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THE UN AND REFUGEES' HUMAN RIGHTS

A manual on how UN human rights mechanisms can protect the rights of refugees

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Glossary

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|--------|----------------------------------------------------------------|
| CAT | Committee against Torture |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| CHR | Commission on Human Rights |
| CRC | Committee on the Rights of the Child |
| Excom | Executive Committee of UNHCR |
| ECOSOC | Economic and Social Council |
| HRC | Human Rights Committee |
| ICCPR | International Covenant on Civil and Political Rights |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| ICRC | International Committee of the Red Cross |
| NGO | Non-governmental organization |
| OUA | Organization of African Unity |
| OAS | Organization of American States |
| UDHR | Universal Declaration of Human Rights |
| UK | United Kingdom |
| UN | United Nations |
| UNHCR | United Nations High Commissioner for Refugees |
| USA | United States of America |
| WEOG | Western European and Others Group |
| WGAD | Working Group on Arbitrary Detention |
| WGEID | Working Group on Enforced or Involuntary Disappearances |

Preface

Refugees have been forced to abandon their countries, homes and livelihoods because they are at risk of human rights abuse. They are entitled to international protection. Everyone has a right to refuge.

The number of women, men and children in need of international protection is rising, as conflicts proliferate and human rights violations continue unchecked. Yet States are becoming less inclined to accept refugees. Their commitment to the principle of asylum is dwindling, as is their will to resolve the human plight of the desperate and displaced.

People working to protect refugees' rights in these difficult times should make greater use of the bodies established by the UN to promote and protect human rights. UN Member States have agreed numerous standards and mechanisms to protect human rights, and States can be put under international pressure to abide by them.

This manual provides practical guidance on how non-governmental organizations can use the UN human rights machinery to protect refugees. It is published jointly by Amnesty International, the worldwide human rights movement, and the International Service for Human Rights, the Geneva-based advice and training organization.

This manual aims to encourage human rights groups and refugee organizations to take up refugee protection issues and cases with UN human rights mechanisms.

Amnesty International and the International Service for Human Rights would like to thank all those who helped with the publication of this manual.

1. Introduction

After years of neglect, the machinery established by the UN to promote and protect human rights has begun to address the human rights of refugees and asylum-seekers. This development comes at a crucial time as the magnitude of refugee movements around the world reaches crisis proportions, and the commitment of governments towards protecting refugees is diminishing — particularly in Europe and North America.

In April 1997 the most important UN human rights body, the Commission on Human Rights (CHR), passed resolution 1997/75 on “Human rights and mass exoduses”. This requests the UN human rights treaty bodies to “cooperate fully with all mechanisms of the Commission” (such as special rapporteurs and working groups), especially in providing information on “the human rights situations creating or affecting refugees and displaced persons”. In 1996 the Commission adopted resolution 1996/77 on the human rights situation in Zaire. This reminded the Zairean Government of its agreement to assure “order and security in the Rwandese refugee camps in Zaire and the voluntary repatriation of these refugees to their country of origin in conditions of safety and dignity”.

In March 1994 the CHR appealed for the protection of refugees fleeing Haiti. In April 1994 the UN treaty body set up to monitor worldwide the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) called on the Swiss Government to suspend its plans to deport a rejected asylum-seeker to Zaire because of the danger he faced of being tortured in his country (see Chapter 4, section 4d). At the same time, the UN Working Group on Arbitrary Detention was looking into the Hong Kong Government's practice of detaining Vietnamese asylum-seekers. A few months earlier, the Norwegian Government was asked tough questions about the effect on refugee children of its policy on asylum-seekers from Kosovo by an official UN body dealing with children's rights.

Why the UN?

Many non-governmental organizations' (NGOs) vision of the UN is distorted by either a strong scepticism or over-expectation of what can be achieved through the UN. As the UN is an intergovernmental body whose members are States, it is unavoidably political. However, the Member States have agreed to numerous standards and mechanisms to protect civil, political, economic, social and cultural rights. States can therefore be put under heavy pressure internationally to abide by these conventions and declarations and to respect the mandates of the UN bodies and procedures.

This manual demonstrates the specific ways in which the UN human rights bodies, representatives, treaties and procedures can be used by international and national NGOs to support and strengthen the protection of refugees. As with most human rights endeavours at the UN, little will be achieved in the protection of refugees' rights without the active and sustained effort of NGOs.

The lack of NGO attention to what the UN human rights procedures may offer refugees is not surprising. NGOs working on refugee issues, at both the national and international level, tend to remain separate from human rights NGOs and therefore have, by and large, remained unfamiliar with the UN human rights program. Only a few human rights NGOs are engaged in work on refugee issues and therefore most human rights NGOs have been unfamiliar with the issues facing refugees.

The purpose of this manual is therefore:

- ◆ to encourage NGOs to devote more attention to using the UN human rights machinery for the protection of refugees;
- ◆ to provide practical guidance to NGOs on how to take up refugee protection cases and issues with the main UN human rights mechanisms.

Who is this manual for?

This manual is intended for human rights and refugee NGOs, whether such NGOs operate on a national or international basis. It is hoped that by linking the expertise of refugee NGOs with the experience of human rights NGOs, this manual will help to:

- ◆ promote greater dialogue and cooperation between refugee and human rights NGOs;
- ◆ encourage a more effective overall advocacy of the protection of refugees.

Human rights mechanisms relevant to refugee concerns

The list below offers an indication of the possibilities for taking up refugees' human rights. The thematic mandates of the CHR apply to all States, whereas the treaties apply only to those States that have ratified the appropriate treaty. Full titles of the mechanisms and procedures are given in Chapter 4.

- Protection from *refoulement*:
 - * Thematic mandates of the CHR may help, e.g. on "disappearances", extrajudicial executions, torture;
 - * Treaty-monitoring bodies may help, e.g. on civil and political rights, torture, racial discrimination.
- Refugees' rights *after obtaining asylum*:
 - * Thematic mandates of the CHR may help, e.g. on racism and xenophobia;
 - * Treaty-monitoring bodies may help, e.g. on civil and political rights; economic, social and cultural rights; racial discrimination.
- Protection of refugee women:
 - * Thematic mandates of the CHR may help, e.g. on violence against women;

- * Treaty-monitoring bodies may help, e.g. on discrimination against women; economic, social and cultural rights; civil and political rights.
- Rights of refugees in detention:
 - * Thematic mandates of the CHR may help, e.g. on arbitrary detention;
 - * Treaty-monitoring bodies may help, e.g. on civil and political rights, torture.
- Rights of refugee children (under 18 years old):
 - * Thematic mandates of the CHR may help, e.g. on torture, violence against women, detention;
 - * Treaty-monitoring bodies may help, e.g. on rights of the child; economic social and cultural rights; civil and political rights; discrimination against women.
- Urgent action by the UN on specific and pressing cases:
 - * Relevant thematic procedures of the CHR;
 - * Relevant country procedures of the CHR;
 - * “Good offices” of the High Commissioner for Human Rights.

Focus of this manual

Many problems faced by refugees raise human rights questions. The international system of human rights protection is complex, involving national, regional and international bodies, sometimes with overlapping responsibilities. This manual is not intended to be a comprehensive guide to all aspects of the system, nor does it cover in detail all possible international bodies that NGOs might wish to use to strengthen and support refugee protection. For example, regional human rights systems such as those established by the Council of Europe or the Organization of African Unity (OAU) are only covered briefly as is the possible utilization of humanitarian law (commonly known as the “laws of war”), which is overseen not by the UN but by the International Committee of the Red Cross (ICRC). Issues such as in-country protection of internally displaced persons, for example by establishing “safe havens” or “protected zones”, are also only briefly discussed.

The manual therefore provides a broad reference to the various forms of international refugee protection. Its main focus is to show how the UN can assist in the particular human rights issues that arise when refugees and asylum-seekers arrive in an asylum country.

2. Human rights and refugees

The links between the protection of human rights and the protection of refugees are clear:

- In most cases the reasons underlying refugee movements relate to violations of internationally recognized human rights. Whether people flee persecution directed at them as individuals, as members of ethnic minorities, religious or linguistic groups, or as a result of civil disorder and armed conflict, it is the threat to their life and liberty which forces them to flee across international borders.
- The right of people to leave their countries and seek asylum abroad is one of the fundamental rights in the 1948 Universal Declaration of Human Rights (UDHR).
- The right of those genuinely at risk not to be forcibly returned to a country where their human rights will be violated (*non-refoulement*) is also a fundamental human right and, if this right is respected, it is an effective means of preventing further human rights violations.

- The manner in which refugees are treated in the country of asylum raises many human rights questions, such as arbitrary detention, protection of family life and protection against racism and discrimination.

There are other less obvious links between the protection of refugees and human rights:

- Reports on the human rights situation in a particular country prepared by UN bodies and/or NGOs are often crucial in helping an asylum-seeker to establish his or her case for asylum.
- People who flee a country are often an important source of information about the human rights situation in that country and their testimonies can alert the outside world to what is happening.

Despite these links, for too long refugee protection issues have remained outside the mainstream of the UN human rights machinery. Part of the reason for this marginalization of refugee issues is the unwillingness of governments to allow international scrutiny of their policies towards refugees. In addition, the fact that refugees are the responsibility of a specific UN agency — the UN High Commissioner for Refugees (UNHCR) — has tended to keep refugee protection issues separate from the UN human rights program.

Whatever the reason for the past marginalization of refugee issues from the UN human rights program, it is clear that the situation is changing:

- UNHCR has been addressing the CHR for a number of years, stressing the important links between the Commission's work and refugee protection issues. In her 7 February 1995 address to the Commission, Mrs Sadako Ogata (the High Commissioner) pointed out that: *“human rights concerns go to the essence of the cause of refugee movements, as well as to the precepts of refugee protection and the solution of refugee problems”*;
- in the October 1996 meeting of the Executive Committee of UNHCR (Excom), Mrs Ogata warned that international commitments to uphold the right of asylum were being eroded and called on States to provide more effective protection to victims of human rights abuse;
- a number of UN human rights mechanisms, such as the “treaty bodies”, the “thematic mechanisms”, country rapporteurs and experts have been raising refugee protection issues with governments;
- agenda items at both the CHR and the Sub-Commission on Prevention of Discrimination and Protection of Minorities open the door to further consideration of refugee issues;
- the protection of the rights of internally displaced persons is now under active consideration by the CHR, and there is a Special Representative of the UN Secretary-General who reports annually to the CHR on this issue.

NGOs can play a crucial role in developing this trend. The UN human rights bodies, whether they are composed of independent experts (such as the “treaty bodies”) or are political bodies made up of government representatives (such as the CHR), rely on information from NGOs in order to address human rights issues effectively. Also, without pressure from NGOs, these bodies are unlikely to take sustained and meaningful action.

2a Vulnerability of refugees

Refugees are particularly vulnerable to human rights violations and are often unable to secure adequate protection of their rights.

The basic human rights issues at stake have not changed much since the creation of UNHCR at the end of the Second World War. However, the context in which these issues take shape — and therefore the policies and solutions offered — has changed dramatically.

