner is not given to the relatives for burial and they are not informed of the place of burial.

Around 150 prisoners have "accumulated" on death row since Kyrgyzstan introduced a moratorium on executions in December 1998. Many death row prisoners have been waiting for years in a state of continued uncertainty as to their ultimate fate, which constitutes cruel, inhuman or degrading treatment. Kazakhstan as well as the internationally unrecognized regions of Abkhazia and the Dnestr Moldavian Republic have also continued to pass death sentences.

Russia has a moratorium on death sentences and executions in place and is now the only country of all 46 members of the Council of Europe that has still not abolished the death penalty in law despite its promise upon accession to the organization to abolish it no later than 1999. Tajikistan and the internationally unrecognized region of South Ossetia also have moratoria on death sentences and executions in place.

In most of the countries in the region that no longer carry out executions, relatives of death row prisoners, who had previously been executed, have still not been able to find out where their loved ones were buried. In Kyrgyzstan and Tajikistan, for example, domestic legislation still stipulates that the place of burial is not disclosed.

We are concerned that the conditions on death row in the region fall far short of international standards. In Belarus, for example, death row prisoners are not entitled to any outdoor exercise and electric lighting is on day and night. In Kyrgyzstan, some death row prisoners have reportedly lost mobility due to lack of exercise.

Many governments in the region have frequently referred to public opinion as a key argument against introducing a moratorium or abolishing the death penalty. At the same time, several countries prevent an informed public debate from taking place by withholding vital information about the application of the death penalty, including comprehensive statistics on death sentences and executions. In Belarus and Uzbekistan, there have been instances where the authorities have actively limited the peaceful expression of opinions on the death penalty, including by harassing and intimidating activists.

The organizations joining this appeal believe that governments should lead public opinion in matters of human rights and criminal policy. Historically it has almost always been the case that the death penalty has been abolished by governments even though significant sectors of the public favoured its retention.

We urge the governments in Europe and Central Asia to refrain from deporting people to countries where they are at risk of being sentenced to death, in line with international treaty obligations. Many countries have in the past facilitated such deportations and the death verdicts have often been pronounced in unfair trials accompanied by torture

allegations. Russia deported at least two men to Tajikistan and Uzbekistan in 2001 and 2000 respectively where both were sentenced to death, in violation of Russia's human rights commitments as a member of the Council of Europe. Kyrgyzstan deported people to executions in China and Uzbekistan only months after Kyrgyzstan had put a moratorium in place citing its commitment to protect human rights. Other countries that deported people to executions in recent years included Kazakstan, Tajikistan and Turkmenistan.

International non-governmental organizations

Amnesty International;
Ensemble contre la peine de mort;
International Federation for Human Rights;
Human Rights Watch;
International Commission of Jurists;
International Federation of ACAT, Action by Christians for the Abolition of Torture;
International Helsinki Federation for Human Rights;
International League for Human Rights;
World Organisation Against Torture;
Penal Reform International;

Regional non-governmental organizations

ACAT México;
Asia Pacific Mission for Migrants;
Asian Human Rights Commission;
Australian Coalition Against Death Penalty;
Azerbaijan Foundation for Democracy and Human Rights Protection;
Azerbaijan Human Rights Center;
Belarusian Helsinki Committee;
Bureau for Human Rights and the Rule of Law (Tajikistan);
Caucasian Institute for Peace, Democracy and Development (Georgia);
Center of Legal Aid for Ethnic Minorities (Kazakhstan);
Centre for Civil Initiatives (Nagorno-Karabakh);
Centre for Humanitarian Programs

(Abkhazia);
Chernihiv Public Committee of Human Rights Protection (Ukraine);
Congress of Caucasian Women (Georgia);
Death Penalty Focus (United States of America);
Former Political Prisoners for Human Rights (Georgia);
Helsinki Citizens' Assembly of Azerbaijan;
Helsinki Citizens' Assembly of Vanadzor (Armenia);
Human Rights Center "Fray Francisco de Vitoria" (Mexico);
Human Rights Committee - Fray Pedro Lorenzo de la Nada (Mexico);
Human Rights Information and Documentation Centre (Georgia);
Human Rights Network "Todos los Derechos para Todos" [All Rights for All] (Mexico);
Human Rights Society of Uzbekistan "Civil Assistance";
Independent Human Rights Group (Kyrgyzstan);
Initiative Group of Independent Human Rights Defenders of Uzbekistan;
Institute of Peace and Democracy (Azerbaijan);
Italian Coalition to Abolish the Death Penalty;
Joint Committee for the Abolition of the Death Penalty (Hong Kong);
Journey of Hope...from Violence to Healing (United States of America);
Justice and Peace Commission of the

Hong Kong Catholic Diocese;	Public Committee for Aid to Refugees
Legal Aid Society (Uzbekistan);	“Civil Assistance” (Russia);
Legal Forum Association (Kyrgyzstan);	Texas Coalition to Abolish the Death
Legal Initiative (Belarus);	Penalty;
Mexican Commission for the Defence and	Turkmen Initiative for Human Rights;
Promotion of Human Rights;	Turkmenistan Helsinki Foundation on
Mothers Against the Death Penalty and	Human Rights;
Torture (Uzbekistan);	United Filipinos in Hong Kong Secretariat;
Murder Victims’ Families for Human	Uzbekistan Human Rights Society
Rights (United States of America);	"Ezgulik";
Norwegian Helsinki Committee;	Women’s Association of Abkhazia;
Professional Assistance (Ukraine);	Youth Human Rights Group (Kyrgyzstan).

**16. 2005 UN Commission on Human Rights: Amnesty International welcomes
new UN mechanism on business and human rights, 21 April 2005**

Amnesty International welcomed the resolution adopted yesterday by the UN Commission on Human Rights requesting the UN Secretary-General to appoint a Special Representative on the issue of human rights, transnational corporations and other business enterprises.

Amnesty International believes this resolution is an important development in the efforts by the UN to advance the work initiated by the Commission in 2004 to strengthen standards on the human rights responsibilities of companies and possible means for implementation.

However, Amnesty International expressed strong disappointment that the United States, voicing concerns at the possible development of standards for business, voted against the resolution together with Australia and South Africa.

Prompted by the USA's refusal to join consensus on the text, notwithstanding the many compromises that it and other delegations had made on the need for clearer international standards, South Africa tried unsuccessfully to amend the text to include an explicit reference to the UN Norms for Business.⁵

The Special Representative has been mandated to identify standards of corporate accountability for businesses; elaborate on the role of states in effectively regulating the role of business, including through international cooperation; research and clarify concepts such as 'complicity' and 'sphere of influence'; develop materials and methodologies for undertaking

⁵ The Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights adopted by the United Nations Sub-Commission on the Promotion and Protection of Human Rights, August 13 2003.

human rights impact assessments of business activities; and compile a compendium of best practices of states and businesses.

In carrying out this work, the Special Representative has been asked to take into account the recent report of the High Commissioner for Human Rights⁶ that recommended to the Commission to act expeditiously to define the human rights responsibilities of business entities, and other existing initiatives on business and human rights.

Amnesty International expects that the provisions set out in the UN Norms for Business will form the basis for the identification of further standards by the Special Representative. The UN Norms is the most comprehensive statement of standards relevant to companies in relation to human rights.

The Special Representative must not only define the human rights standards to which companies should be held accountable, but also identify the mechanisms to ensure these standards are adhered to.

Amnesty International calls on the Secretary-General to ensure the prompt selection of a Special Representative who is an experienced and independent expert on the impact of business activities on human rights, and who has a demonstrated ability to carry out effective consultation with a broad range of stakeholders, including communities affected by business operations.

17. 2005 UN Commission on Human Rights: Positive developments at the 61st session fall far short of correcting the Commission's "credibility deficit", 22 April 2005

As the 61st session of the UN Commission Human Rights drew to a close, Member States demonstrated that they *can* rise above national and regional interests to address constructively some serious human rights situations, Amnesty International said today.

"The positive developments at the 61st session, however, fall far short of correcting the Commission's 'credibility deficit' identified by the UN Secretary-General," Peter Splinter Amnesty International's representative at the UN in Geneva said.

Amnesty International welcomes constructive resolutions adopted by the Commission on the human rights situations in Nepal and Sudan and on human rights and counter-terrorism.

⁶ Report of the High Commissioner for Human Rights on the responsibilities of transnational corporations and related business enterprises with regard to human rights (E/CN.4/2005/91), 15 February 2005.

"When it looked as though the victims of human rights violations in the Sudanese region of Darfur would be betrayed by political wrangling in the Commission for a second year running, the Commission reached agreement on a consensus resolution that responds to the gravity of the situation."

Following intensive negotiations between the African Group, the European Union and others, the Commission adopted a resolution on Sudan that condemns the widespread and systematic human rights violations in Darfur, establishes a Special Rapporteur to monitor and report on the situation, and calls on the government to investigate the violations, disarm the militias and cooperate with the UN Security Council resolutions, including resolution 1593, which refers the violations in Darfur to the International Criminal Court.

"At the start of the 61st session, Amnesty International set Nepal as a test case to measure the Commission's willingness and ability to tackle human rights crises."

