



To Be or Not To Be

Report of the 61st session of the
UN Commission on Human Rights

(March-April 2005)

By Rachel Brett



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“Over the 18 years that I have been following this commission there have been few occasions on which I have felt encouraged by the session and this year was almost certainly the epitome of procrastination, politicization, even hypocrisy.”
(Constance Jones, 31st session of the UN Commission on Human Rights, 1975)

Introduction:

One of the purposes for which Governments use the UN Commission on Human Rights is to address issues of concern to them. Some of these are in other countries – for example, the Mexican resolution on Human Rights of Migrants and the paragraph on private groups operating border control. Others are their own problems, for example Argentina’s new resolution on ‘Right to Truth’. Neither of these is illegitimate since they are serious human right issues which are being addressed thematically and through a multilateral process. The ‘more obvious’ and controversial approach is that of naming countries including sometimes proposing resolutions under the agenda item on ‘human rights violations in any part of the world’. This is the most contentious aspect of the Commission’s work, and the one which seems to have driven the proposals for replacing the Commission with a Human Rights Council. Yet, as illustrated by the above quotation from 1975, the Commission was ever thus, although the nature of some of the political aspects may have changed, reflecting the geo-political changes in the world over time.

This was a Commission meeting under the shadow (or threat) of reform. The Commission was much criticized in the report of the UN Secretary-General’s High Level Panel on Threats, Challenges and Change, and in his response² to that report the Secretary-General proposed that the Commission should be abolished in favour of a high-level Human Rights Council. There is a wide divergence of views as to the merits of creating a new body, what kind of new body, and so on, although one point on which there appears to be agreement is that the Commission is ‘too politicised’. However, the causes of this ‘politicisation’ are also disputed, some blaming those who wish to name States in which gross human rights violations are taking place, others the States who join the Commission in order to ensure that they are not named in this way, and who propose procedural motions in order to prevent discussion of resolutions. However, only Peru proposed that a new body should not be an intergovernmental one.

This was the first Commission of the new UN High Commissioner for Human Rights, Louise Arbour. In her opening statement she set out the challenges as she saw them, and in her closing one was highly critical of the often acrimonious nature of the

¹ This is not a comprehensive report on the Commission but seeks to identify, analyse and comment on new issues or major developments and trends, and those issues of particular interest or concern to the Quaker UN Office, Geneva.

² *In Larger Freedom: towards development, security and human rights for all (A/59/2005)*

Commission debates and voting patterns – in particular her perception of the lack of attention to the very real human rights violations taking place in many countries while the Commission adopted resolutions on only a small number. As she put it:

There is something fundamentally wrong, and obscure, with a system in which the decision as to whether or not a country situation is addressed under Item 9, Item 19 or Item 3, or not at all, is viewed either as a political triumph or a political defeat. ... I put it to you that it is a discredit to this Commission to view these decisions as political victories or losses.

This was one of her reasons for supporting the concept of peer review and the substitution for the Commission of a new Human Rights Council.

At the time of going to press, the decisions about UN reform, including those relating to the Commission, have not been finally resolved. Whatever happens, many aspects of the Commission's work will need to continue. The Quaker UN Office's paper on "Reform or Replacement of the UN Commission on Human Rights: Some Initial Comments"³ sets out the existing strengths and weaknesses of the Commission, which should be taken into account in any process of change.

Despite all the criticisms, this session of the Commission demonstrated considerable advances in a number of areas, as highlighted below.

High Level Segment:

The Statement by the Acting UN High Commissioner for Refugees focussed on the improvement of protection measures on behalf of internally displaced persons, the complementarity of human rights monitoring and UNHCR's protection efforts, and the plight of stateless persons and the prevention of statelessness (in relation to which UNHCR has an explicit mandate from the UN General Assembly). The latter is a problem first identified by the UN in 1949, but it still persists. Often, the most fundamental step in preventing statelessness – birth registration – is still lacking. At the same time, the two Conventions on Statelessness are still seriously under-ratified.⁴ The Commission was strongly recommended to look more closely into the issue of statelessness along with measures that could be taken to resolve the situation of stateless persons.

The President of the International Committee of the Red Cross focussed on the issue of detention, highlighting the prohibition of ill-treatment, the provision of satisfactory conditions of detention, and the respect of procedural guarantees, in order to ensure that all persons deprived of liberty are treated humanely. He challenged any suggestion that some persons "do not deserve humane treatment because of the horrific nature of the acts of which they are suspected or the crimes for which they have been convicted", reminding States that humane treatment and compliance with international humanitarian law do not preclude prosecution and punishment for criminal acts, but that the international community has codified in international law the treatment applicable to *all* persons simply by virtue of being human.

³ Available from our website: www.guno.org

⁴ Convention relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961)

National Human Rights Institutions:

Although the best known participants in the work of the Commission are the representatives of Governments and of Non-Governmental Organisations (NGOs), National Human Rights Institutions also participate. At present these bodies are only able to speak under the agenda item on national human rights institutions. This year, the resolution (2005/74)⁵ asks the Chair of the Commission to finalise arrangements to enable 'national institutions that are accredited by the Accreditation Subcommittee of the International Coordinating Committee of National Institutions ... to speak ... under all items of the Commission's agenda' in future. To be accredited, these institutions for the promotion and protection of human rights in their own countries must conform to the Paris Principles, which are the guidelines adopted by the UN General Assembly (GA resolution 48/134) to ensure their independent status.

This may seem like a small, bureaucratic move, but it heralds a big change. So far, the Commission has been a body of Government representatives, with NGOs in Consultative Status with the UN Economic and Social Council (ECOSOC)⁶ playing an active role in it. By contrast the International Labour Organisation has a tripartite structure with Governments, Trade Unions and Employers all represented and having voting rights. With a more active role for independent national human rights institutions, the Commission is beginning to move in the direction of having formal alternative national voices to those of the Government involved in the debate. This is important not only for the purposes of debate, but in reinforcing that what is important is what happens about human rights in the country. These institutions not only bring information and ideas with them, but are the natural follow-up mechanism to ensure that what happens at the international level is not forgotten as soon as the meeting is over.