Refugees are individuals in grave danger in their own countries who cross an international border in search of protection. They need to flee and to be able to find a country of asylum and be granted legal protection (“refugee status”). They should never be forcibly returned to a country where their human rights will be violated. They should be assured of minimum standards of humane treatment while they are in the asylum country. Also, if and when it is safe for them to return, refugees may need international assistance and monitoring of the human rights situation to assure their successful reintegration into society.

2b Predicament of internally displaced persons

Unlike refugees, internally displaced persons have not crossed an international border in search of protection. They are displaced from their homes and communities, but are still within the jurisdiction of their government. In theory, therefore, it is still their national government which is responsible for their protection and the refugee conventions do not apply. This is so even though it is frequently their own government which is responsible for the human rights violations which caused the displacement in the first place.

There is growing recognition at the international level of the plight of internally displaced persons. The distinction between internally displaced persons and refugees is largely artificial as far as the individuals who are actually displaced are concerned — they are uprooted from their homes, at risk and need protection whether they have crossed a border or not. With the increasing number of internal armed conflicts, there are actually many more internally displaced persons than refugees.

So, although internally displaced people fall outside the scope of this manual, it should be noted that there is a Special Representative of the UN Secretary-General on internally displaced persons, who reports annually to the CHR and the UN General Assembly.¹

2c Post-war changes in the treatment of refugees

At the end of the Second World War, when UNHCR was created and international rules for the treatment of refugees were established, there were fewer than two million refugees in the world. Today, there are approximately 15 million refugees. A problem which governments expected to diminish after the Second World War has instead grown and continues to do so. Indeed, the refugee “problem” is increasingly being viewed as one of the major international issues of the day.

The rise in the number of refugees in the world has had a major impact on the response of governments to the plight of refugees and the ability of UNHCR to meet their needs. But it is not numbers alone which have altered the context in which refugee problems are considered. The end of the Cold War has had a profound impact on international politics, including with regard to refugee protection. When the 1951 Convention relating to the Status of Refugees (1951 Convention) was adopted, the Western countries that were the driving force behind it were primarily concerned with protecting refugees fleeing the former Soviet bloc.

In many cases, it is clear that the primary reasons for Western countries accepting refugees were political and ideological. The refugees from the former Soviet bloc were relatively few, white, mainly Christian, and mostly skilled and educated. Integration was not viewed as a problem and the refugees were seen as an asset to the host country. Such an approach was extended, through special assistance programs, for the political refugees from some Latin American countries and apartheid South Africa during the 1970s and 1980s. However, much less attention was given to the refugees from other areas of conflict and oppression, such as Lebanon, Sri Lanka, Iraq, Iran, Horn of Africa and Central Africa.

The collapse of communism in the former Soviet bloc caused an evaporation of the political incentive in the West to accept refugees. It also exposed the ambivalence of States’ commitment to global, comprehensive refugee protection. At the same time, with the increased availability of air

travel, asylum-seekers from other continents (who had until then only been able to flee to neighbouring countries) began to trickle into Western Europe, North America, Japan and Australia. These “new refugees” were viewed as a problem. They were non-white, many were not Christian, and they were poor compared to their “predecessors” from the former Soviet bloc. They were often met with hostility, racism and xenophobia. Economic recession and widespread unemployment in the host countries have also had a large impact; some politicians in search of popular scapegoats have played on people’s fears, labelling asylum-seekers as “bogus” and stating that they come not in search of protection but to take precious jobs and/or to live off welfare benefits.

These factors have led industrialized countries to adopt various measures designed to reduce the number of asylum-seekers who are able to gain access to their countries. The measures include restrictive visa policies, sanctions on airlines which carry people without the correct travel documents, and accelerated refugee determination procedures at the border to deny asylum-seekers entry to the country. Through policies of returning asylum-seekers to “safe third countries”, a narrow interpretation of the 1951 Convention’s definition of a refugee, potential asylum countries in the “West” have also shown an increasing determination to limit their non-refoulement obligations and to obstruct refugees’ right to seek asylum.

Even the relatively few asylum-seekers who do manage to enter an industrialized country find increasing restrictions on their rights. Many countries of asylum in the industrialized world believe that policies such as the detention of refugees, denial of opportunities for family reunification and restrictions on refugees’ economic and social rights (e.g. denying them the right to work) will deter other refugees.

While the restrictions on refugees’ rights is most noticeable in the richer countries, governments in poorer countries (which provide asylum to the vast majority of the world’s refugees) have also resorted to policies such as closing borders to refugees seeking to enter, detaining refugees or restricting their freedom of movement by requiring them to live in closed camps, and forcibly returning refugees to the countries they fled. Security forces in some countries have even been known to attack refugees, causing those who fled in search of safety to live in terror and fear.

The growing magnitude of the refugee problem, including mass exoduses, has led to a consideration of alternative solutions, such as:

- Offering asylum in the first country of arrival or resettlement in other countries.
- Creation of “safe havens” or “safe zones” in the country of origin, where people can flee instead of having to cross an international border. These “safe havens” are often protected by multinational or UN forces.
- A new commitment to push for voluntary repatriation policies, and to encourage refugees to return by promising international monitoring of their safety once they have returned.
- A new focus on the fate of internally displaced persons, to find ways of assisting and protecting them in their own countries so they do not have to flee abroad.

While some of these may seem sensible enough on paper, they are often implemented in such a manner that the standard of refugee protection is lowered considerably. Safe havens are not adequately protected, repatriation is not voluntary, and protection for internally displaced people lacks substance. Many governments look upon these as quick and easy solutions to the “problem” of large exoduses of refugees; the real solution, however, must be one which has as its primary concern the protection of the human rights of refugees.

2d Key human rights issues for refugees

The main human rights issues that refugees face can be grouped under the following headings:

- **Right to seek asylum**

- i.e. their ability to leave their own country
- i.e. their ability to gain access to a country of asylum

Threatened by: restrictions on access, such as visa requirements coupled with carrier sanctions, closed borders, “safe havens” in the country of origin where they are used to prevent people from fleeing abroad.

- **Protection against forcible return**

- i.e. their right not to be turned back at borders or on the seas
- i.e. their right to a fair hearing of their asylum claim

Threatened by: restrictive interpretation of refugee definition and other articles in the 1951 Convention, such as those relating to non-refoulement and the meaning of the term “coming directly”; unfair asylum procedures; policies of returning refugees to “safe third countries”; restrictive interpretation of the 1951 Convention’s refugee definition.

- **Protection of refugees’ rights in asylum countries**

- i.e. protection of refugees’ civil rights (e.g. liberty and security of the person, freedom of expression, freedom of religion)
- i.e. non-discrimination
- i.e. protection of economic, social and cultural rights (e.g. right to work, right to adequate standard of living)
- i.e. voluntary resettlement to a third country

Threatened by: policies to restrict refugees’ rights so as to discourage new arrivals, rise in racism and xenophobia.

- **Right of return**

- i.e. voluntary repatriation
- i.e. monitoring safety of returnees

Threatened by: policies to coerce refugees to return before it is truly safe, “ethnic cleansing” policies which are intended to expel people forever from their own country.

3. Applicable international law

3a International refugee law

3a(i) 1951 Convention relating to the Status of Refugees

International refugee law is primarily made up of the law established in the 1951 Convention and its 1967 Protocol.ⁱⁱ The 1951 Convention has 46 articles, of which the most important are:

- Article 1, which defines a refugee as any person who:

“As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

This article also provides further paragraphs setting out in detail under what circumstances refugee status ceases, and the categories of persons (e.g. criminals) who may be excluded from refugee status.

- Article 31, which prohibits penalties on refugees who are in a country unlawfully:

“The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.”
- Article 33, which sets out the fundamental principle of non-refoulement:

“No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”

The remaining articles of the 1951 Convention provide numerous rights for refugees in asylum countries, covering such issues as:

- non-discrimination (Article 3)
- freedom of religion (Article 4)
- right of association (Article 15)
- right of access to the courts (Article 16)
- right to work (Articles 17, 18 and 19)
- social rights (Articles 20, 21, 23 and 24)
- right to education (Article 22)
- freedom of movement (Article 26)
- right to travel documents (Article 28)

With the most obvious exception of Article 28, many of these provisions only require States to grant the same rights to refugees as are granted to other non-nationals.

3a(ii) 1967 Protocol

Article 1 of the 1951 Convention defined refugees in terms of the Second World War (“as a result of events prior to 1951”). When it was clear that new refugee movements were taking place, the 1967 Protocol to the Convention was adopted to remove this restriction, and to universalize the protection offered by the Convention so that non-European refugees were also protected. A few countries have not adopted the Protocol, reserving refugee recognition for those of European origin.

3a(iii) Conclusions of the UNHCR Executive Committee (Excom)

In addition to the 1951 Convention and 1967 Protocol, which are international treaties that create binding legal obligations, international refugee law also comprises many standards which have been developed by Excom (see Chapter 5). Excom conclusions are not legally binding on States in the same sense as treaties; however, as they are adopted by consensus by over 40 States, they are widely recognized to represent the view of the international community and carry persuasive authority. They cover a number of important issues, such as:

- guidelines for refugee determination procedures (Excom Conclusions Nos. 8 and 30)
- rules about the detention of refugees and asylum-seekers (Excom Conclusion No. 44)
- the protection of refugee women (Excom Conclusions Nos. 39, 54, 60 and 64)

- the obligations on States to refugees in situations of large-scale influx (Excom Conclusion No. 22)

A number of important principles of refugee law have been developed in Excom Conclusions, including:

- ◆ the principle that the obligation not to forcibly return refugees (non-refoulement) includes refugees arriving at the border (Excom Conclusion No. 6);
- ◆ the principle of non-refoulement is a norm of customary international law, i.e. binding even on States which are not party to the 1951 Convention (Excom Conclusions Nos. 50, 55, 74 and 77);
- ◆ the principle that the detention of refugees and asylum-seekers should normally be avoided, and may only be resorted to for certain specific reasons (Excom Conclusion No. 44);
- ◆ the principle that even in a situation of a large scale influx of refugees, States must respect the non-refoulement principle and treat refugees in accordance with basic standards (Excom Conclusions Nos. 19 and 22);
- ◆ the principle of international burden-sharing, which obliges the international community to assist States hosting large numbers of refugees (Excom Conclusions Nos. 22, 23, 68, 74, 77, 79 and 80).

3a(iv) Regional instruments on refugee protection

In addition to instruments at the international level, there are also regional instruments dealing with refugee protection:

- the Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa of 10 September 1969;
- the Cartagena Declaration on Refugees adopted in November 1984 by several Latin American States and repeatedly endorsed by the General Assembly of the Organization of American States (OAS).

These regional instruments provide a broader definition of people entitled to protection as refugees than the 1951 Convention and its 1967 Protocol. Unlike the 1951 Convention, these two regional instruments refer explicitly to the respect for voluntary repatriation of refugees (Article V of the OAU Convention and Conclusion Twelve of the Cartagena Declaration).

The Cartagena Declaration also confirms the fundamental principle of *non-refoulement* and acknowledges it as a rule of *jus cogens*, or a fundamental principle of international law binding on all States:

“...5. To reiterate the importance and meaning of the principle of non-refoulement (including the prohibition of rejection at the frontier) as a corner-stone of the international protection of refugees. This principle is imperative in regard to refugees and in the present state of international law should be acknowledged and observed as a rule of jus cogens.”