"The organization welcomes the Commission's resolution adopted by consensus of all 53 Commission members calling on the government of Nepal to reinstate immediately all civil and political rights and to cease all state of emergency-related and arbitrary arrests."

The decision to establish a Special Rapporteur on protecting human rights while countering terrorism, the widely co-sponsored resolution calling for a worldwide moratorium on executions, the adoption of the Basic Principles and Guidelines on the Right to a Remedy and Reparation, and the request to the UN Secretary-General to appoint a Special Representative to contribute to the strengthening of standards on the human rights responsibilities of companies also figure among the positive outcomes of the 61st session that Amnesty International welcomes.

"The selectivity and double standards that characterize the Commission's approach to addressing country situations, however, have once again shielded from scrutiny and condemnation serious widespread human rights violations in many other countries such as China, Iraq, the Russian Federation (Chechnya), Turkmenistan and Zimbabwe," Peter Splinter said.

"The Commission made no progress at this session on some important issues, such as sexual rights and human rights violations targeted at persons due to their sexual orientation or identity."

"The highly politicized relationship between Cuba and the USA continued to have a negative influence on the Commission."

Amnesty International considers the approaches taken to addressing human rights in Cuba and the situation of the detainees in the US naval base in Guantánamo Bay, as

politically driven -- the bilateral relationship appears to have been the primary consideration for both resolutions.

"The negative consequences of these widely-shared perceptions are symptomatic of an underlying malaise that must be addressed if the United Nations is to be able to effectively address human rights violations in specific countries. They constitute another example highlighting the urgent need for reform of the UN human rights machinery," Peter Splinter said.

Concern about the need to reform the UN human rights machinery formed the backdrop for the 61st session of the Commission, although participants expressed widely diverging views about the nature of reform required. Many statements during the High Level Segment, the Secretary-General's address to the Commission on 7 April and the informal discussion of reform on 12 April were testimony to the importance attached to reform notwithstanding the Commission's over-charged agenda.

"It is of paramount importance that the initiative to reform the UN human rights machinery succeed. A profound reform of the principal UN human rights body and its working methods is necessary to equip the United Nations with a standing body that will oversee effectively the implementation of international human rights standards. Governments must respond positively to the UN Secretary-General's call for bold measures to give human rights their rightful central place in the United Nations."

The 61st session of the Commission is over. Work on the reform of the UN human rights machinery must start in earnest.

18. Media briefing: 2005 UN Commission on Human Rights: Overview of developments at the 61st session, 14 March -- 22 April 2005

Torture and cruel, inhuman or degrading treatment

Amnesty International (AI) welcomes the adoption by the Commission on Human Rights (the Commission) of its annual resolution on torture and other cruel, inhuman or degrading treatment or punishment (ill-treatment). AI has been increasingly concerned to note that within the context of the "war on terror", the absolute prohibition of torture and ill-treatment is being challenged. Acts which only a few years ago would have been unacceptable are increasingly tolerated through the refusal to hold persons and governments to account. Such omissions have the potential to undermine the prohibition of torture and ill-treatment. As the architect of international standards to combat torture as well as the mandate of the Special Rapporteur on torture, the Commission has a particularly important role to safeguard and continue to reinforce these standards, especially when these come under attack.

AI is pleased to note that this year's resolution incorporates language introduced in the resolution by the UN General Assembly at its most recent session -- that requires states to ensure that "any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings", and not to "expel, return (*"refouler"*), extradite or in any other way transfer a person to another state where there are substantial ground for believing that the person would be in danger of being subjected to torture". AI also notes that the Commission confirmed that torture and ill-treatment "are and shall remain prohibited at all times". However, AI regrets that the Commission did not seize this opportunity to further strengthen the language adopted by the General Assembly in 2004 by extending these requirements to include also "cruel, inhuman or degrading treatment or punishment". While the word "torture" is associated with a stigma that has, until recently, prevented almost any country from admitting to practising it, attention to the absolute prohibition of ill-treatment has not received similar attention in public debate and government policies. International law is nonetheless clear -- it prohibits, without exception, all forms of cruel, inhuman and degrading treatment or punishment. Just like torture, such acts are, in the relevant contexts, war crimes and crimes against humanity.

Abolition of the death penalty

AI welcomes the adoption by the Commission again this year of a resolution which calls for a worldwide moratorium on executions. The resolution clearly states that "the abolition of the death penalty is essential" for the protection of the right to life and calls for the ending of mandatory death sentences. AI is also pleased to note that the resolution condemns the use of the death penalty "on the basis of any discriminatory legislation, policies or practices" and its disproportionate use against "persons belonging to national or ethnic, religious and linguistic minorities". The number of co-sponsors rose to 81, five more than in 2004 and the highest number since the Commission's first resolution on the question of the death penalty was adopted in 1997.

Human rights and counter-terrorism

AI welcomes the establishment by the Commission of a Special Rapporteur mandate on the promotion and protection of human rights and fundamental freedoms while countering terrorism. AI and other NGOs have campaigned for this mandate for several years as an important human rights complement to the Counter Terrorism Committee set up by the Security Council in 2001, following the 11 September 2001 attacks on the United States of America. The Independent Expert, mandated by the Commission in 2004 to study ways and means of strengthening the promotion and protection of human rights and fundamental freedoms while countering terrorism, concluded in his report to this year's session that there is a pressing need for monitoring under a single mandate that has a comprehensive overview of the relationship between human rights and counter-terrorism measures. This proposal was endorsed by both the UN Secretary-General and the High Commissioner for Human Rights. The new mandate will monitor counter-terrorism laws and practices for their compatibility with human rights and provide technical assistance to states.

Violence against women

This resolution once again calls for important measures to eradicate violence against women. It stresses states' duty to exercise due diligence to prevent, investigate and punish all acts of violence against women and girls, although regrettably it no longer establishes that violence against women constitutes a violation of their human rights. The resolution emphasizes the impact of violence on women's health, including their sexual and reproductive health, and stresses the right of women to control matters related to their sexuality. The resolution also picks up on issues raised by this year's report by the Special Rapporteur that violence against women is both a cause and a consequence of HIV/AIDS. However, attempts to include language that "promote and protect women's and girls' human rights, including sexual and reproductive rights, in the context of HIV/AIDS" were defeated (see also below under sexual rights). The proposal by the Special Rapporteur in her report to last year's session to develop indicators for violence against women and state accountability for its eradication continues to be referred to in the resolution, but regrettably it does not firm up this proposal, for instance, by mandating her to implement this proposal.

In other developments, AI welcomes the inclusion in the resolution of reference to violence related to dress codes and the criminalization of marital rape. During negotiations, this proved contentious; however, an amendment to replace "marital rape" with "domestic sexual violence" was rejected.

Sexual rights

Yet again, issues of human rights and sexuality proved contentious at the Commission. Proposals by some countries (Switzerland and New Zealand) to adopt a rights-based approach to sexual and reproductive health in the resolution on the right to health were not taken up. The resolution on protection of human rights in the context of HIV/AIDS also met with opposition when it tried to quote from the Beijing Platform for Action, recently reaffirmed by consensus at the Commission on the Status of Women. The resolution was eventually adopted by consensus.

An earlier version of the resolution on violence against women had sought to address "sexual and reproductive rights"; however, in the face of fierce opposition, this was amended to "reproductive rights and sexual health". Even in the context of the HIV/AIDS pandemic, issues of sexuality and human rights proved controversial. References in the resolutions on violence against women and on HIV/AIDS to the UN Guidelines on HIV/AIDS and Human Rights (which mention sex between men, the repeal of "sodomy" laws, same-sex marriage and decriminalisation of sex work) were challenged even though these Guidelines were adopted in 1997 and have been referred to in numerous Commission resolutions since then.

The resolution on extrajudicial, summary or arbitrary executions was again voted on and proved far more contentious than in previous years. In a separate vote on the paragraph listing the various motives behind such killings, the paragraph was narrowly retained. The resolution on protection of human rights in the context of HIV/AIDS also met with opposition

when it tried to quote from the Beijing Platform for Action, recently reaffirmed by consensus at the Commission on the Status of Women. The resolution was eventually adopted by consensus.

However, in a year of such opposition to sexual rights issues and that finally saw the lapse of the draft resolution on human rights and sexual orientation (first proposed in 2003 by Brazil), there were two positive developments at this year's Commission. The resolution on access to medications took some significant steps to address prevention of HIV/AIDS as well as treatment. New Zealand delivered a statement on behalf of 32 countries Andorra, Argentina, Austria, Belgium, Canada, Chile, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Iceland, Ireland, Luxembourg, Mexico, New Zealand, Netherlands, Norway, Portugal, Republic of Korea, Romania, Slovenia, Spain, Sweden, Switzerland, UK, Uruguay and Venezuela, expressing regret that the Commission was not ready to address the issue of sexual orientation and recognising that it is "a fundamental aspect of every individual's identity and an immutable part of self."

Human rights of refugees, asylum-seekers, internally displaced people, migrants and non-nationals

AI welcomes the attention that has been paid at the 61st session of the Commission to the human rights of refugees, asylum-seekers, internally displaced people and migrants. In particular, AI is pleased to see that the resolution on "Human Rights and Mass Exodus" calls on states to combat impunity for human rights violations, explicitly recognizing that impunity is a key cause of displacement and a barrier to the sustainable return of persons in safety and dignity. AI also welcomes the recognition, for the first time in this resolution, of the "severe and long-lasting physical and psycho-social impacts of prolonged displacement". This recognition ought to be extended to a call on states to promote and protect the human rights, including such fundamental rights as the rights to food, health, adequate housing and employment, of all those refugees compelled to live in protracted refugee situations.