An example comes from the Northern Ireland Human Rights Commission, whose statement to the Commission highlights:

In the past year the [Northern Ireland Human Rights] Commission has had to resort to the courts to challenge Government's decision not to grant us access to a juvenile justice centre to review the conditions under which children and young people are held, following a previous investigation which highlighted major concerns. We remain concerned also that children under the age of 18 are held in prison service custody. The Commission is currently being refused access to visit women in prison, despite allegations of frequent strip searching, the use of solitary confinement for women with mental health problems and harassment of female prisoners by young male prisoners.⁷

In the light of concerns such as these, what follow-up mechanism is there when National Human Rights Institutions *do* raise issues at the Commission? Should not the matter be referred to relevant Special Procedures of the Commission, as well as any relevant regional or international bodies of the National Institutions themselves?

⁵ Resolutions are given only by year and number. Voting results are given in the order: for-against-abstention. Where no numbers are given, the resolution was adopted without a vote.

⁶ In accordance with ECOSOC resolution 1996/31

⁷ Human Rights in Northern Ireland: A Statement by the Northern Ireland Human Rights Commission to the United Nations Commission on Human Rights 61st Session, agenda item 18(b), Geneva, April 2005

Countries:

No resolutions were proposed this year on **China**, **Chechnya**, **Zimbabwe**, or **Iran** which clearly made for a much less tense and confrontational atmosphere in the Commission in most respects. The USA had to table its own resolution on **Cuba** (2005/12; 21-17-15), being unable to 'persuade' anyone else to do it, in contrast to the last few years. In response, Cuba tabled a resolution (L. 94/Rev.1; 8-22-23) on **Detainees in Guantanamo**. Although defeated, this resolution led to a serious effort by the USA to explain its policies and practices, and to some good statements from other Governments (including the EU and Canada) setting out their concerns, including that the US should abide by international law and should cooperate with the Commission's Special Procedures. A number of the Special Procedures⁸ have raised various aspects of the human rights of the detainees in Guantanamo Bay, and have repeatedly requested to be able to visit, but the USA has so far not agreed to allow them to do so. In consequence, the Special Rapporteurs on the Independence of Judges and Lawyers, on the Right to Health, on Torture and the Working Group on Arbitrary Detention have announced⁹ that, in the absence of a country visit, they will prepare a report based on all credible sources.

No resolution was proposed on **Iraq** and, although there was a Chair's statement, the mandate of the Independent Expert on **Afghanistan** was terminated (allegedly at the insistence of the USA because of the Expert's criticism of their ill-treatment of detainees). The mandates on **Liberia** (2005/117) and **Chad** (2005/118) were also not renewed. The Special Rapporteurs on **Myanmar** (2005/10)¹⁰, **DPRK** (2005/11; 30-9-14), and **Belarus** (2005/13; 23-16-14)¹¹ were continued for another year. Resolutions were adopted extending for one year the mandates of the Independent Experts on **Burundi**¹² (2005/75); **Somalia**¹³ (2005/83); **Democratic Republic of the Congo**¹⁴ (2005/85); **Haiti**

⁸ Including the Special Rapporteur on the Independence of Judges and Lawyers (E/CN.4/2005/60/Add.1, paras. 155-163)

⁹ UN Press Release: 'UN Experts Address Concerns Regarding Guantanamo Bay Detainees', 23 June 2005

¹⁰ 'Welcomes: ... the establishment by the government of a committee for the prevention of military recruitment of under-age soldiers and the adoption in November 2004 of an outline plan of action to address the issues of under-age recruitment and child soldiers'; 'Expresses: its grave concern at ... unsatisfactory conditions of detention, systematic use of child soldiers'; and 'Calls upon the Government of Myanmar: ... To put an immediate end to the recruitment and use of child soldiers and to extend full cooperation to relevant international organizations in order to ensure the demobilization of child soldiers, their return home and their rehabilitation in accordance with Security Council resolutions 1460 (2003) of 30 January 2003 and 1539 (2004) of 14 April 2004 by Army, but stresses the need for full implementation of the plan and the need to maintain close dialogue with' UNICEF, as well as to cooperate with the Special Representative of the Secretary-General on Children and Armed Conflict.

¹¹ Russian Federation's No Action Motion on Belarus resolution was rejected (22-23-7)

¹² Welcomes Burundi's ratification of the two Optional Protocols to the Convention on the Rights of the Child and encourages the parties that have not yet done so to stop using child soldiers.

¹³ The resolution 'Expresses deep concern at: ... The prevalence of sexual violence and abuse, in particular among ... imprisoned children, who should be separated from adult prisoners ...; The practice of *asiwalid*, whereby parents send their disobedient children to be kept in prison until they order them to be released, which continues to prevail with all the negative human rights implications this entails;' 'Calls upon the Transitional Federal Government: ... to establish an effective, efficient and non-gender-biased justice system, including the juvenile justice system;' as well as addressing the issue of child soldiers.

¹⁴ USA amendment concerning reference to the ICC defeated (3-34-14). The resolution 'Urges all parties ... To support the national disarmament, demobilization and reintegration programme and the disarmament and community reintegration programme in Ituri, and to put a stop to the recruitment and use of child soldiers in violation of international law and the African Charter on the Rights and Welfare of the Child;' and 'Requests the Transitional Government to take specific measures: ... To reinstate the moratorium on capital punishment and persevere in its declared objective of progressively abolishing the death penalty; ... To continue with and to step up its efforts to put a stop to the recruitment of child soldiers; To continue with its

(Chair's statement); and, under the confidential 1503 procedure, on **Uzbekistan** (Michèle Picard of France was appointed as the Independent Expert). Also under 1503, the situation in **Kyrgyzstan** was kept under review, but the consideration of that in **Honduras** discontinued. There were also resolutions on **Cambodia**¹⁵ (2005/77) and **Sierra Leone**¹⁶ (2005/76), a Chairman's statement on **Colombia**, and decisions on **Western Sahara** and **Cyprus** (both situations deferred until next session). The focus on the very serious human rights situation in **Nepal**¹⁷ (2005/78) led that country to sign a Memorandum of Understanding with the Office of the UN High Commissioner for Human Rights (OHCHR) to establish a field office there, and the strong and specific terms of the resolution were negotiated with and agreed by the Government of Nepal.

Not only did the Commission adopt the African Group's resolution¹⁸ (2005/82) on **Sudan (Darfur)** establishing a Special Rapporteur (Sima Samar of Afghanistan was appointed), but the OHCHR provided a staff of more than 30 for the Commission of Inquiry established by the UN Security Council. The report (S/2005/60) amongst other things recommended that the situation in Darfur be referred to the International Criminal Court (ICC), which the Security Council agreed despite the opposition to the ICC by the USA.