3b International human rights law

In the rush to label people as “refugees”, it is important not to lose sight of the fact that they are first and foremost human beings, entitled to certain rights. International human rights law ensures a minimum standard of treatment for all people to live in dignity. It is made up of many international instruments, at both the international and regional level, covering hundreds of human rights issues. This section deals with some of the most important instruments and provisions that are of particular benefit to refugees.

3b(i) Non-discrimination

The most important protection for refugees in international human rights law is the principle of non-discrimination which ensures that refugees, even though they are not citizens of the asylum country, are entitled to the same fundamental rights and freedoms as citizens. In general, the rights set out in the **International Bill of Human Rights** (Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, and International Covenant on Civil and Political Rights) apply equally to citizens and non-citizens (see common Article 3 of both Covenants), with the exception of a few political rights such as the right to vote.

This is, of course, very important for refugees. It means that even though they are outside their own country they are still entitled to respect for their basic human rights.

3b(ii) International Bill of Human Rights

This includes numerous articles to protect refugees' rights while they are in countries of asylum:

• Basic civil and political rights:

- ◆ protection against arbitrary detention (Article 9 of Universal Declaration of Human Rights — UDHR; Article 9 of International Covenant on Civil and Political Rights — ICCPR)
- ◆ freedom of conscience and religion (Article 18, UDHR; Article 18, ICCPR)
- ◆ freedom of opinion and expression (Article 19, UDHR; Article 19, ICCPR)
- ◆ freedom of movement (Article 13, UDHR; Article 12, ICCPR)
- ◆ protection of the family (Article 16, UDHR; Article 23, ICCPR)
- ◆ freedom from torture and degrading treatment (Article 5, UDHR; Article 7, ICCPR)
- ◆ aliens' protection from expulsion (Article 13, ICCPR)

• Basic economic, social and cultural rights:

- ◆ right to social security (Article 22, UDHR; Article 9, International Covenant on Economic, Social and Cultural Rights — ICESCR)
- ◆ right to work (Article 23, UDHR; Articles 6 and 7, ICESCR)
- ◆ right to education (Article 26, UDHR; Article 13, ICESCR)
- ◆ right to an adequate standard of living, such as health care and housing (Article 25, UDHR; Article 11, ICESCR)

• Right to seek asylum

The right to seek asylum is guaranteed explicitly in Article 14 of the UDHR:

“Everyone has the right to seek and to enjoy in other countries asylum from persecution.”

• Protection against *refoulement*

A number of human rights instruments, not just the 1951 Convention, provide protection against *refoulement*:

— The UN Convention against Torture declares, in Article 3:

“1. No State Party shall expel, return (‘refouler’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

“2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.”

— The UN Declaration on the Protection of All Persons from Enforced Disappearance provides in Article 8:

“1. No State shall expel, return (refouler) or extradite a person to another State where there are substantial grounds to believe that he would be in danger of enforced disappearance.

“2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.”

— The UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions provide in Principle 5:

“No one shall be involuntarily returned or extradited to a country where there are substantial grounds for believing that he or she may become a victim of extra-legal, arbitrary or summary execution in that country.”

In addition to these provisions, other human rights instruments provide **implicit** protection against *refoulement* where there is a risk of torture:

— Article 7 of the ICCPR:

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”

— The Human Rights Committee (HRC) in its General Comment 20 of 1992 on Article 7, said:

“In the view of the Committee, States parties must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement. States parties should indicate in their reports what measures they have adopted to that end.”

• **Right of return**

The right of return was first recognized in Article 13(2) of the UDHR:

“Everyone has the right to leave any country, including his own, and to return to his country.”

It is also guaranteed in Article 12(4) of the ICCPR (though here it is phrased in terms of the right to enter):

“No one shall be arbitrarily deprived of the right to enter his own country.”

3c Other relevant international laws and standards

The following bodies of law, humanitarian law and regional human rights law are not directly applicable to the UN human rights bodies explained in this manual. Compliance with their obligations is overseen by other international bodies, not the UN. However, they are authoritative sources of international law, and taking these standards into account when putting an argument before a UN body may, depending on the circumstances, be effective. Therefore, it is useful to touch briefly on these other standards and alert NGOs to the possibility of utilizing them.

3c(i) Humanitarian law

Humanitarian law governs the conduct of warring parties (not just States) during times of armed conflict. Set out principally in the four Geneva Conventions and their two Additional Protocols, humanitarian law provides for humane treatment of those not taking part in hostilities (e.g. civilians) and is generally regarded as binding on all nations, whether formal parties to the Conventions or not.

Although there is no **explicit** provision for *non-refoulement* in humanitarian law, there is an **implied** humanitarian obligation not to send non-combatants back to a state of conflict. This is important, as many countries (mainly in the industrialized world), interpret the key word “persecution” in the refugee definition as being of a “singled-out” nature. These governments are often hesitant to grant asylum to refugees from armed conflicts, claiming they are fleeing from a state of “general violence” and not “persecution *per se*”. Such arguments sometimes may be overcome by referring to humanitarian law.

Implementation of the Geneva Conventions is overseen by the International Committee of the Red Cross (ICRC), which has its headquarters in Geneva. Though humanitarian law provisions are not specifically supervised by the UN, they are generally regarded as important standards of international law and are often cited as such in UN documents.ⁱⁱⁱ

3c(ii) Regional human rights law

A considerable body of regional human rights law exists, defined in various regional human rights treaties and implemented by regional bodies.^{iv} Similar human rights to those laid out in the UN instruments are for the most part established in these regional systems and, as mentioned above, both Africa and the Americas have adopted a refugee definition broader than that of the 1951 Convention.

The **European Court of Human Rights**, established under the European Convention for the Protection of Human Rights and Fundamental Freedoms, has produced a wealth of case law setting standards on various human rights issues. Many of these directly concern refugees, such as cases of possible refoulement; the Court has determined in many cases that it would be a breach of the Convention (which specifically prohibits torture) to expel a person to a country where he or she risked being tortured.

The **Inter-American Court of Human Rights**, like its European counterpart, has jurisdiction over the states parties to the treaty which have accepted the optional jurisdiction of the Court. The Court was established under the American Convention on Human Rights and has passed judgment on numerous refugee cases, advancing standards of refugee protection in the region. Unfortunately, the effectiveness of the Inter-American system is compromised considerably by the fact that the major power of the region, the USA, is not a party to the Convention.

The **African Commission on Human and Peoples' Rights** is charged with overseeing implementation of the African Charter on Human and Peoples' Rights (1981). Article 12(e) states that:

"...every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the laws of those countries and international conventions." [our emphasis]

The African Commission's complaints proceedings are not public. The Commission has, however, begun publishing its decisions as part of its annual report to the OAU summit. While the Commission is the only body that considers complaints, the OAU and the Commission have drafted a protocol to the African Charter which, if adopted, will create an **African Court on Human and Peoples' Rights**. This will conduct its hearings in **public**.

Most international bodies (UN or regional) will not review a **specific** case if it is still being considered by a national judicial procedure or under review by another international or regional body. However, this does not prevent them from reviewing the general situation in which the case has arisen.

4. Role of UN human rights mechanisms

4a How can UN human rights mechanisms be used to enhance refugee protection?

The answer to this question depends on the rights at stake and the mandate and effectiveness of the particular human rights mechanism. The UN human rights machinery is complex: the mandates, competence and experience of different UN bodies dealing with human rights vary enormously. With some bodies, like the CHR, it is possible to raise a State's policy towards refugees but inappropriate to try to raise the cases of individual refugees. With other bodies, like a treaty-monitoring body such as the Committee against Torture, it is possible to raise individual cases but they would be unlikely to deal with policy issues such as a State's general asylum practice.

So, some mechanisms are more appropriate for individual cases and others for issues. Some mechanisms can be effective in the short term and others need to be used over a longer period of time. Using human rights mechanisms may mean having to participate in the meetings, but not always — a lot of submissions and requests can be made by post and fax. To make good use of the mechanisms a clear strategy is required. This does not necessarily mean a lot of extra work as editing existing reports may be all that is required.

This chapter describes the main UN bodies dealing with human rights, and focuses in particular on those bodies which might be in a position to take action on behalf of refugees and asylum-seekers. The section includes:

- a description of each body with factual information on its mandate, composition, meeting times, agenda, etc., and contact addresses to obtain further information;
- an explanation of how refugee protection issues fit within the mandate of the body.

4b UN Commission on Human Rights (CHR)

The CHR (usually just called “The Commission” by those who attend it) is the main UN body dealing with human rights issues. It is an intergovernmental body, currently composed of 53 government members (elected on a regional basis). The CHR meets once a year in Geneva for six weeks in March and April. It can also hold special sessions when a majority of members believe that it is necessary. The CHR has a broad mandate to discuss any issues related to the protection of human rights, although its main activity has been in the areas of standard-setting, investigating violations of human rights related to particular themes (e.g. torture) or in particular countries, and discussing ways of promoting and ensuring respect for human rights. The CHR is the body which takes initiatives to review and investigate certain human rights situations.

As the CHR is an intergovernmental body, its debates in the CHR are essentially political. Members are not independent experts on human rights, like many of the treaty bodies (see below). They are representatives of their governments, from whom they receive instructions. Foreign policy will dictate their actions just as much as (or more than) human rights concerns.

The CHR has never given serious attention to refugee protection issues. There are many reasons for this, not least the fact that States are extremely reluctant to allow any discussion by such a prominent UN human rights body of their asylum policies. The States who are members of the CHR tend to vote and coordinate policy as part of regional groups. The “Western European and Others Group” (WEOG, which includes the USA, Canada, Australia, New Zealand and Japan) is particularly sensitive to any asylum-related discussions at the CHR. For this and other reasons, the CHR has no agenda item dealing explicitly with refugee and asylum issues. It only has a sub-item on “Human rights, mass exoduses and displaced persons”.

The CHR rarely considers cases of individuals whose human rights have been violated, and it is very rare for individual cases to be mentioned in a resolution of the CHR. For this reason, it is not an appropriate body to approach with the problems faced by an individual refugee. Also, because refugee protection issues generally are not on the CHR’s agenda, it is even difficult to get the CHR to consider broader questions of policy that affect refugees.

Given these difficulties, NGOs should not be too optimistic about the possibilities of having the CHR take up, for example, restrictive asylum policies in a particular country. However, members of the CHR may be persuaded to take action of a more general nature, e.g. a resolution regarding standard-setting of refugee treatment. Accomplishing this would entail a sustained effort; however, as the CHR is the UN’s main human rights body, the rewards would be considerable.

Suggested action with CHR in general:

- ◆ NGOs should consider, as a first step, trying to ensure that the general issue of refugee protection finds a place on the CHR’s agenda.

- ◆ Only NGOs in consultative status with the Economic and Social Council (ECOSOC)^v may participate in the CHR, so representatives of non-status NGOs will need to join a delegation of an NGO which has this status, granted annually by ECOSOC following recommendations of its NGO Committee that meets in New York.
- ◆ Work out a lobbying strategy to raise refugee rights issues before and during the CHR, and to try to obtain appropriately worded resolutions.
- ◆ NGOs should consider making written and oral statements under relevant items of the CHR agenda, such as 8(a) on torture and other cruel, inhuman or degrading treatment or punishment, 9(d) on human rights, mass exoduses and displaced persons, and item 10 on country situations.^{vi}
- ◆ All NGOs (including those without consultative status with ECOSOC) may contribute to and use the CHR special procedures (see below).