The resolution on the "Human Rights of Migrants" continues to provide strong standards for the protection of all migrants and AI welcomes the acknowledgement in the resolution of the increased feminization of international migration movements and the consequent call on states to "better protect women and girls against dangers and abuse during migration". AI also welcomes the concern that is raised by the resolution about "legislation and measures" adopted by states which restrict the rights of migrants, and would welcome an explicit recognition that most often, it is migrants in an irregular situation who are subject to discrimination, abuse and denial of their fundamental human rights.

Finally, AI notes the call on states in the resolution on "Human Rights and the Arbitrary Deprivation of Nationality" to "consider accession" to the two Statelessness Conventions (1961 Convention on the Reduction of Statelessness and the 1954 Convention relating to the Status of Stateless Persons), welcomes the call on states to refrain from the arbitrary deprivation of nationality, especially when this would render a person stateless, and

looks forward to the information on this subject that will be presented by the Secretary-General to the 62nd session in 2006.

Business and human rights

AI welcomes the Commission's resolution requesting the UN Secretary-General to appoint a Special Representative on the issue of human rights, transnational corporations and other business enterprises. Building on work initiated by the Commission in 2004, this is an important development in the UN's efforts to strengthen standards on the human rights responsibilities of companies as well as mechanisms for implementation. AI considers that the UN Norms on Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights, which were approved by the Sub-Commission on the Promotion and Protection of Human Rights in 2003, constitute the most comprehensive statement of standards and rules relevant to companies in relation to human rights and expects that these will figure prominently in the work of the Special Representative.

However, AI is very disappointed that the USA called a vote on this resolution. Participants in the Geneva consultations attached great importance to work on business and human rights proceeding on the basis of consensus. Many compromises were made in an effort to allow the USA to join consensus, and the USA has utterly failed to reciprocate these efforts.

The challenge facing the Special Representative is not only to define the human rights standards to which companies should be held accountable, but also to identify the mechanisms to ensure these standards are respected. AI calls on the Secretary-General to promptly appoint a Special Representative who is an experienced and independent expert on the impact of business activities on human rights and who is able to carry out effective consultation with a broad range of stakeholders, including communities affected by business operations.

Colombia

AI is seriously concerned at the delay in agreeing a Chairperson's statement on the human rights situation in Colombia. Such a statement should acknowledge the existence of an internal armed conflict, express concern that the human rights situation remains critical, highlight the need for a comprehensive legal framework for demobilizing paramilitaries in compliance with international standards on truth, justice and reparation, underline support for the Colombia office of the Office of the High Commissioner for Human Rights (OHCHR) and its integral mandate, and condemn human rights violations carried out by the security forces and army-backed paramilitaries, as well as breaches of international humanitarian law carried out by armed opposition groups.

Democratic Republic of Congo

AI welcomes the adoption, again this year, of a comprehensive resolution on technical assistance in the areas of human rights in the Democratic Republic of Congo (DRC). The

resolution calls for an end to impunity for human rights violations and for perpetrators to be brought to justice in accordance with international standards for fair trial; however, it does not stipulate that there must be no recourse to the death penalty, despite the fact that the resolution calls on the government to reinstate the moratorium on executions and to persevere with efforts to progressively abolish the death penalty. The mandate of the Independent Expert is renewed for one year only; AI had recommended that his mandate be extended for three years to enable him to develop a sustainable programme of technical assistance. Finally, AI notes that the resolution does not call on all governments to respect the arms embargo to the DRC, nor does it call on governments in the region to extend adequate human rights protection to internally displaced persons and refugees.

Israel/Occupied Territories

AI welcomes the adoption of the resolution on Israeli settlements in the Occupied Palestinian Territories, which this year was drafted by the Arab Group. The resolution expresses grave concern at the continuing Israeli settlements, in violation of international law, and calls on the Israeli government to reverse its settlement policy and prevent the installation of new settlers in the Occupied Territories. Unlike in previous years, the resolution does not refer to the high level of casualties on both sides. AI urges the government of Israel to demonstrate the necessary political will to implement the provisions of this resolution without delay.

Nepal

AI welcomes the Commission's item 19 resolution on Nepal which is comprehensive, strongly worded and reflects the gravity of the situation in the country. In particular, it draws attention to the wide range of abuses being committed by both parties to the conflict; raises concerns about the independence and effectiveness of institutions intended to safeguard human rights, such as the courts and the National Human Rights Commission; and calls on both the government of Nepal and the CPN (Maoist) rebels to take specific steps on areas of concern, such as detention and violence against women. Most importantly, the international pressure generated at the Commission resulted in an agreement between the government of Nepal and the OHCHR for a country-wide OHCHR presence to carry out human rights monitoring and reporting. In AI's view, this is the most important mechanism needed at this time to curb the spiralling human rights crisis and culture of impunity. AI now hopes that this monitoring presence will be swiftly and effectively implemented.

Sudan

AI welcomes the fact that the resolution passed under item 19 includes elements necessary to address the human rights crisis in Darfur, including the establishment of a Special Rapporteur to monitor the situation of human rights in Sudan. It calls on the international community to continue to provide relief assistance and to expand logistical and financial support to the African Union Mission in Sudan and on the UN High Commissioner for Human Rights to augment and speed up deployment of human rights monitors. In addition, the resolution calls on all parties to grant unhindered humanitarian access to Darfur, to protect girls and women from sexual violence and the rights of refugees and internally displaced people to voluntary

return in safety, and to cooperate with UN Security Council resolutions, including resolution 1593 which refers the situation of Darfur to the International Criminal Court. It further calls on the government of Sudan to stop and investigate violations of human rights, end impunity, disarm the *Janjawid*, strengthen access to courts for all victims, ensure their protection and grant them reparation and compensation. For a while, it looked as though addressing the crisis in Sudan would be one of the Commission's failures; however, it is a positive development that the resolution, although tabled under item 19, establishes a Special Rapporteur.

Turkmenistan

AI was dismayed that the Commission did not review the human rights situation in Turkmenistan at its 61st session in March and April 2005. The human rights situation in Turkmenistan remains a grave concern for AI and the organization was preoccupied that the failure to adopt another resolution to follow-up from its previous resolutions sent the wrong signal to the Turkmen authorities. It is now particularly crucial that the international community press for implementation of its previous resolutions and recommendations in a consistent and principled way, including through the General Assembly which had adopted resolutions on the human rights situation in Turkmenistan since 2003.

Draft Declaration on the Rights of Indigenous Peoples

AI welcomes the renewed commitment to advance the draft Declaration on the Rights of Indigenous Peoples with a view to presenting a final draft for adoption as soon as possible. AI also notes with appreciation the decision that the Working Group will meet for ten working days prior to the 62nd session of the Commission with the possibility of convening additional meetings of the Working Group and of holding a workshop with broad participation.

Draft legally binding instrument for the protection of all persons from enforced disappearance

AI is pleased that in the resolution on enforced or involuntary disappearances, the Commission mandates the intersessional open-ended working group established to draft a legally binding normative instrument for the protection of all persons from enforced disappearance to meet again for a period of ten days before the end of 2005 with a view to the completion of its work.

An optional protocol to the International Covenant on Economic, Social and Cultural Rights

AI welcomes the resolution on the realization in all countries of economic, social and cultural rights in which the Commission continues to support the work of the open-ended Working Group established to consider options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. AI continues to call for the early adoption of an Optional Protocol which establishes a comprehensive complaint and inquiry procedure for individuals and groups whose economic, social and cultural rights have been violated.

Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law

AI welcomes the adoption by the Commissions of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. The Chilean-led draft resolution that put the draft Basic Principles and Guidelines before the Commission was adopted by a vote of 40 in favour, none against and 13 abstentions. The resolution also recommends the Basic Principles and Guidelines to ECOSOC for adoption.

The USA called for a vote on the resolution on the pretext that its request for a neutral reference to the ICC in the fifth preambular paragraph of the Basic Principles and Guidelines had not been accommodated. Given that the USA had sought to replace language in the preambular paragraph that was drawn directly from the Rome Statute, the real reason for the request for a vote would appear to lie elsewhere.

Although the large number of abstentions in the vote on the resolution was not anticipated or welcome, this resolution is very important for the Commission's adoption of the Basic Principles and Guidelines sixteen years after work on them started.

Pre-draft declaration on human responsibilities

AI regrets that the Commission adopted by a vote of 26 in favour, 25 against and one abstention a decision requesting Mr Miguel Alfonso Martinez to prepare a new initial version of the pre-draft declaration on human responsibilities. AI considers that the Commission on Human Rights is not an appropriate forum in which to address the broad moral and ethical issues associated with the responsibilities of the individual to the community. AI believes that efforts to elaborate a declaration on human responsibilities in the Commission will be exploited by some governments in an effort to qualify existing internationally-recognized human rights standards, to avoid their basic human rights obligations to persons subject to their jurisdiction and to restrain or prevent human rights defenders from carrying out their activities.

