

# AMNESTY INTERNATIONAL

## Public Statement

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### **2005 UN Commission on Human Rights: Joint statement on UN Reform**

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, Quaker UN Office 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 on Human Rights 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. Non-governmental organisations 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 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.

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 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 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 organisations 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 any UN human rights system and should be not only maintained, but significantly strengthened in any 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 OHCHR 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.