There were also resolutions on **Israeli settlements**¹⁹ (2005/6; 39-2-12), **Occupied Palestine** (2005/1; 49-1-2), **Israeli practices affecting the human rights of the Palestinian people** (2005/7; 29-10-14) and **Occupied Syrian Golan** (2005/8; 32-2-19) but the draft resolution on **Lebanese detainees in Israel** (L.3) was again deferred until next year.

In addition to the country-specific mandates, the thematic Special Procedures of the Commission undertake country visits. At this Commission reports were received on the visits undertaken by various of these to the following countries: **Angola, Belarus, Brazil, Canada, China, Colombia, Côte d'Ivoire, Ethiopia, Guatemala, Honduras, Italy, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Mongolia, Mozambique, Nepal, Nicaragua, Peru, Romania, Serbia & Montenegro, Sudan and Turkey.**²⁰

programme for the disarmament, demobilization and reintegration of former combatants, taking into account the special needs of the women and children, especially girls, associated with these combatants'.

¹⁵ The mandate continues since it was created by the UN Secretary-General and so is not dependent on renewal by the Commission.

¹⁶ No mandate but a report from the OHCHR. The resolution urges the Government to take 'into consideration the needs of female ex-combatants and female camp followers who did not benefit from disarmament, demobilization and reintegration'.

¹⁷ '*Firmly condemns* the recruitment and use of a large number of children in Maoist forces and urges the members of the Communist Party of Nepal (Maoist) to stop the recruitment of children as well as to demobilize immediately those currently participating in these groups, as set out in Security Council resolution 1539 (2004)'.

¹⁸ The EU withdrew its draft resolution once it was satisfied that its major concerns had been included in the African one, in particular the creation of a Special Rapporteur rather than the continuation of the Independent Expert. The resolution 'Calls upon all parties to the conflict ... to prevent the recruitment of children as soldiers and combatants, consistent with the African Charter on the Rights and Welfare of the Child, the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict', but makes no mention of ILO Worst Forms of Child Labour Convention (No. 182) to which Sudan is also a party.

¹⁹ For the first time this was not an EU resolution but an Arab Group one. The USA opposed all the resolutions relating to Israel.

²⁰ Both the thematic and country reports are available from the website of the OHCHR: www.ohchr.org

New Initiatives:

This year saw a proliferation of new initiatives. A Special Rapporteur on the promotion and protection of **Human Rights and Fundamental Freedoms while countering terrorism** (2005/80) was established for three years, with a mandate to make concrete recommendations, to gather, request, receive and exchange information and communications from or with all relevant sources, including through country visits, to identify, exchange and promote best practices, to work in coordination with others and to develop a regular dialogue with all relevant actors in particular with the Security Council's Counter-Terrorism Committee. This was the culmination of the efforts begun by Mexico at the Commission three years ago. It was particularly encouraging that Kenya and Indonesia, two countries who have suffered from major terrorist attacks, were strong supporters of this mandate recognising the importance of upholding human rights whilst countering terrorism. Martin Scheinin (Finland) was appointed following approval of the mandate by ECOSOC. The preceding stage of the process had been a one-year appointment of an independent expert (Robert K Goldman) whose report (E/CN.4/2005/103) sets out the legal framework and background to the issues and some of the particular problems which do not come within the mandates of the existing Special Procedures of the Commission.

The Austrian resolution (2005/79) on **minorities** requests the High Commissioner for Human Rights to appoint an independent expert (for two years) with a mandate to promote the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, identify best practices and possibilities for technical cooperation by the OHCHR. The High Commissioner appointed Gay McDougall (USA). The Sub-Commission's working group on minorities continues but it is to meet for only three days during the Sub-Commission session, focussing on inter-active dialogue with NGOs and support for the independent expert, who is to participate as an observer.

Argentina proposed a new resolution (2005/66) on the '**Right to the truth**', encompassing the idea of the right to know or to be informed, or freedom of information; in particular the rights of victims of gross violations of human rights and international humanitarian law and their families to know the truth regarding such violations, including the identity of the perpetrators and the causes, facts and circumstances in which such violations took place. The OHCHR is to prepare a study for next year's Commission including information on the basis, scope and content of the right to the truth, under international law, best practices and recommendations for effective implementation of this right, in particular, legislative, administrative or any other measures.

Switzerland introduced a new resolution (2005/70) on **Human rights and transitional justice** which requests the OHCHR to submit a study on human rights and transitional justice activities undertaken by the human rights components of the UN including lessons learned and best practices. A new initiative from Egypt was the resolution (2005/63; 51-1-1 – USA opposed, Japan abstaining) on **protection of the human rights of civilians in armed conflict** addressing the complementary and mutually reinforcing nature of human rights law and international humanitarian law, the non-derogability of some rights even in time of armed conflict. The resolution welcomes the recent appointment by the African Union of a Special Representative on the Protection of Civilians in Armed Conflict Situations in Africa, and looks forward to the conclusions and recommendations of the Sub-Commission working paper on human rights law and international humanitarian law being prepared by Françoise Hampson. On the proposal of Cuba, the Commission decided (2005/55; 37-15-1) to appoint an independent expert

on **human rights and international solidarity** for a period of three years, to study the issue and prepare a draft declaration on the right of peoples to international solidarity (Rudi Muhammad Riski of Indonesia appointed).

Over the opposition of USA, Australia and Saudi Arabia, the Commission decided (2005/69; 49-3-1) to request the Secretary-General to appoint a Special Representative on the issue of **human rights and transnational corporations and other business enterprises**, for an initial period of two years, to identify and clarify standards of corporate responsibility and accountability of such bodies with regard to human rights; to elaborate on the role of States in effectively regulating and adjudicating the role of such bodies in this regard; to research and clarify the concepts of 'complicity' and 'sphere of influence' in this area; to develop materials and methodologies for undertaking human rights impact assessments of such bodies; and to compile a compendium of best practices in this area. In addition, the High Commissioner is requested to convene an annual consultation with senior executives from companies and experts from a particular sector and others to raise awareness and consider the specific human rights issues faced by those sectors. These initiatives build on the draft 'Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights' which were developed by the Sub-Commission, and in contrast to other initiatives in this field seek to impose direct responsibilities on business entities.