II. ORAL STATEMENTS BY AMNESTY INTERNATIONAL

As an NGO accredited with a Special Consultative Status by the ECOSOC, AI is entitled to make six oral statements during the plenary proceedings of the Commission. These have to be delivered under different agenda items and must not exceed three minutes. However, if delivered jointly with other NGOs, such joint statements count for only a third of a “solo” statement. At this year’s session, AI delivered four solo statements and six joint statements and was associated with three more joint statements made by other NGOs which due to quota restrictions AI could not officially sign on to. After they were delivered, the oral statements were issued as public statements and posted on AI’s webpage: <http://web.amnesty.org/pages/unchr-intro-eng> .

1. Item 3: Joint oral statement with the Colombian Commission of Jurists and the International Commission of Jurists on the situation of human rights in Colombia

Mr. Chairman,

According to the report of the High Commissioner for Human Rights on Colombia: “the human rights situation continued to be critical” and “the lack was noted of an official system to gather statistics on violations of human rights and breaches of international humanitarian law.”⁷

The magnitude of the human rights and humanitarian crisis that Colombia is suffering is sometimes not sufficiently apparent, due to statistical deficiencies. As the High Commissioner affirms, “no official statistical system exists in Colombia that adequately covers violations and breaches [of human rights and international humanitarian law] in accordance with international instruments.”

“...the extrajudicial execution of three trade union leaders, which occurred on 5 August 2004 and was attributed to members of the military forces, was not considered to be a grave violation of the trade unionists’ human rights. The Ministry for Social Protection does not consider these deaths as “linked to trade union activities,” because they are “in the course of a criminal investigation (...)”. Using this criterion, no human rights violation could be classified as such as long as no court sentence has been handed down.”

⁷ *Report of the High Commissioner for Human Rights on the situation of human rights in Colombia* (E/CN.4/2005/10), 28 February 2005.

Moreover, it has become more difficult to receive information about the human rights and humanitarian crisis in Colombia because of threats against journalists and human rights defenders. This has led to self-censorship, as recognized in the report. Due to these serious deficiencies, “over the first nine months of 2004, the Government recorded the killings of 27 trade unionists, while the Central Unitaria de Trabajadores (United Union of Workers, CUT) reported 50 killed.”

“Another example refers to forced disappearances. The Center for Criminological Investigations of the Police does not record any cases of forced disappearances, despite the fact that this conduct has been classified as a crime in the Criminal Code currently in force. According to information supplied by the International Committee of the Red Cross in Colombia (ICRC), more than 200 cases could to date be classified as forced disappearances.”

As a consequence, the report of the High Commissioner warns that “it is important to avoid making statistical inferences without an appropriate and contextual analysis, as this could lead to fallacies or hasty or inaccurate conclusions”.

The analysis made by the High Commissioner shows that, compared with 2003, there was an increase in allegations of extrajudicial executions attributed directly to members of the armed forces. In fact, during the first six months of 2004, state agents were allegedly responsible for 139 cases of extrajudicial executions and forced disappearances, a number that doubles the six-month average presented during the previous government.⁸ The High Commissioner also warns about the frequent practice of covering-up these crimes against civilians as deaths in combat and of the continuing violations committed by paramilitaries, “in which well-founded information was received indicating responsibility on the part of the State.” An increase in violations of due process was reported by the High Commissioner, as well as a high level of allegations regarding arbitrary detentions, illegal searches, tortures and cruel, inhumane and degrading treatments, forced disappearances, and an increase in allegations of sexual violence by members of the Army, indiscriminate bombings by the Colombian Air Force, use of children and occupation of schools in war by the Army.

In addition to these violations, the Colombian population continues to suffer massacres, kidnappings, indiscriminate attacks, executions and other serious crimes against civilians, committed by the guerrillas, who continue to recruit a large number of children. The report highlighted the killing in July of the brother of the Minister of Education, kidnapped by the FARC, who in the past had also kidnapped and killed her mother.

⁸ Database of the Colombian Commission of Jurists.

Among the groups most affected by the humanitarian crisis⁹ are human rights defenders, whose activities are stigmatized by the government, women's organizations, Afro-Colombian communities, indigenous communities and peasant farmers.

In general, these violations remain in impunity. Even more so now, because Decree 128 of 2003 allows the government to leave in freedom low-ranking combatants that are demobilized and have no judicial processes open against them for crimes under which an amnesty cannot be granted, even if they may have committed war crimes and crimes against humanity. Most of the approximately 5,000 paramilitaries that have demobilized to date under the negotiations with the government, and the 15,000 that are expected to demobilize this year, do not have legal processes open against them. Therefore, and according to the Decree, which is illegal, these persons have the right not to be judicially investigated.

In addition, Congress is debating a bill that seeks to ensure that paramilitary leaders avoid prison for war crimes and crimes against humanity they may have committed.¹⁰ This project limits the judicial investigation of truth and does not guarantee the rights of victims to adequate reparation. This is contrary to the commitment made by the government with the Commission to adopt an adequate legal framework that is consistent with international human rights standards.

On 3 February 2005 in Cartagena, the government presented a bill to the G-24 group of donor countries which was supposedly consistent with this commitment. But one week later, it presented a different bill to Congress and modified it still further on 3 March. The bill currently being discussed is different in at least 50 key areas from the one presented in Cartagena.

It is not the first time that the government has failed to comply with its human rights commitments. In fact, it has been a constant practice. Last year, the Chairperson of the Commission reminded the government of its obligation to comply with its commitments assumed in the Chair's statement on Colombia. Despite the government making a commitment the year before not to give judicial police powers to the armed forces, it still did so through reform of the Constitution, although the Constitutional Court declared it null and void in August 2004.

⁹ In the two years of this Government, more than 500,000 persons were forcibly displaced, added to the nearly three million already displaced.

¹⁰ It is important to mention that since the start of the negotiation process between paramilitary groups and the government (from 1 December 2002 to 31 December 2002), which began on the understanding that there would not be another death, 2,241 persons have been killed or disappeared (Database of the Colombian Commission of Jurists). The Government has not taken action to ensure compliance with the ceasefire (E/CN.4/2005/10, Paragraphs 7, 105 y 112). The High Commissioner for Peace, who is the President's delegate in these negotiations, has declared that "the ceasefire is a metaphor that has to be managed with flexibility". This metaphor will lead to de-facto impunity, and the government's proposed legal framework is an attempt to formalize this impunity.

The Commission will once again have to remind the Colombian government to honour its commitments, especially since after the Constitutional Court's decision, the government sought to overturn it, a request that was rejected for "impertinence". The Commission should do all it can to prevent the government from granting judicial police powers to the military, to prevent large-scale impunity from being consolidated in Colombia, and to ensure that the rights to truth, justice and reparation are effectively guaranteed.

It is our hope that next year the High Commissioner will not again have to affirm, as she did in this year's report, that "the process [of implementation of the recommendations] was less consistent than desired or necessary, given the gravity of the problems and the limited degree of implementation of the recommendations of the High Commissioner, taking into account that the recommendations made in 2004 were similar to those formulated in 2003 and in previous years (...). The implementation process was also characterized by slowness and lost opportunities. There were certain measures and practices that in and of themselves counteracted the recommendations and affected the situation regarding human rights and international humanitarian law." This year, the Commission should therefore examine setting up an appropriate mechanism to evaluate compliance with the recommendations on Colombia before the next session.

Thank you Mr. Chairman.

2. Item 9: Oral statement on the question of the violation of human rights and fundamental freedoms in any part of the world

Mr Chairman,

There are many situations of grave, massive or widespread violations of human rights that demand the Commission's attention. These include Chechnya, China, Guantánamo Bay, Iraq, Sudan and Zimbabwe. Today, however, Amnesty International will devote its statement to the human rights situation in Nepal, because it is a hidden crisis not fully appreciated by the international community or this Commission.

For many years, the Nepalese people have been suffering grave and widespread human rights abuses in the context of an internal insurgency. Now Nepal is on the brink of a human rights and humanitarian catastrophe.

Over the last year, the human rights situation in Nepal has deteriorated dramatically. "Disappearances" and extrajudicial killings are increasingly committed alongside torture and rape by the security forces in counter-insurgency operations. Maoist insurgents commit illegal killings, abduction, torture and child recruitment. The state of emergency, imposed on 1 February 2005, has resulted in widespread arrests, strict media censorship and the suspension of fundamental rights.

Crucially, Nepal's human rights community, which already faced serious obstruction, has been paralysed by the new restrictions. Neither the National Human Rights Commission, nor Nepalese NGOs, are able to investigate or report on abuses. Some human rights defenders have left Nepal fearing for their lives.

Last year, the Commission adopted a Chairperson's statement that welcomed technical assistance by the Office of the High Commissioner for Human Rights to Nepal's National Human Rights Commission. Also at that time, the government of Nepal published "His Majesty's Government's commitment on the implementation of Human Rights and International Humanitarian Law" outlining 25 measures it would take to uphold human rights. Subsequently, however, the Nepalese government delayed the implementation of technical assistance by the Office of the High Commissioner and has almost entirely failed to implement the measures outlined in its own human rights statement.