4b(i) How to get refugee protection issues on the CHR's agenda

For a number of years there was an item on the CHR's agenda entitled "Human rights and mass exodus". In 1993 the CHR renamed it "Human rights, mass exoduses and displaced persons" and included it as a sub-item under the agenda item dealing with the promotion of human rights, which by 1997 was item 9. At least up to 1997 the CHR has been adopting resolutions on both issues: "Human rights and mass exoduses" and "Internally displaced persons".

The mass exoduses item originated from the concern of WEOG States (especially Canada and Germany) of the need to focus more attention on countries which were violating human rights and thereby creating refugee movements. The idea behind it was to get the CHR to deal with human rights violations in countries of origin (so that people would not have to flee or, if they had already fled, could return home), and it was not intended to cover issues related to refugees' reception and treatment in countries of asylum. Over the years, the language of the resolution on mass exoduses has changed to include some limited reference to the protection of refugees.

The resolution on human rights and mass exoduses at least provides a place on the agenda where NGOs can raise refugee protection issues. Even if they are not taken up in the resolution, governments do feel the pressure when their restrictive policies are exposed. Also, if more NGOs make statements and lobby on refugee protection issues under this item, then it is possible that these issues will receive more attention in the resolution.

Suggested action on the CHR's agenda:

- ◆ NGOs could make statements under this agenda item that point to trends, policies and practices which show a diminishing commitment to the protection of refugees.
- ◆ NGOs could make efforts to develop the mass exoduses item into an agenda item which deals not only with country of origin issues, but also with other aspects of refugee protection — including protection in asylum countries and the right to return.
- ◆ NGOs should be prepared to work over a long period to ensure their concerns are adequately taken up by the CHR.

Further information on attendance at the CHR, on its agenda, making statements, lists of resolutions, lists of documents, and reports on previous sessions can be found in publications such as the Orientation Manual, Human Rights Monitor and HR Documentation DH from the International Service for Human Rights in Geneva.

4b(ii) Using CHR country-specific procedures

Each year the CHR adopts several resolutions dealing with particular countries. At the 1997 session, resolutions and decisions were adopted concerning:

Afghanistan, Burundi, Cuba, Cyprus, East Timor, Equatorial Guinea, Iran, Iraq, Israel (occupied Arab territories), Myanmar, Nigeria, Rwanda, Southern Lebanon, Sudan, Western Sahara, former Yugoslavia, Zaire.

Country situations can also be addressed by the Chairman of the Commission in “statements of the Chairman”. This is often done for cases which CHR members believe are politically complex or too sensitive, or where time does not permit a negotiated country resolution. In 1997 the Chairman made three such statements on:

under item 3 — Colombia and Peru

under item 18 — Liberia

Another item on the agenda of the Commission that deals with countries is that of **Advisory Services in the field of human rights**. This item, which at the 1997 meeting was No. 18, was originally created to provide States with advisory services of experts, scholarships, seminars and regional and national training courses. However, this program has increasingly been used by States to avoid condemnation under the regular item dealing with violations of human rights, although it still allows a report to be presented of the needs and the situation in the country. Under the item dealing with Advisory Services, four resolutions on countries were adopted by the Commission in 1997 on:

Cambodia, Guatemala, Haiti and Somalia.

While the specific content of the country resolutions varies, the CHR generally adopts a country resolution as a means of expressing the CHR’s concern about human rights violations in the country and, it is hoped, of bringing pressure to bear on the authorities in that country to cease such violations. Again, one must keep in mind that CHR debates are for the most part a political process. Resolutions concerning the human rights situation in particular countries often have as much to do with States’ foreign policy and the state of affairs in the international community as they have with the actual situation of human rights. Therefore, it has been possible for China to avoid any CHR resolutions on human rights in its territories. Still, the fact remains that countries which are subject to CHR resolutions are usually those where human rights are violated on a large scale. Political though the process may be, the results are normally reasonably good.

Many of the countries which are currently (or have been in the past) the subject of CHR country resolutions are also countries from which large numbers of refugees have fled in search of protection. Often they are fleeing precisely because of the human rights violations dealt with in the CHR resolution.

Suggested action with CHR country-specific procedures:

◆ NGOs should lobby for country resolutions to include reference to the plight of refugees who have fled because they were at risk of human rights violations in the country, and urging potential asylum countries to offer protection to those refugees until it is safe for them to return.

If a country resolution includes such references, it can be used in approaches made to asylum countries.

◆ NGOs should be well informed about country resolutions because even if such resolutions do not contain specific references to refugees, they can be used to substantiate the claims of asylum-seekers from countries about which the CHR has expressed concern.

Further information on which countries have been the subject of CHR resolutions, and advice on how to get copies of these resolutions, can be obtained from the International Service for Human Rights.

Through the country-specific resolutions the CHR has established a number of “special rapporteurs” who are empowered to study the human rights situation in a particular country and report back to the CHR. They may receive written information from all NGOs on the countries on which they are reporting. These mechanisms can issue urgent appeals for further information from governments in particular cases.

At the current time there are **Special Rapporteurs** on the following countries:

Afghanistan, Burundi, Cuba, Equatorial Guinea, Iran (Special Representative), Iraq, Myanmar (Burma), Nigeria, occupied Arab territories including Palestine, Rwanda (Special Representative), Sudan, former Yugoslavia, Zaire.

These rapporteurs report annually to the CHR. NGOs can try to ensure that refugee protection issues are dealt with in these reports. For instance, the Special Rapporteur on the situation of human rights in Afghanistan devoted a whole chapter in his report dated 14 February 1994 to the problem of refugees and displaced persons. The first paragraph of this chapter reads:

“As the United Nations High Commissioner for Refugees stated before the Commission on Human Rights at its fiftieth session, ‘Most of the refugees and internally displaced are victims of the twin scourges of human rights abuses and internal conflict...’ This phrase, unfortunately, applies fully to the present situation in Afghanistan.” (E/CN.4/1994/53)

Besides the reports of country rapporteurs, the UN Secretary-General is requested to submit reports to the 1998 CHR on the following countries:

Colombia, Cyprus, East Timor, Guatemala, Liberia, Southern Lebanon, occupied Arab territories including Palestine, and occupied Syrian Golan.

Under the Advisory Services item, Independent Experts are requested to report to the 1998 CHR on the situation in:

Cambodia, Haiti and Somalia.

4b(iii) Using thematic procedures of the CHR

Over the years the CHR has established a number of so-called “thematic mechanisms”. These are working groups or special rapporteurs who deal with a particular human rights topic or “theme”, and who have a mandate to receive information, correspond with governments and report to the CHR on issues related to that topic. Below is a list of the thematic mechanisms which are possibly relevant to refugee protection, with the year of expiration of their present mandates. (The mandates are normally renewed by the CHR.)

- Special Rapporteur on extrajudicial, summary or arbitrary executions (1998)
- Special Rapporteur on torture (1998)
- Special Rapporteur on violence against women (2000)
- Special Representative on internally displaced persons (1998)
- Special Rapporteur on religious intolerance (1998)
- Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (1999)
- Special Rapporteur on freedom of opinion and expression (1999)
- Special Rapporteur on the independence of judges and lawyers (2000)
- Working Group on Arbitrary Detention (2000)
- Working Group on Enforced or Involuntary Disappearances (1998)

The specific mandate of each of these thematic mechanisms varies, but, as discussed below, there are a number of ways of bringing refugee protection issues to their attention. The special rapporteurs or members of working groups are appointed to serve as independent experts, and their three-year mandates can be renewed by the CHR. The thematic mechanisms are serviced by

staff at the UN Centre for Human Rights in Geneva; the Centre receives all communications addressed to the special rapporteurs or working groups, ensures effective communication with the special rapporteurs and members of working groups (who are not normally based in Geneva) and assists in the preparation of reports and correspondence with governments.

One of the most useful features of the thematic mechanisms is that they can take action on cases **regardless of whether a state is party or not to an international human rights treaty**. This is in contrast with the treaty bodies (see below), which can only review countries which are party to the relevant treaty. Many of the thematic mechanisms, besides gathering information on the human rights violations within their mandate, also have an **urgent appeals procedure**. Under this procedure, individuals in imminent danger of facing human rights abuses can petition the mechanism to intervene with the government in question on their behalf. Requests for urgent appeals can be sent at any time.

Furthermore, the reports prepared by the thematic mechanisms are a valuable and authoritative source of information on human rights violations in countries around the world. Even those governments which are prone to be hostile to NGOs find it more difficult to ignore an official UN report of human rights violations. For this reason, NGOs should submit accurate and reliable information regarding human rights violations to the relevant thematic mechanisms. This information should be specific and well documented.

Suggested action for all the thematic mechanisms of the CHR:

- ◆ Throughout the year NGOs may submit to the relevant thematic mechanisms (via their assistants at the UN Centre for Human Rights) accurate, well-documented information regarding specific human rights violations in any country.
- ◆ NGOs may request the relevant thematic mechanisms to make an urgent request for further information from a government on a particular and pressing case of a violation of a refugee's rights which relates to that mechanism's mandate (this could also be a joint appeal when appropriate to the mandates, e.g. in 1995 on the impunity laws in Peru).
- ◆ NGOs should get copies of the reports of the thematic mechanisms, which are presented (in public) annually to the CHR, and use the information in these reports to support asylum claims before national authorities.

Further information on the resolutions for their mandates and UN codes for the documents can be found in the HR-Documentation DH series of the International Service for Human Rights.

The reports of the special rapporteurs and working groups can be obtained from: United Nations, Distribution of Documents, Door 40, Palais des Nations, 1211 Geneva 10, Tel: (41 22) 917 49 00/47 12, Fax: 917 0123, or through the Internet at: <http://www.unog.ch>

Working Group on Enforced or Involuntary Disappearances

The Working Group on Enforced or Involuntary Disappearances (WGEID) was established in 1980 and since then has dealt with thousands of cases of enforced or involuntary "disappearance". The Working Group meets for three one-week sessions: in June in New York, and in September and November in Geneva.

One of the main objectives in establishing the WGEID was to assist families in establishing the fate and whereabouts of missing relatives. But the WGEID has also set up procedures to act in cases where people are threatened with "disappearance" — it will issue urgent appeals to the government to protect those at risk of "disappearance". It has a special process for "disappeared" people in the former Yugoslavia.

"Disappearances" occur in many countries: governments, or people acting under the control or acquiescence of governments, practise this particularly horrendous violation as a means of getting rid of political opponents. Asylum-seekers from many countries have justified their fear of returning home on the grounds that they are at risk of "disappearance". The UN Declaration on

the Protection of All Persons from Enforced Disappearance (UN Declaration on disappearances) provides in Article 8 that:

“1. No state shall expel, return (refouler) or extradite a person to another State where there are substantial grounds to believe that he would be in danger of enforced disappearance.

“2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.”