Although the mandate of the Special Rapporteur on **Mercenaries** was renewed for three years only last year, Cuba decided (2005/2; 35-15-2) to replace it with a working group of five independent experts, one from each of the UN's regional groups, for a period of three years, to meet for five working days annually, with a mandate to elaborate possible new standards, to monitor mercenaries and mercenary-related activities, to study and identify emerging issues and trends related to mercenaries, and to monitor and study the effects of the activities of private companies offering military assistance, consultancy and security services on the international market, and to prepare draft international basic principles that encourage respect for human rights on the part of those companies in their activities; as well as to continue the work on strengthening the legal framework in relation to mercenaries including in relation to the proposal for a new legal definition. The five members of this new Working Group are: Najat Al-Hajjaji (Libyan Arab Jamahiriya), Amada Benavides de Pérez (Colombia), Françoise Hampson (UK), Alexander Ivanovich Nikitin (Russian Federation) and Shaista Shameem (Fiji).

Thematic Resolutions:

The resolution on the **Right to Food** (2005/18; 52-1-0 – USA opposed) welcomes the FAO Council's adoption in November 2004 of 'Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security'. These include that 'State parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR) have the obligation to respect, promote and protect and to take appropriate steps to achieve progressively the full realization of the right to adequate food. States parties should respect existing access to adequate food by not taking any measures that result in preventing such access, and should protect the right of everyone to adequate food by taking steps so that enterprises and individuals do not deprive individuals of their access to adequate food.' In his report (E/CN.4/2005/47) the Special Rapporteur (Jean Ziegler) considers the extraterritorial obligations to respect, to protect and to support the fulfilment of the right to food.

For the first time the Special Rapporteur on the **Right to Adequate Housing** (Miloon Kothari) included an annex of requests to and responses from Governments in relation to urgent appeals or letters of allegation of violations of the right to adequate housing. He submitted a progress report (E/CN.4/2005/43) on Women and Adequate Housing, and the resolution (2005/25) invites him to submit a final report containing his study on women and adequate housing to the next session of the Commission, as well as to specifically consider the impact of natural disasters on women's adequate housing, and to cooperate with the Special Rapporteur on Violence against Women in elaborating model provisions. The Special Rapporteur's identification of detention and imprisonment of women as relevant to the right to adequate housing is useful. It is to be hoped that his final report will go further in addressing not only the situation in prison (including for those mothers whose babies or young children accompany them into prison) but also the relationship between lack of, or insecure, housing and the likelihood of pre-trial detention (because, for example, of the difficulty of providing what are considered adequate sureties for those with no fixed abode), and the difficulty of women leaving detention or prison of acquiring housing. The consequent absence of adequate accommodation has a particular impact on the ability of imprisoned mothers to reunite the family by regaining children taken into state care so that even a short term of maternal detention or imprisonment can lead to permanent break-up of families.²¹

The Special Rapporteur on the **Right to Health** (Paul Hunt) highlighted the particularly problematic, and under-considered, issues of the right to health of persons with mental disabilities (E/CN.4/2005/51). A number of the individual cases he raises in the annex to his report (E/CN.4/2005/51/Add.1) concern the right to health of detainees/prisoners. He also reported on his visit to Mozambique (E/CN.4/2005/51/Add.2). Unlike many Governments who respond negatively to such reports, Mozambique stated: "This report constitutes a reference document for the international community at large and the Commission on Human Rights in particular, about the challenges that the Government of Mozambique is faced with in its quest to provide the full enjoyment of human rights for its people." In so doing, the Government highlights the value of such visits in enabling the Government itself to benefit from an expert analysis of the situation and to use such reports to assist them domestically in relation to their own policies and practices, as well as internationally in seeking the assistance required to carry out the recommendations made. The mandate of the Special Rapporteur on the Right to Health was extended for three years (2005/24; 52-1-0 – USA opposed).

The Working Group on **Arbitrary Detention** includes in its report (E/CN.4/2005/6) "Deliberation No. 7 on issues related to psychiatric detention", exploring criteria for deciding on measures involving deprivation of liberty of persons allegedly mentally disabled and their placement in closed psychiatric establishments. The Working Group also raises concerns about detention measures taken during counter-terrorism, and the need to maintain judicial control of detention. Their Opinions include findings that repeated call-up and imprisonment of unrecognised conscientious objectors to military service are contrary to article 14 (7) of the International Covenant on Civil and Political Rights²², and reference to a number of cases of detained women, including some

²¹ For more on this and related issues see Megan Bastick: *Women in Prison: Draft Commentary on the Standard Minimum Rules for the Treatment of Prisoners* (Quaker UN Office, Geneva, July 2005)

²² Opinion No. 24/2003 (Israel), concerning Matan Kaminer, Adam Maor, Noam Bahat and Jonathan Ben-Artzi (E/CN.4/2005/6/Add.1)

civilians detained in a military prison with no separate facilities for women and tried by a military court.²³

The Special Rapporteur (Ambeyi Ligabo) on **freedom of opinion and expression** (E/CN.4/2005/64) highlights many positive and negative trends, and identifies the need for an ‘in-depth, impartial study on the issue of the security of journalists, in particular in situations of armed conflict, based on information from and the experiences of Governments and intergovernmental and non-governmental organisations.’ (para. 90) The mandate of the Special Rapporteur was renewed (2005/38) for three years.

The resolution²⁴ on **torture** (2005/39) ‘Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified’; ‘urges States to ensure that any statement that is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture’; and ‘not to expel, return (*refouler*), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture’. Although the work of the Special Procedures is best known for when they undertake country missions, in fact they also take up cases and situations without visiting, and continue to study and develop the understanding of the issues within their mandate. The Commission had requested the Special Rapporteur on Torture (now Manfred Nowak) to study the question of the trade and production of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment, to find the best ways to prohibit this trade and manufacture, and to combat its proliferation. In his report (E/CN.4/2005/62), he identifies a number of issues – including the lack of information about the manufacture and trade in such equipment, the problem that much torture does not utilise equipment specifically designed for such purposes, and therefore the need to address the transfer of techniques and of the need to monitor developments in security and law enforcement technology that can easily be used for torture. The question of transfer of techniques links to the more general question of control of private military and security companies since these are also involved in training of police and security personnel (now brought in to the mandate of the new Working Group on Mercenaries). His analysis of the issues, and comments on the benefits and gaps in the only proposed regional mechanism for this purpose (that of the EU), provide ample information for those who wish to take the prohibition on torture seriously and practically. The Special Rapporteur also presented a report (E/CN.4/2005/62/Add.2) on Follow-up to the recommendations made in relation to previous country visits, which includes information both from the concerned Governments and from Non-Governmental Organisations, and Guidelines for the submission of information on follow-up to country visits.