This Commission is in a unique position to take action to prevent a human rights catastrophe in Nepal, by passing a robust resolution that condemns the abuses by the state and the Maoists and provides effective international monitoring. By acting forcefully and decisively, the Commission, on behalf of the international community, can tell the *de facto* authorities in Nepal that it is not prepared to see misguided policies provoke a human rights catastrophe. This is not about so-called "naming and shaming". It is about the protection of victims and about preventive measures that must be taken to arrest the disastrous deterioration of the human rights situation. The Commission must establish without delay both a Special Rapporteur on the human rights situation in Nepal and a country-wide presence of the Office High Commissioner with a mandate to monitor and report on the human rights situation. Anything less will condemn the Nepalese people to further suffering.

Mr. Chairman,

Failure by the Commission to take effective action for Nepal will be yet one more lamentable demonstration of the diminishing effectiveness of the Commission on Human Rights. It will only add to the acknowledged need for fundamental reform if the Commission is to fulfil its mandate of protecting the victims of human rights violations. Failure to act decisively about the situation in Nepal will prove that not only do power politics prevent the consideration of serious human rights violations in influential countries, but that the Commission membership is incapable of acting to prevent a human rights disaster in any country.

Amnesty International welcomes the initiative of the UN Secretary-General to create a more authoritative and effective standing human rights body. His report, *In Larger Freedom*, makes human rights a key element of United Nations reform. Amnesty International urges all governments to seize this rare opportunity to imbue the United Nations' principal human rights body with greater transparency, objectivity and effectiveness.

They must enable it to contribute effectively to the protection of *all* human rights in *all* countries at *all* times. They must also build on the strengths of the Commission, including its system of independent experts and its special relationship with NGOs. Amnesty International looks forward to continuing to contribute our ideas to the reform process.

Thank you, Mr. Chairman.

3. Item 10: Joint oral statement with the International Commission of Jurists and the Colombian Commission of Jurists on economic, social and cultural rights

Mr Chairperson,

Amnesty International, International Commission of Jurists and the Colombian Commission of Jurists welcome the substantial progress made by the Commission's inter-sessional Working Group in January 2005 towards ensuring the right to a remedy for violations of economic, social and cultural rights through its discussions of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (the Covenant).

In this second session of the Working Group, momentum towards the adoption of an Optional Protocol was clearly evident. Both the African Group and the Group of Latin American and Caribbean states voiced their support for a comprehensive individual and collective complaints mechanism. At the end of the session, a large majority of states expressed support for the adoption of an Optional Protocol, some calling for a swift move towards drafting such an instrument. We welcome these developments. In particular, we echo the request to the Chair, made by the huge majority of members of the Working Group, to prepare an "Elements Paper" to focus discussions during the next session of the Working Group. We believe that the constructive manner in which many states debated procedural issues, such as "admissibility" and "*locus standi*", during the most recent session is a positive model for the discussion of elements during the forthcoming session. In this respect, we will continue to call for the adoption of what we see as the only option: an Optional Protocol which establishes a comprehensive complaint and inquiry procedure which permits individuals and groups of individuals who claim to be victim of a violation of the economic, social and cultural rights guaranteed in the Covenant to submit a complaint, or for representatives to submit communications on their behalf.

Amnesty International, the International Commission of Jurists and the Colombian Commission of Jurists remind the Commission of its Decision 109 of 2000 where it determined that standard-setting working groups should be mindful of the timeframe within which they should complete their task, and that this should not exceed five years. When the current mandate of the Working Group is completed, it will have already debated "options" for three years. When the time comes next year to adopt a drafting mandate, let us not waste

any more time before granting people around the world a forum for redress for human rights violations.

For too long, the international community has denied victims of violations of economic, social and cultural rights access to an effective remedy. An effective Optional Protocol has the potential to positively change the lives of people around the world. It will not only improve understanding of economic social and cultural rights, but will also strengthen recognition of these rights, encourage greater compliance with obligations and the creation of effective remedies at the national level. Most importantly, it will provide individuals and groups with access, as a last resort, to international remedies when their rights under the Covenant have been violated.

An Optional Protocol to the Covenant would help those who are denied access to education; who are forcibly evicted from their homes; who are denied affordable essential medicines; whose only water supply is polluted; as well as those who face discrimination, to realize their economic, social and cultural rights.

Amnesty International, the International Commission of Jurists and the Colombian Commission of Jurists, along with the broad-based NGO Coalition for an Optional Protocol, consider it imperative that UN member states now make swift progress towards drafting an instrument that will better protect economic, social and cultural rights and improve the lives of people around the world. We share the hope expressed by the High Commissioner for Human Rights at the opening of the 61st session that “agreement can soon be reached to allow the entry into force of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights giving rise to a legal process that would allow individuals to bring their claims before an international forum in those situations where national recourse has been found wanting.”

Thank you, Mr Chairperson.

4. Item 11: Oral statement on civil and political rights

Mr Chair,

On 26 June 2004, on the occasion of the International Day in Support of Victims of Torture, the UN Secretary-General stated: “Sadly experience shows us that torture and other cruel, inhuman or degrading treatment remain all too common in too many countries.”¹¹

¹¹ UN Secretary-General’s message on the International Day in Support of Victims of Torture (Press release: SG/SM/9373), 17 June 2004.

Amnesty International's own research bears this out. Torture and ill-treatment are still prevalent in all regions of the world. For 2003, we documented cases of torture and ill-treatment in 132 countries.¹²

Amnesty International is gravely concerned that the absolute prohibition of torture and ill-treatment is being challenged, especially in the context of the "war on terror". Acts that would have been unacceptable only a few years ago are increasingly tolerated, if not explicitly, then implicitly through the refusal to hold persons and governments responsible for such acts accountable. This situation, which may appear limited to a small number of countries, has, by the position of the countries involved, the potential to undermine the prohibition of torture and ill-treatment and respect for human rights more widely.

Amnesty International shares the view expressed by the Special Rapporteur on torture that "the condoning of torture is *per se* a violation of the prohibition of torture".¹³ Our organization believes that the attempts by some governments, notably the United States of America, to legitimize some interrogation methods, conditions of detention and other treatment that amount to torture or cruel, inhuman or degrading treatment or punishment, must be met with clear and public condemnation.

While the word "torture" is associated with a stigma that has, until recently, prevented almost any country from admitting to practicing it, attention to the absolute prohibition of ill-treatment has not received similar attention in public debate and government policies. International law is nonetheless clear – it prohibits, without exception, all forms of cruel, inhuman or degrading treatment or punishment. Just like torture, such acts are, in the relevant contexts, war crimes and crimes against humanity.

Amnesty International is also gravely concerned at the willingness of the government and judiciary of some countries, such as the UK, to rely on "evidence" adduced as a result of torture. The organization considers that reliance on such "evidence" by the authorities, and its admission by the courts, also undermine the very prohibition of torture.

Further violations of international law have been perpetrated by states that have failed to ensure that no-one is expelled, extradited or returned ("*refouler*") to a country where the person may be in danger of being subjected to torture or ill-treatment. These violations and efforts to circumvent the absolute prohibition of *refoulement* through the use of "diplomatic assurances" are matters of serious concern.

¹² See *Amnesty International Report 2004. Statistics covering January to December 2003* (AI Index: POL 10/015/2004) which lists 132 countries where the organization documented cases of torture and ill-treatment during the course of 2003.

¹³ *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment* (A/59/324), 1 September 2004.

Amnesty International would like to draw particular attention to the subjection of women to torture and ill-treatment in a variety of contexts. In Sudan, Amnesty International has documented hundred of cases of rape of women by the government-supported *Janjawid* militias. But even away from armed conflict, in their own homes, women suffer violence and rape, often from family members. Where such acts are the consequence of official consent or acquiescence, through discriminatory laws and policies or through failure to exercise due diligence in prevention, investigation, prosecution and provision for reparations, they constitute torture or other ill-treatment.

Amnesty International calls on this Commission and each Member and observer government to reaffirm unequivocally the absolute prohibition of torture and ill-treatment. We call on all governments that have not already done so to ratify the international and regional treaties that prohibit torture and ill-treatment absolutely and promote their prevention. Amnesty International stresses that ratification must be preceded and followed by effective implementation and monitoring at the national level. It must not be just an empty, symbolic gesture.

Amnesty International also calls upon each state to criminalise torture and ill-treatment in its domestic laws, ensuring that such criminalisation reflects the absolute prohibition of such acts, and never includes loopholes such as "the defence of necessity," "self-defence" or "superior orders" to let torturers escape criminal liability.

Amnesty International urges each government to familiarize itself with the *12-Point Programme for the Prevention of Torture*,¹⁴ adopted by our organization in 1984 and revised in 2000 and again in 2005, and presenting our key findings for measures that states should take to eradicate torture and ill-treatment. We call on each state to make a public commitment to implement the 12-Point Programme.

5. Item 12: Joint oral statement with the Center for Women's Global Leadership on violence against women

Mr Chair,

Millions of women and girls in every society in the world face discrimination and violence at the hands of the state, the community and the family. It cuts across boundaries of wealth, race and culture. Some women are at particular risk of violence by virtue of a multiplicity of factors including discrimination based not only on gender, but also on race, ethnicity, nationality, religion, sexual orientation or identity, health, age or physical or mental ability. These dimensions of discrimination intersect, forcing many women into situations of multiple

¹⁴ AI Index: ACT 40/001/2005, April 2005.

marginalization. The nature and extent of this violence is well known to governments present at the Commission. Yet little has been done to impact on it.