The Working Group has until now concentrated on cases of “disappearance” within countries, and has not taken up cases of possible refoulement of asylum-seekers. However, as is clear from Article 8 of the UN Declaration on disappearances, such issues do fall squarely within its mandate. It is feasible that in the future the WGEID may act upon such cases.

Suggested action with the WGEID

◆ NGOs should ask the WGEID to intervene with the national authorities in an asylum country in cases where an asylum-seeker is at imminent risk of being returned to a country where he or she risks “disappearance”.

◆ Throughout the year NGOs may submit to the Working Group accurate, reliable and well documented information regarding specific cases and phenomena of “disappearances” of refugees in any country.

Further information on the WGEID, including guidance on how to submit an individual case, can be obtained from the Secretary to the Working Group on Disappearances, UN Centre for Human Rights, Palais des Nations, 1211 Geneva 10, Tel: (41 22) 917 33 70, Fax: 917 0092.

Special Rapporteur on extrajudicial, summary or arbitrary executions

This Special Rapporteur deals with all unlawful and deliberate killings carried out on the orders of a government or with its acquiescence, for example deaths in custody, violations of the right to life in armed conflict, genocide and arbitrary or unlawful use of the death penalty. The Special Rapporteur has a mandate to receive information concerning actual or threatened summary or arbitrary executions and to communicate with the government concerned. The Special Rapporteur has established a system for sending urgent appeals to governments. In 1994 the Special Rapporteur sent 203 urgent appeals to 53 countries. In 1995 he transmitted 203 urgent appeals concerning 2,300 people to 53 countries. In 1996 the Special Rapporteur transmitted 151 urgent appeals, concerning 1,243 people, to 94 governments. In 1997 the Special Rapporteur transmitted 131 urgent appeals on behalf of more than 1,100 people.

The Special Rapporteur has explicitly indicated that “expulsions of persons to a country where their lives are in danger” is an issue of concern to him, and added that his work on this issue is based on the 1951 Convention relating to the Status of Refugees, and the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. Principle 5 of this latter instrument provides:

“No one shall be involuntarily returned or extradited to a country where there are substantial grounds for believing that he or she may become a victim of extra-legal, arbitrary or summary execution in that country.”

The Special Rapporteur of the CHR has sent urgent appeals in numerous cases of threatened refoulement, including cases in Bangladesh, former Yugoslav Republic of Macedonia, Sweden, Turkey, United Kingdom (UK) and USA. For example, his 1994 report stated:

“The Special Rapporteur also addressed an urgent appeal to the government of the United States after he received information according to which the US Coast Guard had begun the summary forcible repatriation of Haitian migrants

intercepted at sea, without any screening or hearing, and thus without distinguishing between refugees fleeing persecution in Haiti and other emigrants. In view of persistent allegations concerning numerous extrajudicial, summary or arbitrary executions in a climate of total impunity in Haiti and a resolution by the Inter-American Commission on Human Rights made public on 17 March 1993, according to which Haitians who were returned to Haiti by the US authorities very frequently suffered persecution at the hands of Haitian authorities, the Special Rapporteur urged the US authorities to refrain from forcibly returning Haitian nationals in all cases where their lives and physical integrity would be in danger.” (E/CN.4/1994/7, para. 621)

And the 1995 report stated:

“... the Special Rapporteur sent an urgent appeal [to the government of Burundi] after being informed that a group of refugees from Rwanda, including Alphonse-Marie Nkubito, former Procurator General at the Appeals Court, were being held at Bujumbura airport to be sent to Bukavu, Zaire, where their lives were feared to be at risk due to the presence of elements of the Rwandan government forces (13 April 1994). On 11 May 1994, the Government replied to the Special Rapporteur’s urgent appeal of 13 April 1994, informing him that Alphonse-Marie Nkubito had left Burundi for Brussels...” (E/CN.4/1995/61, para. 77-78)

Suggested action with the Special Rapporteur on extrajudicial, summary or arbitrary executions

- ◆ NGOs should ask the Special Rapporteur to intervene with the national authorities in an asylum country in cases where an asylum-seeker is at imminent risk of being returned to a country where he or she risks extrajudicial, summary or arbitrary execution.
- ◆ NGOs may request the Special Rapporteur to make an urgent request for further information from a government on a particular and pressing case of an extrajudicial, summary or arbitrary execution of a refugee(s), to at least attempt to provide some protection for other refugees in the same area.
- ◆ Throughout the year NGOs may submit to the Special Rapporteur accurate, reliable and well documented information regarding specific cases of extrajudicial, summary or arbitrary execution of refugees in any country.

Further information on the Special Rapporteur, including guidance on how to submit an individual case, can be obtained from the Assistant to the Special Rapporteur on extrajudicial, summary or arbitrary executions, UN Centre for Human Rights, Palais des Nations, 1211 Geneva 10, Tel: (41 22) 917 38 75, Fax: 917 0092.

Special Rapporteur on torture

The Special Rapporteur on torture was established by the CHR in 1985. He is mandated to seek and receive information on questions relevant to torture, to report annually to the CHR on the phenomenon of torture in the world and establish contact with governments on the measures taken to prevent torture. The Special Rapporteur has also established an urgent action procedure which allows him to act immediately on credible information that a person is threatened with torture. Upon receipt of such information he will contact the government to ensure protection of the individual’s right to physical and mental integrity. In 1995 he transmitted 144 appeals to 45 governments concerning 716 individuals as well as several groups of people. In 1996 he sent 113 urgent appeals to 43 governments concerning 410 individuals as well as several groups of people. In 1997 he sent 130 urgent appeals to 45 governments on behalf of some 490 individuals, as well

as on behalf of several groups of people where fears that they might be tortured had been expressed.

The Special Rapporteur bases his work on several international instruments, including the UN Convention against Torture, which as stated above contains an article (article 3) protecting refugees from being returned to their country if they are “in danger of being subjected to torture”. In a number of cases, the Special Rapporteur has used the urgent action procedure and appealed to governments not to return refugees and asylum-seekers to countries where they are at risk of torture. For example, his 1994 report stated:

“...the Special Rapporteur sent an urgent appeal to the [Malaysian] Government on behalf of a group of 43 Acehnese asylum-seekers who were occupying the UNHCR premises in Kuala Lumpur because they had been threatened with being forcibly returned to Indonesia. Fears were expressed that, if this happened, they would be at risk of being detained upon arrival and tortured. [...] the Government replied that [...] consultations were taking place between the relevant authorities with a view to providing those who wished to leave the camp with the opportunity to work in Malaysia [...] The Malaysian Government had no intention of forcibly returning them to Indonesia.” (E/CN.4/1994/31, para. 374-376)

His 1995 report stated:

“The Special Rapporteur sent an urgent appeal to the [Belgian] Government on 18 March 1994 concerning two Zairean nationals [...] Fears were expressed that the two women would be in danger of arrest and torture if they were sent back to their country of origin. [...] On 9 August 1994 the Government replied [...] the order to leave the territory [...] was extended for six months.” (E/CN.4/1995/34, para. 58-60)

Suggested action with the Special Rapporteur on torture

◆ NGOs should ask the Special Rapporteur to urgently intervene with the national authorities in an asylum country in cases where an asylum-seeker is at imminent risk of being returned to a country where he or she faces torture.

◆ Throughout the year NGOs may submit to the Special Rapporteur accurate, reliable and well documented information regarding specific cases of torture of refugees in any country.

Further information, including guidance on how to submit an individual case, can be obtained from the Assistant to the Special Rapporteur on torture, UN Centre for Human Rights, Palais des Nations, 1211 Geneva 10, Tel: (41 22) 917 39 15, Fax: 917 0092.

Special Rapporteur on religious intolerance

The Special Rapporteur on religious intolerance was appointed in 1986 to examine incidents and governmental actions which were inconsistent with the provisions of the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and to make appropriate recommendations. He receives information and opens correspondence with governments on allegations of religious discrimination and harassment.

The Special Rapporteur’s mandate does not extend to taking action to prevent people from being returned to countries where they might suffer religious persecution. However, because he receives a good deal of information on respect for religious freedom in numerous countries, and in some cases receives detailed responses from governments to allegations of religious persecution, his annual reports to the CHR are a useful source of information.

Suggested action with the Special Rapporteur on religious intolerance

◆ NGOs should obtain copies of the reports of the Special Rapporteur to the CHR and use the references to relevant countries to support asylum claims.

Further information can be obtained from the Assistant to the Special Rapporteur on religious intolerance, UN Centre for Human Rights, Palais des Nations, 1211 Geneva 10, Tel: (41 22) 917 13 15, Fax: 917 0092.

Working Group on Arbitrary Detention

The Working Group on Arbitrary Detention (WGAD) was established by the CHR in 1991 following a report by Louis Joinet, a member of the Sub-Commission, on the practice of administrative detention. The report drew attention to the detention of refugees and asylum-seekers, noting that such detention:

“... particularly caught the rapporteur’s attention because of its extent in certain parts of the world, the complexity of the associated politics and, thus, the solutions required, and above all, the serious threats to human rights which it involves.”

The WGAD has a mandate to investigate cases of detention which are arbitrary or inconsistent with international standards. It can receive communications from individuals or their families as well as NGO representatives, and if the communication appears to indicate a case within the WGAD’s mandate, it will write to the government seeking its views or further information on the case. Based on the information available, the WGAD will give its views as to whether an individual’s detention is arbitrary or otherwise inconsistent with international standards. The WGAD has also established an urgent appeal procedure in cases where continued detention appears to pose a risk to the detainee’s right to life and physical integrity.

The WGAD invited representatives of UNHCR to its meeting in November 1995 to consider the problems of “deprivation of liberty affecting asylum seekers”. In their 1995 report the WGAD states:

“The Working Group has been particularly concerned about asylum seekers in foreign countries who are deprived of their liberty while their application is being processed, as in the case of Vietnamese exiles in Hong Kong and Haitian and Cuban refugees at the United States Naval base in Guantanamo.”
(E/CN.4/1996/40, para. 62)

In its 1997 resolution on arbitrary detention (resolution 1997/50), the CHR “requests the Working Group to devote all necessary attention to the reports concerning the situation of immigrants and asylum-seekers who are allegedly being held in prolonged administrative custody without the possibility of administrative or judicial remedy, and to include observations on this question in its report to the next session of the CHR”.

The Working Group has three one-week sessions annually: in May, September, and November, all in Geneva.

Suggested action with the WGAD

- ◆ NGOs should submit individual cases of detained asylum-seekers where continued detention appears to pose a risk to the person’s health or physical integrity.
- ◆ NGOs should also submit accurate and reliable information about government policies to detain asylum-seekers when this detention contravenes international standards, for example:
 - if there are no legitimate reasons for detention (the mere fact that asylum was claimed is not a legitimate reason);
 - if those detained do not have the right to challenge the legality of their detention before a court.
- ◆ NGOs may request the WGAD to make an urgent request for further information from a government on a particular and pressing case of arbitrary detention of a refugee.

Further information on the WGAD, including guidance on how to submit individual cases, can be obtained from the Secretary to the Working Group on Arbitrary Detention, UN Centre for Human Rights, Palais des Nations, 1211 Geneva 10, Tel: (41 22) 917 22 76, Fax: 917 0092.