The Special Rapporteur on the **Independence of Judges and Lawyers** (Leandro Despouy) identifies (E/CN.4/2005/60/Add.1) that the greatest number of cases he receives concern the choice of lawyer and threats to lawyers (both 24 percent) followed by access to a lawyer in private (11 percent), independence of judges (10 percent), prompt access to a lawyer (7 percent), the proper role of prosecutors and freedom of

²³ Opinion No. 3/2004 (Israel). The Quaker UN Office has produced a compilation of material about women in prison which appeared in documents and resolutions at this year’s UN Commission on Human Rights, available from our website: www.guno.org

²⁴ With 70 co-sponsors including the USA.

expression of a lawyer (both 6 percent). These highlight the importance of these most fundamental of procedural guarantees if other human rights are to be protected.

The Special Rapporteur on **Trafficking in Persons** (Sigma Huda) presented her first report (E/CN.4/2005/71) in which she lays out her approach and methodology for this new mandate created last year. The mandate of the Special Rapporteur on the Human Rights of **Migrants** (2005/47) was renewed for three years in a model resolution that is strong, coherent, topical²⁵ and mainstreams age and gender into its provisions. Jorge Bustamante (Mexico) was appointed.

On the **Right to Development**, last year the question had been left open of reviving the mandate of the independent expert. This year, however it was decided (2005/4; 48-2-2) to drop this idea in favour of continuing the mandate of the Working Group for one year, in conjunction with the High Level Task Force. The independent expert on effects of **structural adjustment policies and foreign debt** on the full enjoyment of human rights was renamed 'effects of economic reform policies and foreign debt' and it was decided (2005/19; 33-14-6) to convene an expert consultation to contribute to finalizing the draft general guidelines on this issue. The possibility of creating a new independent expert on **cultural rights** was kept open for another year (2005/20; 39-1-13).

The resolution on the **Death Penalty** (2005/59; 26-17-10) not only had more co-sponsors than ever before, but also gives pre-eminence to abolition of the death penalty and that abolition is essential for the protection of the right to life. India proposed deletion of three paragraphs, in particular the call for abolition of the death penalty (defeated 19-25-8). The USA called a vote, in particular objecting to the paragraph requesting 'States that have received a request for extradition on a capital charge to reserve explicitly the right to refuse extradition in the absence of effective assurances from relevant authorities of the requesting State that the death penalty will not be carried out'. By contrast, following the US Supreme Court ruling, the USA did not object to the reference to the prohibition on the juvenile death penalty contained in the resolution on the Rights of the Child, although it found other grounds for calling a vote and voting against the resolution.

Compared with previous years, the African Group resolution on **Abduction of Children in Africa** (2005/43) was a much improved and strengthened text which 'Condemns the practice of abduction of children for various purposes, *inter alia*, for involvement in armed forces or armed groups, for participation in hostilities, for sexual exploitation and forced labour', and the abduction of children from refugee and internally displaced person camps, and calls on African States to take a number of measures to address this scourge, and requests the international community and relevant UN bodies to assist them with this. It also specifically asks for a comprehensive assessment of the situation of abduction of children throughout Africa through the organisation of sub-regional consultations, to provide a framework for gathering research, expertise and information, as well as providing sensitisation on the issue and opportunities for networking, and for the findings to be reported to the next Commission.

²⁵ Amongst other things it 'Urges all States to promote and adopt effective measures to enforce their immigration laws and border controls only by means of duly authorized and trained government officials and to prevent private persons or groups from carrying out conduct reserved for such government officials, as well as to prosecute and punish those violations of the law that may result from such conduct.'

The general (omnibus) resolution on the **rights of the child** (2005/44; 52-1-0) has become the source of constant frustration and this year was the worst ever. The first public consultation on the draft was held only towards the end of the fifth week of the Commission. The process whereby the European Union (EU) and the Latin American and Caribbean Group (GRULAC) as groups alternate on the lead for the resolution and then consult with the other group before the rest of the world is permitted any role in the process is unacceptable, arrogant and unhelpful. The greatest contribution the EU could make towards the rights of the child in the context of the Commission would be to give up running this as an EU resolution. The degree of frustration from other Governments was evidenced by the joint statement by Canada, New Zealand, Norway and Switzerland on the subject. The EU's efforts to 'streamline' the resolution created so much frustration that they were constrained to reinsert some of the previous year's text, but without adequate time in which to consider it and work on improvements. This resolution is often long, but since it is meant to be comprehensive (an omnibus) rather than focussed on one or two issues, this is inevitable, and the value of it is mostly for those working on the rights of the child, who have particular issues and problems they are seeking to address and find having a specific reference in the text of the resolution valuable for this purpose. For example, the call on all States to ensure compliance with the prohibition on life imprisonment of children without the possibility of release (omitted in the EU draft but reinstated) is valuable for those NGOs working on juvenile justice issues. The Quaker UN Office would have liked to a much stronger section on children in detention or imprisonment, including the difficult issue of babies and young children in prison with their mothers.²⁶ This year, the USA still proposed amendments and these having been rejected, called a vote on the whole resolution, although not this time on the question of the juvenile death penalty, but on the 'overemphasis' on the Convention on the Rights of the Child (to which it is almost uniquely not a party).

The resolution on **Internally Displaced Persons** (2005/46) welcomes the appointment of the new Representative of the Secretary-General (Walter Kälin) and his report (E/CN.4/2005/84), in particular his emphasis on reinforcing the capacity of States to protect the human rights of internally displaced persons. The Representative identifies his three main modes of action as being: (1) advocating and engaging in dialogues with national authorities; (2) fostering appropriate norms and policies at the international and national level; and (3) triggering action by international and regional actors. He is developing a guidebook for legislation and policy-making at the domestic level – a publication, *A Framework for National Responsibility* was highlighted at an event during the Commission - and plans to strengthen the capacity of national human rights institutions and local civil society to advocate for the rights of internally displaced persons. Although most attention has previously been paid to the situation of those displaced because of internal armed conflict or other violence such as Sudan, the Representative has also drawn attention to the applicability of the Guiding Principles on Internal Displacement to situations arising out of natural disasters such as last December's tsunami.