Violence against women and girls will not stop unless the underlying cause of discrimination and the impact of violence on other areas of women's lives are fully recognized and addressed. Violence both derives from discrimination and serves to reinforce it. Women's access to, for example, housing, land and economic independence is both affected by the violence women suffer and makes them more susceptible to violence.

Violence is used to restrict women's independence, their freedom of expression and movement, their sexuality and their reproductive choices. Restrictions on sexual self-determination have many consequences. For example, in some countries women are criminalized for same sex relationships or consensual heterosexual sexual relationships outside marriage. It also perpetuates racial, religious and sexual stereotypes, including that women, and particularly married women, are always available for sex with or without their consent. Sexuality baiting and violence against women close down opportunities for organizing and advocating for women's rights.

In her report to the 61st session, the Special Rapporteur on violence against women highlights the intersections of violence against women and girls and HIV/AIDS, noting that violence not only increases women's risk of HIV infection, but being HIV positive also makes them targets for further violence. Women face a number of gender-specific circumstances which increase their risk of HIV infection. They are exposed to sexual violence and coerced sex inside and outside marriage, as well as to traditional practices such as female genital mutilation, early marriage, and wife inheritance. Many women lack information about and access to HIV prevention measures and to healthcare, as well as to support and medication after infection.

At the 49th session of the Commission on the Status of Women, governments reaffirmed the Beijing Platform for Action, adopted by the 4th UN World Conference on Women in 1995. In doing so, they committed themselves to advancing women's human rights in many areas.

The commitments to women made in the Beijing Platform for Action must be incorporated into the Millennium Summit and the centrality of women and gender issues into all aspects of UN reform must be recognized. Without gender equality and women's human rights, the Millennium Development Goals and all UN commitments to equality, development and human rights will not be realized.

Thank you, Mr Chair.

**6. Item 14: Joint oral statement with Friends World Committee for
Consultation (Quakers) on specific groups and individuals**

Refugees and Asylum-Seekers

Amnesty International and Friends World Committee for Consultation (Quakers) welcome the report of the UN High Commissioner for Human Rights on human rights and mass exoduses and its thematic annex¹⁵ which identify the way in which human rights standards have been applied to refugees, asylum-seekers and other displaced persons, and the critical issues requiring attention. We urge the Commission on Human Rights to call unequivocally on States to protect the human rights of refugees, asylum-seekers and displaced persons wherever they may be and whatever their legal status. In particular, we are concerned that millions of refugees who have moved in mass flows have been living in protracted refugee situations for years, denied fundamental human rights such as the right to adequate food, to adequate housing, and to protection from sexual and gender-based violence. We urge States to demonstrate a real commitment to ending the human rights violations which cause mass exoduses, and to removing the protection gaps into which refugees all over the world fall, unable to exercise their fundamental human rights and living lives that are neither secure nor dignified.

Addressing root causes of mass exoduses

Impunity is a key factor in creating and perpetuating the mass exodus of people; it is a key barrier to sustainable peace and reconciliation, and to the voluntary return of refugees and displaced persons to their homes or countries of origin in conditions of safety and dignity. We call on States to combat impunity for human rights violations, particularly sexual and other forms of gender-based violence that are frequently left unpunished, through upholding the rule of law and respect for the human rights of uprooted people, including their right to reparation for human rights violations. In this context, while deeply regretting the exemptions inserted in the resolution, our organizations welcome the historic decision of the Security Council to refer the crimes committed in Darfur to the Prosecutor of the International Criminal Court as a huge step towards bringing impartial justice to victims of war crimes and crimes against humanity.

Statelessness is another key factor that can eventually lead to the mass exodus of people. We remain concerned about the high levels of statelessness, often linked to lack of or barriers to birth registration.

Access to protection

Around the world, in situations of mass exodus as well as the movement of individuals, refugees are denied access to protection, through being prevented from entering countries to seek asylum in accordance with international refugee law and standards. We call on States to ensure that human rights protection is placed at the heart of the international political agenda

¹⁵ E/CN.4/2005/80 and Add.1 (25 and 31 January 2005).

and that human rights guarantees are fully incorporated in border management and control measures. In particular, States should end the use of fast-tracked asylum and other procedures which deny asylum-seekers the right to a fair and satisfactory determination of their asylum claim in accordance with international refugee law and standards, including the principle of *non-refoulement*. In addition, States should take measures to safeguard the right to liberty and freedom from arbitrary detention in full conformity with international legal standards and principles.

The quality of protection

In the immediate aftermath of mass exoduses, refugees and other displaced persons may be housed in camp situations which, all too often, become protracted. Many are denied access to a durable solution or have solutions imposed on them, and are unable to enjoy their fundamental human rights. Certain groups, notably women, girls, the elderly and the sick, often face multiple discrimination in decision-making processes as well as in the provision of basic services. Furthermore, sexual and other forms of gender-based violence are often rife. It is of particular importance that effective protection is provided to all refugees and displaced persons, including women and girls, in all situations. They should all be recognised as persons with rights to physical security and integrity as well as other civil and political, economic, social and cultural rights, including the rights to work, to education, access to courts and freedom from discrimination.

Recommendations:

Amnesty International and Friends World Committee for Consultation (Quakers) urge the Commission to call on:

- States, Special Procedures and the Office of the High Commissioner for Human Rights to follow-up on the report of the High Commissioner for Human Rights on human rights and mass exoduses and its thematic annex, so that protection gaps are addressed and measures taken to ensure that all refugees and other displaced persons are guaranteed the possibility to exercise their fundamental human rights, without discrimination;
- States to pay particular attention to the human rights of refugees and displaced persons when reviewing implementation of the Millennium Development Goals, *inter alia* by recognizing the need to provide protection and offer durable solutions to such persons and by recognizing their own obligations to respect and protect the fundamental rights and freedoms of refugees and displaced persons, including their rights to non-discrimination, physical security and integrity as well as their economic, social and cultural rights;
- States to investigate and, where there is sufficient admissible evidence, to prosecute, in fair trials without the possibility of the death penalty, their own nationals involved in peacekeeping operations and other persons found in their territories suspected of crimes under international law, including crimes of sexual violence, and conduct proceedings for reparations, as well as to cooperate fully with the International

Criminal Court and other international or mixed war crimes tribunals and to surrender accused persons to them upon request;

- States which have not yet done so to ratify the Statelessness Conventions and ensure that all children, irrespective of status, are registered at birth.

7. Item 15: Joint oral statement with the Friends World Committee for Consultation (Quakers) and Rights and Democracy on indigenous issues

Mr. Chair,

I am speaking on behalf of Amnesty International, the Friends World Committee for Consultation (Quakers), and Rights and Democracy.

Our organizations share a common concern for the timely adoption of strong and effective international standards to respect, protect and promote the human rights of indigenous peoples.

In every region of the world, indigenous peoples are subject to pervasive human rights violations that threaten their security and well being. These violations also jeopardize the very survival of indigenous cultures and nations. The pervasiveness of such violations is an affront to the global human rights system and to its underlying principles of human dignity, justice, equality and non-discrimination.

Mr. Chair,

During the ten years that the draft Declaration has been under debate in the Working Group, there has been considerable progress toward recognition and protection of the human rights of indigenous peoples within the international human rights system.

UN treaty bodies have repeatedly affirmed that state obligations under widely ratified human rights instruments require protection of the collective human rights of indigenous peoples. Time and again, these treaty bodies have called on states to recognize, respect and uphold the rights of indigenous peoples to maintain their distinct cultures and ways of living, to have control over their own futures, and to have secure access to the lands and territories necessary to fulfil their human rights.

In our opinion, many of the state objections that have delayed adoption of the draft Declaration could be readily resolved if states were to re-examine these objections in light of their current responsibilities to uphold and promote the rights of indigenous peoples as interpreted by the UN treaty bodies.

The development of the Declaration on the Rights of Indigenous Peoples represents an opportunity to affirm existing and emerging international standards for the protection of the human rights of indigenous peoples.

During the 10th session of the Working Group on the draft Declaration, our organizations welcomed the progress toward finding common ground on key issues. A proposal by the majority of the indigenous caucus on the right of self-determination was endorsed by a number of states. To move forward, however, it is clear that the Working Group needs more time — and a stronger commitment on the part of the international community.

We welcome the recommendation of the High Commissioner for Human Rights who has called for six weeks of meetings over two years as well as an improved process for the Working Group. We believe this recommendation strikes an appropriate balance between the urgency of advancing the Declaration and a realistic assessment of the work that remains to be done.

Therefore, Mr. Chair,

We urge the Commission to adopt a resolution that:

- urges governments to work cooperatively with indigenous peoples to bring the development of the Declaration on the Rights of Indigenous Peoples to successful conclusion;
- and calls for the standard-setting process to continue in a manner that supports a constructive process of dialogue between states and indigenous peoples and that will ensure adoption of the Declaration without further undue delays.

Thank you, Mr. Chair.

8. Item 17: Oral statement on the promotion and protection of human rights

Mr. Chair,

In this statement, Amnesty International will address the death penalty and counter-terrorism.