Special Rapporteur on violence against women

The Special Rapporteur on violence against women was appointed by the CHR in its resolution 1994/45 to seek and receive information on violence against women, its causes and consequences. She can also recommend measures to eliminate violence against women. The plight of refugee women is a significant concern of the Special Rapporteur. In her preliminary report to the CHR (UN Doc. E/CN.4/1995/42), she devoted an entire chapter to the subject of violence against refugee women. She noted that women and girls, being especially vulnerable, are *“at risk in the communities from which they are fleeing, at risk during flight and at risk in the refugee camps where they seek protection”* (para. 294). She also noted that *“the persecution which leads women to seek asylum elsewhere often takes the form of sexual assault or torture”*, and said that some persecution arises out of *“discriminatory gender-specific norms and customs”*. She set out numerous recommendations (para. 310), including enhanced security arrangements in refugee camps, an increased number of trained female protection officers, and official recognition of “women” as a “particular social group” subject to persecution.

The Special Rapporteur’s second report, submitted to the CHR in 1996, focused on violence against women in the family. The third report, in 1997, focused on violence in the community. The fourth report, in 1998, will focus on state violence against women.

NGOs can provide information on specific cases of violence against refugee women to the Special Rapporteur. The Special Rapporteur’s reports can also be extremely useful in supporting asylum claims of refugee women. Many governments have been reluctant to recognize asylum claims based on gender-specific persecution. The Special Rapporteur’s explicit recognition of this persecution should be of great aid to NGOs supporting such claims.

Suggested action with the Special Rapporteur on violence against women

- ◆ Throughout the year NGOs may submit to the Special Rapporteur accurate, well documented information regarding specific cases of violence against women refugees in any country.

Further information on the Special Rapporteur can be obtained from the Assistant to the Special Rapporteur on violence against women, UN Centre for Human Rights, Palais des Nations, 1211 Geneva 10, Tel: (41 22) 917 33 58, Fax: 917 0092.

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Special Rapporteur on racism was established by the CHR in 1993 with a mandate to report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. He was requested to pay particular attention to recent manifestations of racism and xenophobia in industrialized countries and to the situation of migrant workers and other vulnerable groups. His first report was presented to the CHR in 1994, and the Special Rapporteur indicated his willingness to transmit information to governments regarding cases submitted to him alleging racial discrimination.

One of the main reasons for the establishment of this post was the upsurge in racist violence against immigrants and refugees in Europe. In his 1995 report to the Commission (UN Doc. E/CN.4/1995/78), the Special Rapporteur noted numerous incidents of violence against refugees and asylum-seekers in Germany and the Netherlands. The Special Rapporteur also undertook a mission to the USA, reporting afterwards:

“Regarding the reception given to asylum seekers, there has been controversy about the disproportion between the number of persons admitted from the former USSR and the number of Cubans and Haitians let in ... In addition, some people believe that the fact that Haitian asylum seekers alone are obliged to take a test

for the AIDS virus and are sent to Guantanamo base without a prior hearing is a discriminatory practice. In general, the continuing existence of the ideological determination of whether one is a 'political' or 'economic' refugee which allows into the United States large numbers of Europeans as opposed to persons from Africa, Asia or Latin America is subject to question." (E/CN.4/1995/78/Add.1, para. 82)

The Special Rapporteur has therefore actively taken up the issue of racially discriminatory asylum policies.

Suggested action with the Special Rapporteur on racism

- ◆ NGOs should submit to the Special Rapporteur individual cases of refugees and asylum-seekers who have suffered racial discrimination or racist violence;
- ◆ NGOs should also submit information on government policies or practices which allow or condone racial discrimination against refugees.

Further information can be obtained from the Assistant to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, UN Centre for Human Rights, Palais des Nations, 1211 Geneva 10, Tel: (41 22) 917 34 10, Fax: 917 0092.

4c UN Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Sub-Commission is a subsidiary body of the CHR and reports annually to the CHR; the CHR must approve important Sub-Commission decisions. The Sub-Commission is composed of 26 independent experts who are elected by the CHR for staggered four-year terms. The Sub-Commission meets annually for four weeks in August, in Geneva. States and NGOs attend its meetings as observers. The Sub-Commission's main role has been to initiate studies on human rights questions, often leading to new international standards, but it also has taken up human rights issues in particular countries.

Although the Sub-Commission is composed of independent members, in practice many Sub-Commission members are reluctant to be critical of their own government. Some Sub-Commission members are in their government's delegations to the Commission. However, historically the Sub-Commission has tended to be more receptive to NGOs' concerns than the intergovernmental CHR.

Like the CHR, the Sub-Commission has no agenda item dealing explicitly with refugee protection issues. However, at its 1992 session the Sub-Commission established an agenda item entitled "Freedom of movement". This item had originally been entitled "Right to leave and return", and dealt mainly with the elaboration of standards concerning those rights. However, discussion has slowly moved away from this standard setting, and there is a strong possibility that issues of refugee protection may gain more attention. In the 1995 session, a resolution (resolution 1995/13) was passed where the Sub-Commission:

"...recalling the Vienna Declaration and Programme of Action [...] which reaffirmed that everyone, without distinction of any kind, is entitled to the right to seek and enjoy in other countries asylum from persecution [...] urges all state parties to the Convention relating to the Status of Refugees to safeguard and give effect to the right to seek and to enjoy in other countries asylum from persecution;..."

This is a significant advance and indicates that members of the Sub-Commission are ready to discuss seriously refugee protection issues. This was further confirmed in their "freedom of movement" resolution at the 1996 session (resolution 1996/9) which affirmed:

"...the right of refugees and internally displaced persons to return of their own free will under conditions of security and dignity to their country of origin."

Furthermore, the resolution called for an immediate end to: “...all practices of forced displacement, population transfer and ethnic cleansing...”; and for all states to: “...respect the principle of non-refoulement and to guarantee the right of each person to seek and find asylum in other countries to escape persecution.” This resolution is all the more significant considering the current toughening of state asylum policies, especially in industrialized countries.

Since the Sub-Commission is made up of independent experts, it might be easier than at the CHR to encourage them to debate openly human rights matters concerning refugees. However, although a resolution by the Sub-Commission by itself carries notable weight, it should be remembered that the Sub-Commission is subsidiary to the CHR. With regard to specific action, there is a limit on what the Sub-Commission can do, especially as important decisions must be approved by the CHR.

Suggested action with the Sub-Commission

- ◆ NGOs should consider making written and oral statements under the “freedom of movement” item on refugee protection issues (in 1997, item 10). Also item 2 on country situations, item 9 on the administration of justice and the rights of detainees, item 5 on the rights of women and item 3 examining thematic issues related to racism, xenophobia, minorities and migrant workers.
- ◆ Participation in the meeting should also involve lobbying Sub-Commission members to ensure such refugee issues receive serious and sustained consideration by the Sub-Commission with subsequent appropriate wording in their resolutions submitted to the Commission.
- ◆ NGOs should submit information to the Sub-Commission Experts’ studies on freedom of movement and population transfer, as well as to the paper presently prepared by the UN Centre for Human Rights on freedom of movement.
- ◆ NGOs should invite interested members of the Sub-Commission to seminars on refugee rights taking place at other times of the year.

Further information on attendance at the Sub-Commission, on making statements, reports of recent meetings, lists of resolutions and documents from the Sub-Commission can be found in the publications of the International Service for Human Rights.

4d Treaty-monitoring bodies

There are several international human rights treaties which establish committees or bodies to oversee the implementation of the provisions of the treaty. The powers of these “treaty-monitoring bodies” vary, depending on the treaty, but in general they review state reports, make comments on the implementation of the treaty (including their interpretation of articles of the treaty) and, when applicable, they receive individual petitions against a state party.

• Review of state reports

The main function of treaty bodies is to review and comment on reports submitted periodically (usually every four or five years) by states parties which indicate the steps the State has taken to implement the provisions of the treaty. During the sessions, a representative of the government under review is present and answers questions from the members of the treaty body. The treaty body publishes its concluding observations on the State’s performance in respect of its obligations.

The **comments** or observations made by a treaty body on the report of a particular State are often quite detailed and useful. The treaty body may indicate its disapproval of certain laws, policies or practices in the State which it concludes are inconsistent with obligations under the treaty or are open to abuse or otherwise give rise to concern. These comments by the official body

authorized to interpret the treaty carry a significant amount of weight and are generally taken seriously by most governments. They are useful tools for both national and international NGOs which are lobbying to change particular laws, policies or practices.

Few governments will go out of their way to inform the treaty bodies of the human rights violations they are perpetrating; state reports tend to gloss over the issues about which the government is most sensitive. For this reason it is vital that the treaty body members receive detailed and accurate information of the human rights situation from NGOs. Only then can the treaty body members make an objective assessment of the state party report.

Most members of treaty bodies (who are independent experts and not representatives of their governments) welcome information submitted by NGOs, which they acknowledge as essential for them to carry out their duties effectively.

Although NGO information (known at the UN as “supplementary information”) is not required to be submitted in any particular format, NGOs with relatively large resources sometimes prepare what is referred to unofficially as a “**counter**” or “**parallel**” report, which is normally a comprehensive rebuttal of the government’s report. However, an easier (and sometimes just as effective) alternative is to submit information concerning one specific issue or article of the treaty on which the state party should be reporting.

Additionally, NGOs can ensure that the government’s report, as well as their own reports, get as much publicity at the domestic level as possible. Many governments, fully aware of their report’s shortcomings, are often wary of publicizing it within their country and thus sparking off a public debate. It is crucial that NGOs are aware of the international human rights treaties the countries in question have ratified and to which articles, if any, they have made reservations (see Appendix III).

Suggested action with treaty-monitoring bodies:

- ◆ NGOs should obtain from the relevant Secretary of a Committee the schedule of when a state report will be considered by the Committee.
- ◆ All NGOs (including those without consultative status with the UN) may submit detailed and accurate information to treaty bodies regarding government policies or practices which violate the human rights of refugees. This information should be submitted to the Secretary of the relevant Committee in advance of the treaty body’s consideration of that State’s report. The Secretary of the Committee can indicate in which languages the submission should be made.
- ◆ NGOs should request a briefing meeting with the members of the Committee before the treaty body meets with the delegation presenting a state report.
- ◆ NGOs should utilize the reports and comments of the treaty bodies in supporting individual asylum claims and refugee rights issues.
- ◆ NGOs should publicize the government’s report as well as their own report.
- ◆ NGOs should campaign for universal ratification of the human rights treaties without reservations.

• Individual petitions

Three of the treaty bodies (Human Rights Committee, Committee against Torture and Committee on the Elimination of Racial Discrimination) are empowered to receive, at any time, petitions (communications) from individuals regarding violations under the treaty. The state party, however, must have consented to be bound by this procedure. The Committee will then provide a decision (view) on the petition.^{vii} This emerging case law may be useful to those working on refugees and asylum cases at the national and regional level.

The function of treaty bodies regarding individual petitions is one of the most useful mechanisms to protect human rights. It allows individuals to submit a complaint for adjudication to an

international body. If the body rules in their favour the State will usually comply with the decision, otherwise it will be clear that the State is in violation of the treaty. However, it is not easy to submit an individual petition and there are often fairly strict rules on admissibility (for example, there is usually a requirement that all remedies under national law have been exhausted).