The Canadian resolution on **Mass Exodus** (2005/48) builds on the considerable improvements of two years ago, welcomes the report and the Addendum thereto

²⁶ This is part of the research on women in prison and children of imprisoned mothers being undertaken by the Quaker UN Office in conjunction with some of our Quaker partners. A series of publications are available from our website: www.guno.org

(E/CN.4/2005/80 and Add.1),²⁷ stresses that the themes identified in the Addendum reflect those issues which continue to require particular attention by States, and requests the OHCHR to prepare an updated thematic compilation of relevant reports and resolutions of the Commission and Sub-Commission and to include relevant material from the Human Rights Treaty Bodies and regional human rights bodies as an annex to the report for the 63rd session.

One of the problematic features of discrimination includes identifying the grounds of discrimination. The Commission includes Anti-Semitism in the resolution on religious intolerance and **defamation of religions** (2005/3; 31-16-5)²⁸ under racism. The Special Rapporteur on Racism (Doudou Diène) produced a separate report on “Defamation of religions and global efforts to combat racism: Anti-Semitism, Christianophobia and Islamophobia” (E/CN.4/2005/18/Add.4). Although these specific instances of conceptual lack of clarity may have as much to do with politics as anything else, they can, perhaps, be useful reminders that it seems unlikely that one form of discrimination or prejudice operates in isolation from all other forms. This is why it is essential to keep addressing all forms of discrimination, including recalling all the grounds identified in the Universal Declaration of Human Rights, and why it is dangerous to start listing some forms of discrimination – such as Anti-Semitism, Islamophobia and Christianophobia – and not others. The joint NGO written statement on the subject of freedom of religion or belief highlights these issues and engendered a real debate on some of these issues in the course of the negotiations on the resolution (2005/40) on **elimination of all forms of intolerance and of discrimination based on religion or belief**, even though it did not lead to the removal of the references to the three ‘religions of the Book’ given above. However, the title of the resolution was changed and considerable improvements made to the text. Following the murder of Theo van Gogh, the Netherlands took over the lead on this resolution and made many improvements in it. The **Special Rapporteur on Freedom of Religion or Belief** (Asma Jahangir) also deals with cases of conscientious objection to military service in Armenia, Azerbaijan, Eritrea and Greece in her report (E/CN.4.2005/61/Add.1).²⁹

In a number of resolutions, religion and politics mixed: in the objections from the Organisation of the Islamic Conference (OIC) and USA in relation to HIV/AIDS prevention, in particular the elaboration of the Guidelines on HIV/AIDS and Human Rights, and in the case of the USA on anything that could possibly be interpreted as permitting abortion, often supported by the Holy See. Another problem in relation to the resolution (2005/41) on elimination of **violence against women**, was the reference to criminalising marital rape – highlighted as being needed in the report of the Special Rapporteur (Yakin Erturk). A welcome addition to this resolution was the explicit inclusion of girls as well as women.

The frustration of African group was evident, and understandable in the context of the seeming lack of progress in combating **racism**. However, it was a pity that they resorted

²⁷ A thematic compilation of references to refugees and asylum-seekers in Commission and Sub-Commission reports and resolutions.

²⁸ The attitudes towards certain religions, in particular in the content of this resolution to Islam, and the treatment of adherents is clearly a serious one but it is doubtful whether ‘defamation of religions’ is *per se* a human rights issue, rather than putting the whole issue in the context of religious intolerance and discrimination.

²⁹ The Quaker UN Office, Geneva, has prepared a compilation of references to conscientious objection to military service in the Commission’s reports and resolutions.

to a procedural motion rather than taking action directly on the EU amendments. The No Action Motion was carried (27-23-3) with a predominantly (though not exclusively) regional group split – Asia and Africa in favour of No Action and Latin America and Europe/Other opposed. The purpose of the EU amendments was to align the resolution with the consensus results of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (chaired by Chile), whose recommendations the resolution welcomed and called on States to implement. The working group continues and the resolution (2005/64; 38-1-14; USA opposed, EU abstaining) requests the OHCHR to organise a high-level seminar during the working group session to focus on racism and the Internet, and identify where complementary standards are needed to strengthen and update current international instruments, and what form they should take. The mandate of the Special Rapporteur was extended for a further three years and it was good that this time (unlike three years ago) the African Group accepted the normal process whereby the Chair of the Commission (in consultation with the Bureau) appoints the mandate holder, and did not seek to subvert it by naming the person in the resolution itself. The end result may well be the same since it is normal for thematic mandate holders to continue for a second three year term unless they do not wish to do so. The Working Group of Experts on People of African Descent also continues and plans to undertake country visits. The resolution calls on all States who are not yet parties to the International Convention on the Elimination of Racial Discrimination to become so, regretting that the deadline of 2005 for universal ratification decided by the Durban World Conference against Racism has not been realized. It is particularly notable non-parties include a number of African States: Angola, Djibouti, Guinea-Bissau, and Sao Tome & Principe, as well as Andorra, Bhutan, DPRK, Myanmar and Singapore. The Group of Independent Eminent Experts also continues. The Russian Federation again tabled a resolution (2005/5; 46-0-4) on '**certain practices that contribute to fuelling racism**' aimed principally at neo-Nazism and skinheads. It also tabled its resolution on **Integrity of the judicial system** (2005/30; 52-0-1 – in fact the USA initially voted against but changed to abstention).³⁰ The Russian Federation also revived and much improved its resolution (2005/45) on **arbitrary deprivation of nationality** (last run in 1999), which addresses the serious issue of statelessness and the fundamental right of every person to a nationality.

Standard-setting:

A number of long-standing processes reached their conclusion this year. The work on updating the Set of Principles for the protection and promotion of human rights through action to combat **impunity** (E/CN.4/2005/102 and Add.1) has been completed and they are commended (2005/81) to States, OHCHR, Special Procedures and others for use and distribution. The US amendments with regard to the ICC were defeated (1-36-15).³¹ After three rounds of consultative meetings and some fifteen years of work on the text, the Commission adopted (2005/35; 40-0-13) 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 (annexed to the resolution) and forwarded them to ECOSOC and the General Assembly for final adoption. The USA, which called the vote on the resolution, had opposed the inclusion of international humanitarian law, in the end called a vote in relation to the reference to the ICC although this may have been an excuse rather than the underlying reason for

³⁰ The US amendments to three paragraphs were all rejected.