Five countries having abolished the death penalty in 2004, the steady progress towards universal abolition is undeniable. Yet executions persist. Amnesty International found that in 2004 at least 3,797 people were executed in 25 countries and at least 7,395 were sentenced to death in 64 countries. The true totals were certainly higher. Most of the persons executed did not receive fair trials.

With capital punishment's evident cruelty, its arbitrariness, and the inherent risk of executing the innocent, the application of the death penalty should be suspended immediately pending its abolition in law. Amnesty International calls on the Commission on Human Rights to renew its call for a universal moratorium on executions and on countries that retain the death penalty to heed the call.

Governments have a special duty to protect the most vulnerable members of society. Despite the now universal acceptance that the death penalty shall not be imposed on offenders under age 18, child offenders were reportedly executed last year in China and Iran, and remain under sentence of death in several other countries. The Commission should insist that retentionist states take all necessary measures to ensure that child offenders are not executed. Amnesty International urges this Commission to confirm that the use of the death penalty against child offenders is contrary to customary international law.

A valuable step to secure the abolition of the death penalty is to enshrine abolition in the constitution. In a study released last week, Amnesty International reported that 42 countries have now adopted constitutional provisions prohibiting the death penalty. The Commission should encourage other countries to do so.

Abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights. Most of the existing constitutional prohibitions of the death penalty are based on human rights considerations. Amnesty International calls on the Commission to clearly condemn the death penalty as a violation of fundamental human rights - the right to life and the right not to be subjected to torture or cruel, inhuman or degrading punishment.

Mr. Chairman,

Amnesty International welcomes the report of the Independent Expert mandated to study ways and means of strengthening the promotion and protection of human rights and fundamental freedoms while countering terrorism. However, as the Independent Expert notes in the introduction, there are many issues that the report does not address, notably the effect of counter-terrorism measures on economic, social and cultural rights.

Over the past year, Amnesty International has continued to observe the negative impact on human rights of legislation and measures introduced by states to counter terrorism in a range of countries. Amnesty International strongly supports the recommendations by the Independent Expert to create a new special procedure with a multi-dimensional mandate, and urges the Commission to give effect to those recommendations. We also look forward to the appointment of a Special Rapporteur with the demonstrated ability to fulfil the mandate.

Thank you, Mr. Chair.

9. Item 18: Joint oral statement with Baha'i International Community, Franciscans International, Friends World Committee for Consultation (Quakers), International Federation of ACAT, Lutheran World Federation and Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP) on cooperation with Special Procedures

Amnesty International, Baha'i International Community, Franciscans International, Friends World Committee for Consultation (Quakers), International Federation of ACAT, Lutheran World Federation and Mouvement contre le racisme et pour l'amitié entre les peuples welcome the increasing number of Standing Invitations being issued to the Special Procedures of the UN Commission on Human Rights. In particular, we would like to highlight those issued since the last session of the Commission: Mongolia, Republic of Macedonia, New Zealand and Uruguay, bringing the total to 52. We urge all other States, in particular those who are currently members of the Commission to do likewise: Armenia, Australia, Bhutan, Burkina Faso, China, Congo, Cuba, Dominican Republic, Egypt, Eritrea, Ethiopia, Gabon, Guinea, Honduras, India, Indonesia, Japan, Kenya, Malaysia, Mauritania, Nepal, Nigeria, Pakistan, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Sri Lanka, Sudan, Swaziland, Togo, Ukraine, USA and Zimbabwe.¹⁶

At the same time, we call on *all* States, whether or not they have issued a Standing Invitation, to cooperate with the Special Procedures by:

- facilitating their visits in accordance with the terms of reference on fact-finding missions;
- ensuring the widest distribution of the recommendations of the Special Procedures following a country visit, the incorporation of those recommendations into national plans of action and their reflection in national protection systems where appropriate;
- providing information to the Special Procedures on how the recommendations arising from country visits have been implemented, and identifying any obstacles to implementation;
- responding fully and promptly to communications from the Special Procedures, including urgent appeals and letters of general allegation;
- reviewing and implementing recommendations concerning the protection of human rights generally elaborated by the Special Procedures;
- protecting those who provide information to or meet with the Special Procedures from reprisals, investigating and prosecuting those alleged to be responsible for any such reprisals, and reporting to the Commission on these developments; and
- demonstrating respect for the mechanisms and the mandate-holders by refraining from attacks on individual mandate-holders casting doubt on their integrity.

¹⁶ For more information, see the joint NGO written statement in UN document E/CN.4/2005/NGO/1.

We believe that States which are members of the Commission have a particular responsibility to strengthen human rights standards, of which co-operation with the Special Procedures, as just elaborated, is one critical element.

We welcome the recent steps taken by some of the Special Procedures and encourage others to follow their example, in particular:

- to establish mechanisms for follow-up to country missions, including through seeking information from States and NGOs on implementation of recommendations;
- to develop criteria to determine what constitutes a full and satisfactory reply from governments, and identify clearly those responses which fail to meet these criteria;
- to highlight general recommendations on the protection of human rights in their public reports and on the website of the Office of the High Commissioner for Human Rights in order to facilitate increased reference to and use of their recommendations; and
- to highlight in public reports the outstanding mission requests where the State has systematically failed to give a positive response.

Finally, we urge the Commission to make better use of the analysis and recommendations of the Special Procedures in its work, which would help to depoliticize its examination of both thematic issues and country situations, and to pay particular attention to those States that fail to cooperate with its mechanisms.

10. Item 19: Oral statement on advisory services and technical cooperation in the field of human rights

Mr Chair,

Agenda item 19 is the Commission's vehicle for mandating advisory services and technical assistance to help countries that are emerging from situations marked by serious human rights violations and that demonstrate a real commitment to improve their respect for human rights. However, as we have seen at this and previous sessions, the severe shortcomings that currently characterize the workings of this Commission lead to the inappropriate consideration of situations of serious human rights violations under this agenda item. Any suggestion that the human rights situation in Darfur, Sudan can be considered as a matter of advisory services and technical cooperation only contributes to the Commission's "credibility deficit" highlighted by the UN Secretary-General.

The provisions of Sudan's Humanitarian and Security Agreements have been breached since the day of their signature in Abuja on 9 November 2005. Nearly 2

million people are displaced in Darfur; their situation remains insecure. Civilians are continuously targeted by militias in attacks supported or condoned by the government. On 7 April 2005, militias carried out what the African Union mission and the UN in a joint statement described as a “senseless and premeditated attack” on Khor Abeche, South Darfur, “burning everything in their paths and leaving in their wake total destruction”. Before the attack, the AU force was prevented from stationing itself in the area to protect the population, by “what can only be inferred as deliberate official procrastination over the allocation of land for the troops' accommodation.”¹⁷ After the attack, the AU force called for the arrest of the known leader of the raid, but the government did nothing to act on this.

Sexual violence, such as the targeting of women who leave camps to fetch fire wood and water, continues in Darfur. In a report of 8 March, *Médecins Sans Frontières* (MSF) said they had treated almost 500 women who were raped between October 2004 and February 2005. MSF also reported the arrest of women who fell pregnant as a result of rape and who were subsequently charged with illegal pregnancy, which is a punishable offence under the Sudanese Penal Code.

The internally displaced continue to travel from place to place in search of security; over the past couple of weeks more than 200 persons who fled Khor Abeche came to Galab Camp while others fled from the insecurity in Kass town in South Darfur to Kalma Camp near Nyala. They do not feel safe to return home. This means that, at the beginning of the rainy season in Darfur, the displaced will live another year in frustration and increasing despair in camps in Darfur and Chad.

There can be no doubt that the human rights crisis in Darfur continues and yet governments here at the Commission seem hesitant, like last year, to deal with the primary responsibility of the Sudanese government for these gross violations of human rights. The children, women, and men of Darfur are not only victims of violations in their homeland; they are also the victims of the perverse logic of this Commission that gives politics and formalities precedence over measures to protect them. This obvious inability of governments -- all governments -- to work constructively together to address effectively the human rights crisis in Sudan does not contribute to the credibility of this Commission.

Reform of the UN's human rights machinery is imperative. Amnesty International urges governments to use the opportunity created by the reports of the

¹⁷ Joint statement by the African Union Mission in the Sudan and the United Nations Mission in Sudan on the attack and destruction of Khor Abeche on 7 April 2005 by armed militia.

*Statements and press releases issued during the 61st session of the UN
Commission on Human Rights*

High-level Panel and the Secretary-General to establish a body capable of promoting and protecting *all* human rights of *all* persons in *all* countries at *all* times.

Thank you, Mr. Chair.

III. ORAL STATEMENTS BY OTHER NGOS IN ASSOCIATION WITH AMNESTY INTERNATIONAL

As an NGO accredited with ECOSOC, AI is entitled to deliver a limited number of oral statements during the Commission session, whether as solo statements or as joint statements with other NGOs. AI was therefore unable to formally sign on to these statements, but nonetheless wanted to be associated with them to signal its support to the concerns raised in these statements.