Suggested action on individual processes of treaty bodies:

◆ NGOs could ensure that asylum-seekers and their families, as well as lawyers, know about the procedures of individual petition of the appropriate treaty bodies and assist in preparation of the communications.

4d(i) Human Rights Committee

The Human Rights Committee (HRC) was established under the ICCPR. It is often regarded as the most important treaty body because the ICCPR is the most comprehensive and universal treaty dealing with civil and political rights. The HRC was established in 1976, and since then has commented on hundreds of periodic reports submitted by States and reached decisions on hundreds of individual communications (petitions). The HRC is composed of 18 members, elected by states parties to the ICCPR, to serve in their individual capacities (i.e. not as government representatives). The HRC meets three times a year (March-April, July and October), each time for three weeks, normally twice in Geneva and once in New York.

• Periodic reports to the HRC

States parties must submit an initial report to the HRC one year after becoming a party, and thereafter periodic reports must be submitted every five years. In addition, supplementary reports may be requested by the HRC. The reports are examined by the HRC in public meetings. NGOs may attend the meetings but they are not entitled to participate in the proceedings. Only members of the HRC may put questions to representatives of the state party. The comments of the HRC on the state party's report are made public after the representatives have had a chance to answer these questions. However, NGOs can submit information to the HRC in advance of its consideration of the state party's report — this information might allow the HRC to ask specific questions and raise concerns.

The ICCPR is about civil and political rights in general; it is not specifically about refugee protection. It is therefore difficult for the HRC to express concern in its concluding observations on a State's asylum policies as such. However, inasmuch as a State's asylum policies contravene obligations stated in the Convention (as they often do), the HRC has the mandate to point out their deficiencies. In many instances where state party reports are being examined, the Committee has asked questions of the state representative specifically concerning the detention or expulsion of refugees and asylum-seekers, and on several occasions such concerns have been reflected in the concluding observations. In 1995 the Committee made the following comments about the **USA**:

“The Committee is concerned that excludable aliens are dealt with by lower standards of due process than other aliens and, in particular, that those who cannot be deported or extradited may be held in detention indefinitely. The situation of a number of asylum-seekers and refugees is also a matter of concern to the Committee.” (A/50/40, p.55)

In July 1995 the Committee asked the **United Kingdom** delegation for clarification of the case of Joy Gardener, a Jamaican immigrant who had died while she was being deported by the UK authorities (CCPR/C/SR, 1432. p.17). In the October-November 1995 meeting, the Committee expressed concern to the UK delegation about the fact that many Vietnamese asylum-seekers in Hong Kong are subject to long-term detention (see articles 9 and 10 of the ICCPR) and the conditions under which the deportation of Vietnamese not recognized as refugees was carried out (A/51/40, p.23).

If the HRC were to express concern about a State's asylum policies or its treatment of refugees in the concluding remarks, NGOs could use this to lobby the government to make improvements. However, the Committee needs to have accurate and reliable information in order to reach such conclusions. The reports submitted by states parties often provide insufficient information and are unlikely to acknowledge deficiencies in the State's asylum policies. Therefore, information from NGOs is crucial.

Suggested action with the HRC

◆ NGOs could submit information regarding refugee protection issues to the HRC in advance of its consideration of a state party's report; this information should be linked to provisions in the ICCPR, for example:

- unfair asylum procedures could be linked to Article 13 (fair hearing before expulsion)
- Article 7 (prohibition of torture) carries implicit protection against being returned to a country where there is a risk of torture
- policies that split refugee families could be linked to Article 23 (protection of family life)
- freedom from arbitrary arrest or detention (Article 9)

◆ NGOs should use the conclusions and comments of the HRC to support their work to defend refugees' rights.

Further information on the HRC's consideration of state reports, including the schedule of when the reports of particular States will be considered, can be obtained from the Secretary of the Human Rights Committee, UN Centre for Human Rights, Palais des Nations, 1211 Geneva 10, Tel: (41 22) 917 39 65/39 39, Fax: 917 00 99.

• Individual petition to the HRC

As noted above, there is an Optional Protocol to the ICCPR which, if ratified by a state party, allows for individuals in that State to petition, at any time, the HRC alleging a violation of rights set forth in the ICCPR. As of 1 July 1996, 88 States had ratified this protocol.

If the communication is declared admissible by the HRC, then there will be an opportunity to seek information and comments from the government before the Committee reaches its "view" on the case. In order to be admissible, a communication must meet the following criteria:

- the communication must not be anonymous;
- the communication must be submitted by the victim, a close family member, or someone assigned by the victim to act on his/her behalf;
- all available domestic remedies must have been exhausted, unless the author of the communication can show such remedies are ineffective or the procedures for securing such remedies would be unduly prolonged;
- the communication cannot be considered if the same matter is currently being examined under another procedure of international investigation.

A number of individual communications have been submitted to the HRC by refugees and asylum-seekers and in at least one case the Committee has reached a decision on the merits of the case. It may take up to three years for the HRC to reach a decision on an individual case. However, the HRC has a procedure of interim protection whereby it can ask a State not to take threatened measures (such as deportation) until the substance of the case is considered.

Suggested action on individual process to the HRC

◆ NGOs should advise asylum-seekers, their families and lawyers about the possibility of raising individual refugee cases before the HRC.

Further information on submitting individual cases to the HRC can be obtained from the Secretary of the Human Rights Committee, UN Centre for Human Rights, Palais des Nations, 1211 Geneva 10, Tel: (41 22) 917 39 65/39 39, Fax: 917 0099.

4d(ii) Committee against Torture

The Committee against Torture (CAT) was established under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The CAT began work in 1988. It is made up of 10 experts, elected by states parties to serve in their personal capacity. The CAT meets in Geneva, for two weeks in April and also in November.

Like the HRC, the CAT is empowered to receive reports from states parties and to decide on individual communications.

The CAT is potentially an extremely useful treaty body for NGOs working on refugee protection issues. Article 3 of the Convention against Torture provides:

“1. No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

“2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.”

This explicit protection against refoulement where there is a risk of torture ensures that, at least as regards asylum-seekers who fear torture if returned, the CAT is a treaty body which has a refugee protection mandate. Furthermore, both in its examination of state reports and individual communications the CAT has shown its willingness to take this mandate seriously.

• Periodic reports to the CAT

States parties to the Convention against Torture are obliged to submit an initial report to the CAT within a year of becoming a party to the Convention against Torture, and thereafter must submit periodic reports every four years; the CAT may also request supplementary reports. The meetings where states parties present their reports are public, but only members of the CAT may put questions to the representatives of the State who present the report. The CAT may make comments or observations on the report, and include these in the report of the meeting. NGOs can provide information to the CAT in advance of its consideration of a state party’s report, and the CAT can use this information when raising concerns at the public meeting where the report is considered.

Numerous States who have presented periodic reports to the CAT have been questioned by CAT members about what measures have been taken to implement article 3 of the Convention against Torture. There have been questions about the procedures in place to ensure asylum-seekers are not returned to countries where they are at risk of torture; about whether border officials have clear instructions not to expel summarily asylum-seekers; and about the treatment of asylum-seekers and refugees from specific countries. The CAT has also expressed its concern when answers to such questions have been unsatisfactory.

In order for the members of the CAT to be in a position to put questions to representatives of states parties about the extent to which they are in compliance with Article 3, they need to have accurate, detailed and up-to-date information. Since states parties are inclined to claim that they are in full compliance with Article 3, and the CAT members will not usually be able themselves to conduct background research on every country, this information usually is only available if submitted by NGOs.

Suggested action with the CAT

- ◆ NGOs should submit information to the CAT on countries which are due to be presenting periodic reports. This information should provide accurate and up-to-date information on:
 - deficiencies in asylum procedures which could lead to people being forcibly returned to countries where they are in danger of being tortured;
 - any individual cases of asylum-seekers whose cases have been rejected and who, after being forcibly returned, have been tortured or threatened with torture;
 - government policies that are restrictive towards asylum-seekers from particular countries, especially where there is a well documented practice of torture or serious human rights violations in that country.
- ◆ NGOs should use the conclusions and comments of the CAT to support their work to protect refugees.

Further information on the CAT's consideration of state reports, including the schedule of when the reports of particular States will be considered, can be obtained from the Secretary of the Committee against Torture, UN Centre for Human Rights, Palais des Nations, 1211 Geneva 10, Tel: (41 22) 917 39 62/39 67, Fax: 917 0099.

Individual communications to the CAT

The CAT has only recently begun to consider communications submitted at any time by individuals alleging that a State has violated rights guaranteed in the Convention against Torture. In order for such communications to be received, a state party must have expressly made a formal declaration under article 22 of the Convention against Torture that it recognizes the competence of the CAT to receive individual communications.^{viii} In addition, in order to be admissible, communications must satisfy the similar requirements regarding individual communications to the HRC (see above).

Since April 1994 the CAT has made public several decisions on individual communications dealing with threatened refoulement, which violated article 3 of the Convention against Torture.^{ix} In *Mutumbo v. Switzerland* (Communication 13/1993), a national of Zaire who had sought asylum in Switzerland had his claim rejected by the Swiss authorities. Mutumbo claimed he had been detained and tortured in Zaire on account of his perceived political views, but the Swiss authorities argued that his claim was not credible for a number of reasons. Taking up the issue of credibility, the CAT stated in April 1994:

"The Committee is aware of the concerns of the State Party that the implementation of article 3 of the Convention might be abused by asylum seekers. The Committee considers that, even if there are doubts about the facts adduced by the author, it must ensure that his security is not endangered." (A/49/44, p. 51)

The CAT took into consideration:

"...the fact, which has not been disputed by the State Party, that he appears to have deserted from the army and to have left Zaire in a clandestine manner and, when formulating an application for asylum, to have adduced arguments which may be considered defamatory towards Zaire." (A/49/44, p. 52)

It also emphasized that, based on the conclusions of other UN human rights bodies, including the CHR, there was a consistent pattern of gross, flagrant or mass violations of human rights in Zaire and concluded that there were "substantial grounds" for believing he would be subject to torture if returned to Zaire. The CAT stated its view that Switzerland had an obligation not to expel Mutumbo to Zaire "or to any other country where he runs a real risk of being expelled or returned to Zaire or of being subjected to torture." (A/49/44, p. 52)

In *Khan v. Canada* (Communication 15/1994), the Canadian Government noted that Khan had submitted medical evidence of his past torture in Pakistan only after his application for refugee status had been rejected, and claimed that this raised doubts about his credibility. However, the CAT, in November 1994, noted that such behaviour was not uncommon for torture victims

and, pointing out that “evidence exists that torture is widely practised in Pakistan against political dissenters”, concluded that Canada should refrain from expelling Khan to Pakistan. (CAT/C/13/D/15/1994 para. 12.3)

In its April-May 1996 session the CAT concluded that the expulsion by the Swiss Government of Mr Ismail Alan (Communication 21/1995) to Turkey would be a violation of article 3 of the Convention against Torture. In the same session the CAT also concluded that the expulsion by the Swedish Government of Mrs Kisoki (Communication 41/1996) to Zaire would be a violation of article 3 of the Convention.