³¹ The USA repeatedly stated that it opposes all positive references to the ICC.

their opposition. Germany also had problems, in particular with the idea of an individual right to reparations, especially in relation to violations of international humanitarian law.

The working groups on the **Optional Protocol to the International Covenant on Economic, Social and Cultural Rights** (2005/22; 50-0-3 – USA, Australia and Saudi Arabia abstaining) and on the elaboration of a legally binding normative instrument on **Enforced Disappearances** (2005/27) were both continued.

By contrast, the Commission did not respond to the request from the Committee on the Rights of the Child ((E/CN.4/2005/129) requesting the establishment of a Working Group to prepare draft UN **Guidelines for the Protection and Alternative Care of Children without Parental Care**. This issue will be the subject of the Committee's Day of General Discussion on 16 September 2005.

Rights versus Responsibilities:

The USA tabled a new resolution (2005/37; 45-0-8) on promoting the rights to **peaceful assembly and association**, to which the Russian Federation proposed a number of amendments including one a reference to 'the exercise of the rights to freedom of peaceful assembly and of association presupposes certain responsibilities for individuals and groups'. This was rejected (L.97; 13-26-14) as was their other amendment. However, on China's proposal a decision was adopted (2005/111; 26-25-1) mandating further work on the 'pre-draft declaration on **human social responsibilities**' by Alfonso Martinez was adopted. This decision was subsequently overturned by a vote in ECOSOC.

Sub-Commission:

A significant breakthrough was the Commission's approval for a comprehensive study by the Sub-Commission on **discrimination based on work and descent** (2005/109). The Commission also approved studies on the difficulties of establishing guilt and/or responsibility with regard to crimes of sexual violence (2005/108), of non-discrimination as enshrined in article 2, paragraph 2 of the International Covenant on Economic, Social and Cultural Rights by Marc Bossuyt (2005/105), and (2005/112; 52-2-0 – Australia and USA opposing) continued work by Françoise Hampson on the question of **the legal implications of disappearance of States and other territories for environmental reasons**, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples. The resolution (2005/33) on the **independence and impartiality of the judiciary** takes note of the report submitted by Emmanuel Decaux to the Sub-Commission on the Promotion and Protection of Human Rights on the **administration of justice through military tribunals** (E/CN.4/Sub.2/2004/7), which includes draft principles governing the administration of justice through military tribunals; and notes that the report of Decaux containing an updated version of the draft principles will be submitted to the Commission at its sixty-second session for its consideration.

Indigenous Peoples:

The Working Group on the **Draft Declaration on Indigenous Peoples** is mandated to meet for 10 working days before the next session of the Commission, and the resolution encourages exploration of ways to complete the Declaration by the next Commission session, and notes the proposal by Mexico to host a workshop on issues related to the

draft declaration with the purpose of promoting rapprochement on positions.³² The USA moved an amendment (2-49-2) that would have *required* completion of the Draft Declaration by then, but in this the USA was only supported by Australia. Others felt that putting such pressure on would not promote a successful conclusion of the drafting process. The amendment having been defeated, the USA called a vote and abstained on the whole resolution (2005/50; 52-0-1): the first time this resolution has not been adopted without a vote. Australia and the USA also opposed the publication of the final report³³ of the study on 'Indigenous peoples' permanent sovereignty over national resources' undertaken by Erica-Irene Daes (2005/110; 38-2-12) and the holding of an expert seminar on this subject. The Sub-Commission's Working Group on Indigenous Populations is (2005/49; 39-13-1³⁴;) to meet for 5 days prior to the next session of the Sub-Commission during which it will focus on the theme of 'Indigenous peoples and the international and domestic protection of traditional knowledge'. The Commission also adopted the resolution proposed by the Sub-Commission (2005/52; 35-13-4) requesting the Secretary-General that his Special Advisor for the **Prevention of Genocide** take into consideration the need to protect indigenous peoples and their territories. A separate resolution invites the Special Advisor to address the next session of the Commission on the progress made in discharging his duties generally. This year, the report (E/CN.4/2005/88) of the **Special Rapporteur** on the situation of human rights and fundamental freedoms of indigenous people focussed on indigenous peoples and education. The report of the expert seminar on this subject will be presented to the Sub-Commission's Working Group on Indigenous Populations.

Non-Resolutions:

One of the revealing factors is always the things which do not happen. This year Brazil did not propose a resolution on sexual orientation, neither did any other Government pick up this issue. In the end Brazil did not present a new thematic resolution asking the OHCHR to prepare a Global Report on Human Rights (or a feasibility study for such a report), despite holding a number of rounds of consultations on the subject. In part, this reflects the fact that ideas may have merit without necessarily having been fully thought through, or that in fact there may not be a need for a resolution to be adopted in order to achieve the objective. The High Commissioner has announced her intention of producing a Global Report. Similarly, the Dutch idea of a resolution on mainstreaming human rights did not see the light of day.

Improvements:

The interactive dialogues with the Special Procedures under item 11 were excellent, with good introductions and responses to questions from a broad range of Governments. This made it even more frustrating that other Special Rapporteurs and Independent Experts were not provided with the opportunity for interactive dialogues at all either because of time constraints or because of changes to the timetable of the Commission. It is essential that future sessions fix the dates and times for these dialogues and do not

³² This was also noted in the resolution (2005/51) on **human rights and indigenous issues**, as was the Special Rapporteur's intention to devote his next report to the topics of constitutional reform, legislation and implementation of laws regarding the protection of rights of indigenous people and the effectiveness of their application, on which the OHCHR and the Inter-Parliamentary Union plan to organise a seminar.

³³ UN document E/CN.4/Sub.2/2004/30 and Add.1)

³⁴ Australia, France, Germany, Hungary, Ireland, Italy, Japan, Netherlands, Republic of Korea, Romania, Ukraine, UK and USA voting against, and Finland abstaining. The USA stated that the WGIP had outlived its usefulness given the existence of the Permanent Forum, the Special Rapporteur and the Working Group on the Draft Declaration).

permit other aspects of the Commission's work to encroach on them. After all, these mandate-holders are appointed by the Chair of the Commission to fulfil mandates created by the Commission, which they do with considerable commitment, expertise and *pro bono* and it is ludicrous if the Commission then fails to discuss their reports with the mandate-holders.