- 1. Item 3: Joint oral statement by Human Rights Watch, International Commission of Jurists, International Federation for Human Rights, International Service for Human Rights and in association with Amnesty International and the Sudan Organization Against Torture on the situation of human rights in Sudan**

Thank you, Mr Chairman,

I speak on behalf of Human Rights Watch, International Commission of Jurists, International Federation for Human Rights, International Service for Human Rights and in association with the Sudan Association against Torture and Amnesty International.

Mr. Chairman,

Darfur, in western Sudan, is a region that is suffering one of the most serious human rights disasters in the world. For the past two years, Sudanese government forces and government-backed ethnic militias known as "*Janjawid*" have committed attacks of extraordinary brutality against civilians in Darfur. More than two million people have been directly affected by attacks on villages, killings, rape and other forms of sexual violence, looting of livestock and household goods, destruction of property and other abuses. The International Commission of Inquiry concluded that these crimes may amount to crimes against humanity and recommended the referral of Darfur to the International Criminal Court. Just a week ago, the UN Security Council did indeed refer the situation in Darfur to the Court, and we welcome this historic step towards justice for the many victims of the atrocities in Darfur.

Much more action is needed, however, to end the ongoing violence, provide security to the people of Darfur, and reverse the ethnically based massive forced displacement that has taken place. The situation is currently at a critical juncture. Although incidents of large-scale fighting between the warring parties have lessened over the past two months, the violence has not ended. On the contrary, more than two million people in Darfur are living like prisoners in

towns and camps for the internally displaced. They are unable to return to their villages, unable even to leave these camps to collect firewood or water due to the continuing attacks, rape, and assault by government-backed militia members and other forces.

The Sudanese government, which refuses even to acknowledge the scale of the problem, has consistently denied responsibility for the abuses and has taken no meaningful action to end them. Other armed groups, including members of the rebel movements, are also committing abuses, including abductions and indiscriminate attacks on civilians. Humanitarian aid workers are under threat, with serious implications for the lives of the almost four million people of Darfur who currently depend on humanitarian relief.

Mr. Chairman,

The Commission on Human Rights should firmly condemn the gross abuses of human rights and humanitarian law in Darfur. These abuses require close scrutiny, and we urge the Commission to call for an immediate increase in the number of human rights monitors deployed by the United Nations in Darfur, and periodic, public reporting on the human rights situation by these monitors.

In addition and in line with the International Commission of Inquiry's recommendation, the Commission should re-establish the mandate of the Special Rapporteur on the situation of human rights in Sudan. The re-establishment of the Special Rapporteur is essential given the continuing violations of human rights in Darfur and throughout Sudan.

The Special Rapporteur would contribute to efforts to protect civilians and reverse forced displacement by monitoring, investigating and publicly reporting on the human rights crisis in Darfur. It is particularly important for a Special Rapporteur to work alongside the peace negotiations in Darfur and on the implementation of the Comprehensive Peace Agreement to ensure that human rights and justice are addressed adequately in both these processes.

Thank you, Mr Chair.

2. Item 18: Joint oral statement by Human Rights Watch, the International Commission of Jurists and the International Federation for Human Rights in association with Amnesty International and the International Center for Transitional Justice on the effective functioning of human rights mechanisms

Mr. Chairperson,

In its address to this Commission, the National Consultative Commission on the Promotion and Protection of Human Rights of Algeria outlined a proposal of a general amnesty as a step towards “national reconciliation” to be adopted by referendum in 2005.

Human Rights Watch, the International Center for Transitional Justice, the International Commission of Jurists and the International Federation for Human Rights are deeply concerned that such a proposal of a general amnesty may permanently deprive victims or their families of their right to truth, justice and reparation and legalize impunity for crimes against humanity and serious human rights violations and abuses committed in Algeria.

So far, little is known about the terms of the proposed amnesty, but official statements indicate that the law will grant exemption from prosecution to any member of an armed group, state-armed militia or the security forces for crimes, including serious human rights violations and abuses, committed in the course of the brutal internal conflict that began in Algeria in 1992. This proposal of a general amnesty comes after years of failure by the Algerian authorities to investigate such violations and abuses and to bring the suspected perpetrators to justice. In recent public statements, President Abdelaziz Bouteflika has said that 200,000 people have been killed during the conflict. Tens of thousands are civilian men, women, and children who were killed in violent attacks. Thousands have been tortured in detention. Thousands more have “disappeared” after arrest by the security forces or have been abducted by armed groups and summarily executed by them. Various Special Procedures of the Commission on Human rights, including the Working Group on enforced disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture have reported such violations and abuses, some of which amount to crimes against humanity.

In this context, a general amnesty would leave the legacy of the past unresolved and might permanently undermine future prospects for full human rights protection. It would prevent the truth about the crimes of the past from ever emerging in Algerian courts, and thus impede any chances of ensuring that justice and accountability become part of a transition to peace.

The amnesty would also sanction the lack of investigations into thousands of “disappearances”. At the end of March 2005, a state-appointed commission on

“disappearances”, submitted a report and recommendations to President Abdelaziz Bouteflika. This report has not been made public. According to media reports, it stated that 6,146 people had “disappeared” at the hands of security forces between 1992 and 1998, based on complaints made by relatives, and its key recommendation was to pay compensation to the families, without providing further details.

The official acknowledgement that thousands of “disappearances” were committed by state agents is a significant development. However, the commission did not have a mandate to clarify the fate and whereabouts of those who “disappeared”, or to identify those responsible whereas the complaints of the families of the “disappeared” in Algerian Courts have been stalled or closed because the judicial authorities have been unable or unwilling to conduct genuine investigations. Without providing any evidentiary basis, the head of the commission, Farouk Ksentini, has stated that the “disappearances” were isolated acts of individual state agents, thereby attempting to exonerate their commanders from any criminal responsibility and absolve the state from its duty to investigate and hold those responsible to account. Farouk Ksentini has also stressed that state agents should benefit from the forthcoming amnesty measure.

Our organizations recognize that the legacy of Algeria's past should be dealt with in ways determined by Algerians themselves, in a national discussion where the right to freedom of expression, assembly and association, and the right to information, are fully respected. However, the fundamental principles of truth, justice and reparation cannot be compromised. The signatory organizations oppose amnesties, pardons and similar measures that prevent the emergence of the truth, a final judicial determination of guilt or innocence, and full reparations to victims and their families.

Concerning the prospect of a referendum on the amnesty law, the Algerian government cannot evade its international obligations by adopting national legislation which runs contrary to them, regardless of whether this is done by parliament or by referendum. Respect for and protection of fundamental human rights cannot be subject to a majority vote.

Amnesties, pardons and similar national measures that lead to impunity for crimes against humanity and other serious human rights violations and abuses, such as torture, extrajudicial executions and “disappearances”, contravene fundamental principles of international law. Authorities such as the UN Secretary General, other UN and regional bodies, and international tribunals have stated that there should be no amnesties or similar measures that afford impunity for serious human rights violations and abuses.

Mr. Chairperson,

Our organizations reiterate their call on the Algerian government to uphold the right of all victims of serious human rights violations to truth, justice and reparation. We believe

that such guarantees are essential to any process of reconciliation. They are also essential, among other measures, to give solid foundations to the future protection of human rights.

Thank you, Mr Chairperson.

3. Closing session: Joint oral statement by the Conference of Non-Governmental Organizations in Consultative Status with the United Nations (CONGO)

Mr Chairman,

I am speaking on behalf of the Conference of NGOs (CONGO) and human rights non-governmental organizations working in Geneva.¹⁸

We would like to express our deep appreciation for this opportunity to join our voices to those of States in thanking all members of the Secretariat for their efforts to facilitate the work of NGOs during the Commission on Human Rights. In particular we would like to express our gratitude to the NGO Liaison Officer, Laura Dolci-Kanaan, and her team for their tremendous efforts, often beyond the call of duty, to strengthen the good relations between the Secretariat, the Bureau and NGOs. We also appreciate the expanded access to IT facilities, including the Extranet.

We commend the Expanded Bureau for continuing past practices relating to NGOs including the regular meetings that have proved a useful forum for NGOs to voice concerns and to clarify and find solutions to various issues.

We would like to extend a particular word of appreciation to you, Mr Chairman, for your openness to and frankness with NGOs before and during this session of the Commission. This has been invaluable and establishes an example that we would like to see followed in the future.

We fully support your view, Mr Chairman, that any reform of the Commission must build on its successes including its standard-setting work, the work of the Special Procedures and its engagement with civil society.

We strongly believe that one of the primary accomplishments of the Commission is the unique participation of NGOs in its work. This year that unique participation has been

¹⁸ The following NGOs have endorsed this statement: Amnesty International, Association for the Prevention of Torture, Baha'i International Community, Fédération Internationale des Ligues de Droits de l'Homme, Franciscans International, Friends World Committee for Consultation (Quakers), Human Rights Watch, International Commission of Jurists and International Service for Human Rights.

enhanced through the increase openness in the process of negotiation of resolutions. We welcome this initiative. We urge that this good practice be maintained for the mutual benefit of all parties. We consider that resolutions have been refined and improved by the close collaboration between delegations, civil society and other interested parties in this way.

To conclude, we hope that the good practices that have been maintained, strengthened and established at this year's Commission will be continued during the inter-sessional period and in the future here or in any other body that may be established to replace this Commission.

Thank you, Mr Chairman.