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UN reform: Draft Outcome Document fails to recognize the primacy of human rights

(New York) Amnesty International calls on all governments to substantially strengthen the vague and non-committal human rights provisions in the draft Outcome Document for the 2005 September High-level Summit published today. Heads of State meeting in New York must seize this historic opportunity of UN reform to ensure that human rights take their proper place as one of the three pillars of the United Nations. The primacy which the UN Charter accords to human rights requires no less.

All UN members have an obligation to put the promotion and respect for human rights at the heart of the Document's vision: that all people achieve freedom from want, freedom from fear and freedom to live in dignity. Amnesty International endorses the Document's recognition that there will be no development without security, no security without development and that neither will be enjoyed without respect for human rights. This principle must inspire and guide the preparation of the entire Document and underpin the decisions at the High-level Summit in September. It must be translated into clear and precise undertakings based on states' human rights obligations that will lead to measurable progress.

Amnesty International is deeply disappointed that the draft does not reflect the determination of Member States to undertake distinct commitments to strengthen the promotion and protection of human rights. In fact, the draft Outcome Document even weakens existing obligations in some parts. This is particularly unfortunate since the Secretary-General and other senior UN officials have repeatedly stressed the need for an "era of implementation" and for concrete measures to translate human rights commitments into reality. For example, the Document recognizes the need to fully implement human rights standards (63), but fails to resolve that states will *ensure* this actually happens. The Document also falls short of the stronger language used in the Millennium Declaration and is weak in requiring states to adhere to no more than the "principles" of respect for human rights and the rule of law in the fight against terrorism, instead of calling on states to protect human rights themselves (59).

Amnesty International supports the draft's decision to elevate the Commission on Human Rights into a standing Human Rights Council, as the UN Secretary-General proposed. Amnesty International believes that the Human Rights Council should be created as a principal organ of the United Nations as the best way to reflect the centrality of human rights in the UN Charter, rather than as a subsidiary organ of the General Assembly. While the organization welcomes the decision to preserve the strengths of the Commission, including the system of Special Procedures and the Charter-based role of NGOs, governments should take any additional measures necessary to ensure that the Human Rights Council will be effective, transparent and authoritative and avoids the excessive politicizations that has tarnished the Commission (87-88).

Amnesty International also welcomes the commitment to strengthen the Office of the High Commissioner for Human Rights through increased resources from the regular budget (65). That aspiration must now be translated into a firm and measurable commitment to double the Office's overall resources over the next five years.

On impunity, although the stated need to cooperate with the International Criminal Court is welcome, Heads of States must call on all states to ratify the Rome Statute of the International Criminal Court, which is about to receive its one hundredth ratification. They should also call on the Security Council to use their powers under the UN Charter to refer cases to the Court.

Furthermore, the Outcome Document should:

Reaffirm and build upon the international community's achievements in creating human rights standards and in the promotion and protection of human rights, including the Millennium Declaration, the Beijing Declaration and Platform for Action and the Vienna Declaration and Programme of Action;

Recognize that realizing the equal rights of men and women to enjoy all human rights is essential to achieving the Millennium Development Goals and many other objectives of the Outcome Document;

Emphasize that human rights must be mainstreamed throughout the United Nations;

Resolve that permanent members of the Security Council refrain, as the High-level Panel on Threats, Challenges and Change proposes, from using the veto in cases of genocide and large-scale human rights violations;

Emphasize that human rights are legal obligations firmly grounded in the UN Charter, the Universal Declaration of Human Rights, the core human rights treaties and other legal instruments, and that the rule of law requires that Member States take effective steps to implement all their human rights obligations;

Support a more active role for the High Commissioner for Human Rights in the deliberations of the Security Council and the proposed Peacebuilding Commission;

Clearly reflect the existing international consensus that any measures that a state takes to combat terrorism must comply with its obligations under international law, in particular human rights, refugee and humanitarian law (54);

Strengthen provisions for participation by non-governmental organizations and civil society in development, security and human rights by agreeing to deepen the dialogue with them and to act upon the recommendations made by the Panel of Eminent Persons on United Nations-Civil Society Relations (the "Cardoso Panel") (102);

Strengthen the Document's stated agreement to develop a legally-binding international instrument to regulate the marking, tracing and illicit brokering of small arms and light weapons by also incorporating the transfer of such weapons (51);

Recognize the Guiding Principles on Internal Displacement as the basic international norm for the protection of internally displaced persons and commit to promote incorporation of these Principles through national legislation and national practices;

Resolve to reinforce rules of accountability within the United Nations by committing Member States to a "zero policy" of sexual exploitation by UN personnel.

Background information

The draft Outcome Document was presented to the General Assembly by its President today. Heads of State will meet in New York in September 2005 to adopt an Outcome Document reviewing implementation of the 2000 Millennium Declaration. They will do so on the basis of the report of the Secretary-General, *In larger freedom: towards development, security and human rights for all*, (A/59/2005), March 2005. Amnesty International provides a detailed assessment of the need for a Human Rights Council in its report *Meeting the challenge: Transforming the Commission on Human Rights into a Human Rights Council* (AI Index IOR 40/008/2005) April 2005.

The numbers in brackets in the text refer to the paragraphs in the draft Outcome Document.