The number of Standing Invitations to the Special Procedures continues to increase with Uruguay's bringing the total to 52.³⁵

This year, Norway (for the second time) organised, together with Chile, India, Russian Federation and South Africa, an informal pre-meeting for Governments delegations on 'procedures relating to draft resolutions' to be considered at the Commission, with the purpose of exchanging information on planned resolutions, discussing issues of common interest in connection with procedures relating to draft resolutions. Participants were encouraged to provide a short description of the main purpose of planned resolutions, as well as highlighting new elements since the resolution was last introduced, in order to enhance transparency and inclusiveness of the process of preparing resolutions and improving the quality of debate on them, and, in the longer term, to contributing to promoting and protecting human rights through efficient multilateral co-operation.

Reform:

The UN Secretary-General's proposals in his 'In Larger Freedom: towards development, security and human rights for all' report (A/59/2005) inevitably raised the question, "Is this the last Commission?" The Commission had one session of informal discussion on reform, and the African group proposed (2005/116; 34-15-4) the holding of an open-ended working group for 5 days, followed by a one day special session to adopt the outcome of the working group.³⁶ In fact the most strident critics overlook the fact that in the course of the last few years the Commission has reformed and improved its procedures in a number of ways. The election of its officers before the start of the main session only began two years ago, as did the High Level Segment and the interactive dialogues with the Commission's Special Procedures. Last year, for the first time, a procedural innovation was the inclusion of Special Procedures who would address the Commission and of parallel events in an expanded 'Order of the Day'. This was continued and expanded, and this year developments included the provision of a bank of computers with internet access and the major improvements in the website of the OHCHR, which together relieved a lot of the previous pressure and frustration in efforts to get copies of documents. Such mundane steps in openness and access to information have inordinate impacts on the atmosphere and capacity of everyone to do their work more effectively and efficiently. Including in the Order of the Day the actual time of voting and of speaking of the Special Procedures, and eliminating timetabling and procedural obstructions to interactive dialogues with all Special Procedures should be the next targets to be achieved in this area. The Asian Group wished to see other alterations to the way in which the Special Procedures are appointed and work, and had distributed a paper on this subject, which it wished to see discussed. The final decision on **enhancing and strengthening the effectiveness of the Special Procedures** (2005/113) was to request the High Commissioner to transmit the Asian Group paper, the responses to it and any additional contributions to the Special Procedure mandate

³⁵ For more information on this see the joint NGO written statement (E/CN.4/2005/NGO/1) and oral statement on the Special Procedures – available from www.ghuno.org

³⁶ This was modified by ECOSOC into an informal meeting of not more than two days.

holders and to solicit their views; to organise an informal consultation between the Special Procedure mandate holders, States and NGOs, and to organise an open-ended seminar during 2005 in consultation with the Expanded Bureau of the Commission.

Background:

The UN Commission on Human Rights is the UN's main human rights body. It consists of representatives of 53 Governments³⁷, elected for renewable 3 year terms (one third each year) by its parent body, the UN Economic and Social Council (ECOSOC). It meets for six weeks in regular session annually, with one day in January to elect its officers³⁸ and a one day informal meeting prior to the UN General Assembly. It can also hold Special Sessions at the request of its Member States. Only the Members of the Commission can vote or call for a vote on resolutions, but all other States can participate in the Commission and most do. In addition, other UN and inter-governmental bodies also participate, as do National Human Rights Institutions, and Non-Governmental Organisations (NGOs) in Consultative Status with ECOSOC. The Quaker UN Office, Geneva, represents the Friends World Committee for Consultation (Quakers) – the international Quaker body which has ECOSOC General Consultative Status, and made a number of individual and joint written and oral statements to this year's Commission.³⁹

The provisional dates for 2006 were set for 13 March to 21 April.

Report prepared by Rachel Brett, with the assistance of Megan Bastick, Laurel Townhead and Eleanor Andrews

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³⁷ There is an agreed quota of seats for each of the five regional groups of the UN. In 2005 the membership of the Commission is: Argentina, Armenia, Australia, Bhutan, Brazil, Burkina Faso, Canada, China, Congo, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Finland, France, Gabon, Germany, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Kenya, Malaysia, Mauritania, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Ukraine, UK, USA and Zimbabwe.

³⁸ Chair: Makarim Wibisono (Indonesia); Vice Chairs: Hernán Escudero Martinez (Ecuador), Mohamed Saleck Ould Mohamed Lemine (Mauritania), Anatoliy Zlenko (Ukraine); and Rapporteur: Deirdre Kent (Canada)

³⁹ Available from our website: www.guno.org or from the UN website: www.ohchr.org in the case of the written statements which appear as UN documents E/CN.4/2005/NGO/1, 17, 18, 19, 24, 83 and 123.

The Quaker United Nations Offices located in Geneva and New York represent Friends World Committee for Consultation (Quakers), an international non-governmental organisation with General Consultative Status at the United Nations.

The Quaker United Nations Office work to promote the peace and justice concerns of Friends (Quakers) from around the world at the United Nations and other global institutions. They are supported by the American Friends Service Committee, Britain Yearly Meeting, the worldwide community of Friends, and other groups and individuals.

Friends World Committee for Consultation (Quakers) statements to the 61s session of the UN Commission on Human Rights (available from www.quno.org):

Written Statements:

- E/CN.4/2005/NGO/1: Joint statement on Standing Invitations to Human Rights Mechanisms (English and French)
- E/CN.4/2005/17: Women in Prison
- E/CN.4/2005/18: Children of Imprisoned Mothers
- E/CN.4/2005/19: Women in Prison and the Children of Imprisoned Mothers
- E/CN.4/2005/24: Joint statement on Freedom of Religion or Belief
- E/CN.4/2005/NGO/83: Conscientious Objection to Military Service
- E/CN.4/2005/NGO 123: Joint statement on Human Rights of Indigenous Peoples are a Global Priority (English, French and Spanish)

Oral Statements:

- Women in Prison
- Joint oral statement with Amnesty International on Refugees and Asylum-Seekers
- Joint oral statement on Cooperation with Special Procedures
- Conscientious Objection to Military Service
- Children of Imprisoned Mothers
- Joint oral statement on UN Reform
- Joint oral statement on Rights of Indigenous Peoples

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