Suggested action with individual procedure of the CAT:

◆ NGOs should ensure that asylum-seekers and their families, as well as lawyers, are aware of the procedures of submitting individual communications to the CAT, as long as the State concerned has declared that it accepts the competence of the CAT to receive individual communications.

Further information on submitting individual cases to the CAT can be obtained from the Secretary of the Committee against Torture, UN Centre for Human Rights, Palais des Nations, 1211 Geneva 10, Tel: (41 22) 917 39 62/39 67, Fax: 917 0099.

4d(iii) Committee on the Rights of the Child

The Committee on the Rights of the Child (CRC) was established under the Convention on the Rights of the Child and began working in 1991. The CRC is composed of 10 experts elected by states parties to serve in their individual capacities. The CRC met twice a year until it was decided in 1995 to hold a third session as well. The sessions, all in Geneva, are in January, May and September, for three weeks each.

It meets in public sessions. NGOs may attend but they may not take part in the discussion. However, the CRC has initiated a practice of holding a “general discussion day” once a year at its September meeting where a particular theme is discussed and where NGOs are encouraged to attend and participate. Also, immediately after a CRC session there is a pre-sessional meeting to prepare for the next meeting of the Committee. NGOs may request to be invited to present information on the record of States due to report at the next session.

States parties are required to submit an initial report to the CRC within two years of becoming party to the Convention and thereafter every five years. These reports should cover the measures the state party has adopted to give effect to the rights recognized in the Convention.

There is no provision in the Convention allowing for the CRC to receive and decide on individual communications, so the CRC’s sole function is to examine the reports of states parties. However, the CRC is empowered to request information relating to its consideration of these reports from the United Nations Children’s Fund (UNICEF), other UN agencies and “other competent bodies”. In addition, the practice of the CRC has been to request information from NGOs on reports submitted by states parties. In many countries, NGOs working on children’s rights have worked together to prepare a joint report to the Committee which criticizes deficiencies or omissions in the state party report.

Article 22 of the Convention on the Rights of the Child provides:

“States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.”

Also, Article 2 of the Convention requires states parties to:

“...respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s [...] national, ethnic or social origin [...] or other status.”

This implies that refugees and asylum-seekers under the age of 18 (the age set by the Convention) should be entitled to all of the rights in the Convention, whatever their immigration status, which is why the Committee in its 8th session (January 1995) asked the Danish delegation: “What measures have been taken to avoid asylum-seeking children being kept in custody while awaiting deportation?” One of the members of the CRC also concluded: “...the Alien Act merited re-evaluation to ensure that applications for (refugee) family reunification were handled humanely and effectively.”

Suggested action with the CRC

◆ NGOs should submit detailed and accurate written information to the CRC on countries which are due to present periodic reports regarding policies on refugee children up to the age of 18.

◆ NGOs should use the conclusions and comments of the CRC to support their work in protecting refugee children.

Further information on the CRC and on the schedule of state party reports due to be considered by the CRC can be obtained from the Secretary of the Committee of the Rights of the Child, UN Centre for Human Rights, Palais des Nations, 1211 Geneva 10, Tel: (41 22) 917 3359/3954, Fax: 917 0099.

4d(iv) Committee on the Elimination of Racial Discrimination

The Committee on the Elimination of Racial Discrimination (CERD) was established by the International Convention on the Elimination of All Forms of Racial Discrimination which was adopted in 1965. It is composed of 18 independent experts who serve in their personal capacity. Over 130 States are party to the Convention and therefore obliged to report periodically to CERD on the measures they have taken to implement the Convention. The CERD meets for two three-week sessions, in March and August, in Geneva.

CERD is also empowered to receive and consider complaints from individuals or groups of individuals who allege that a state party is in violation of provisions of the Convention; however, it may only do this if a state party has made a declaration under article 14 of the Convention recognizing its competence to do so.^x

• Periodic reports to the CERD

After considering periodic reports, CERD draws up its “concluding observations”, which often express concern about national laws and practices which are not in line with the Convention and include recommendations for changes or other steps to be taken.

In the past there was some confusion as to whether discrimination against non-nationals, like refugees, was covered by the Convention. Article 1(2) of the Convention provides:

“This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.”

However, CERD has recently confirmed that it expects states parties to include information in their reports on laws and policies affecting non-citizens. CERD takes the view that discrimination against non-citizens may still be covered by the Convention, despite Article 1(2), for example when one particular racial, religious or ethnic group suffers discrimination. Also, some provisions of the Convention, such as those obliging states parties to make illegal and punish racist propaganda and racist violence, clearly affect non-nationals such as refugees. In recent years,

CERD has often expressed concern about, or made recommendations concerning, the treatment of refugees and asylum-seekers in its concluding observations on state reports.

For example, the 1993 CERD report states:

“[The German Government] ... should consider reviewing certain restrictive provisions recently adopted with regard to asylum-seekers, to ensure that they did not result in any discrimination in effect on grounds of ethnic origin.” (A/48/18)

The 1994 CERD report states:

“...Insufficient information was provided in the [French Government’s] report about the new laws of immigration and asylum. Concern is expressed that the implementation of these laws could have racially discriminatory consequences, particularly in connection with the imposition of limitations on the right of appeal against expulsion orders and the preventive detention of foreigners at points of entry for excessively long periods.” (A/49/18 para. 144)

In 1996 the CERD adopted a General Recommendation on refugees and displaced persons.^{xi} The Recommendation draws attention to article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination and reiterates that the Convention obliges states parties to prohibit and eliminate racial discrimination in the enjoyment of civil, political, economic, social and cultural rights and freedoms. In addition, states parties are obliged to respect the principle of *non-refoulement*. The Recommendation also deals with the rights of refugees who return home.

Suggested action with the CERD:

◆ NGOs should submit information to CERD in advance of its consideration of a state party’s report on policies and practices in that State which allow for racial discrimination against refugees and asylum-seekers. For example:

- policies which are directed towards refugees from one particular country and have the purpose or effect of discriminating against them on the basis of their race;
- failure by the government to take action against groups that are using or advocating violence, or engaged in racist propaganda against refugees.

◆ NGOs should use the conclusions and comments of the CERD to support their work in protecting refugees.

• Individual communications with the CERD

So far, CERD has considered very few individual communications. In order to be admissible, individual communications must meet the criteria of non-anonymity and exhaustion of domestic remedies insofar as they are not unreasonably prolonged. CERD has not yet considered individual communications from refugees.

Suggested action with CERD’s individual procedure:

◆ NGOs should ensure that asylum-seekers and their families, as well as lawyers, are aware of the possibility of submitting individual communications to CERD in cases where refugees suffer racial discrimination, or where groups that are using or advocating violence or engaged in racist propaganda against refugees are not being prosecuted by the government.

Further information on CERD and on the schedule of state reports can be obtained from the Secretary Committee of CERD, UN Centre for Human Rights, Palais des Nations, 1211 Geneva 10, Tel: (41 22) 917 39 17, Fax: 917 0099.

4d(v) Committee on the Elimination of Discrimination against Women

The Committee on the Elimination of Discrimination against Women (CEDAW) is the monitoring body of the Convention on the Elimination of All Forms of Discrimination against Women (1979).

The Committee consists of 23 experts serving in their personal capacity. Although there has been discussion of moving the Committee's sessions to Geneva, in 1996 it was still meeting in New York, annually for three weeks in January-February. At its 1994 session, the Committee recommended that it meet for two three-week sessions. This is pending authorization by the UN General Assembly.

• ***Periodic reports to CEDAW***

The basic task of CEDAW, as set out in article 17 of the Convention, is to consider the progress made in the implementation of the Convention. For this purpose, states parties to the Convention have to submit periodic country reports to CEDAW every four years on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention. The first report has to be submitted within one year of entry into force of the Convention for the State concerned. The reports are examined in public meetings, but NGOs have no official right to speak during the sessions.

Although it is not explicitly mentioned in the Convention, CEDAW could in the examination of the reports pay particular attention to the plight of refugee women. For this purpose, human rights and refugee organizations are valuable sources of information for CEDAW, since the reports submitted by States do not always reflect the true situation. The submission of reliable alternative information related to the state party report is particularly useful to the experts in their task of scrutinizing the reports.

Individual petition to CEDAW

Numerous NGOs are calling for the adoption of an optional protocol to the Convention to create individual and interstate procedures. An optional complaints procedure would provide an important means of redress for victims and an avenue for further interpretation and application of the Convention. The 1993 World Conference on Human Rights had asked the Commission on the Status of Women and CEDAW to examine the possibility of introducing the right of individual petition, through the preparation of an optional protocol to the Convention.

Suggested action with CEDAW:

- ◆ NGOs could submit information on countries which will soon be presenting periodic reports, regarding policies on refugee women.

Further information on CEDAW, and on the schedule of forthcoming state reports, can be obtained from the Secretary of the Committee of CEDAW, Room DC2-1236, Division of the Advancement of Women, Department of Policy Coordination and Sustainable Development, United Nations Plaza, New York, NY 10017, Tel: (212) 963 50 86, Fax: (212) 963 34 63.

4d(vi) Committee on Economic, Social and Cultural Rights

The Committee on Economic, Social and Cultural Rights (CESCR) is the treaty body which monitors implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Owing to many factors (not least of which is that the treaty body is not specifically provided for in the Covenant), establishment of the CESCR encountered some difficulties and the Committee belatedly held its first session in 1987.

CESCR meets twice a year in Geneva, in May and November. In these sessions, it reviews States' reports of compliance with the Covenant. States are to submit their reports within two years of ratification or accession, and thereafter every five years. The Committee is made up of 18 experts serving in their individual capacity. Like the HRC and other treaty bodies, the CESCR publishes concluding observations on the state party concerned after review of its report. It is therefore an ideal forum to make known the violations of economic, social and cultural rights that

refugees may face. The CESCR has on many occasions expressed concern regarding the rights of refugees and asylum-seekers. For instance, in 1994 the Committee stated:

“...In view of the non-discrimination clauses contained in Article 2(2) of the Covenant, the Committee strongly urges the [Belgian] Government to fully ensure that persons belonging to ethnic minorities, refugees and asylum seekers are fully protected from any acts or laws which in any way result in discriminatory treatment within the housing sector.” (E/C.12/1994/7, para. 14)

NGO information supplied to the CESCR should be linked to specific provisions of the Covenant, such as:

- the right to work (Article 6)
- the right to adequate food, clothing and housing (Article 11)
- the right to basic education (Article 13)

There is a certain amount of debate as to the binding character of many of the obligations set out in the ICESCR (as opposed to the ICCPR, about which there is little debate). The general consensus is that the “right to work” does not mean that anyone arriving on the soil of a country has the automatic right to be provided by the State with a job. However, it is without question that States must, to the best of their resources, provide for the people in their territory and not prevent such rights from being realized. It is also without question (thanks to the non-discrimination clause mentioned above) that States must not prevent certain segments of their society from realizing particular rights, i.e. refugees must not be prevented from working simply because they are refugees.

Many members of the Committee have expressed their support for the drafting of an optional protocol to the ICESCR similar to that of the ICCPR, which would enable it to receive individual communications concerning violations of Covenant rights.

Suggested action with the CESCR:

- ◆ NGOs should submit information on countries which are due to present periodic reports, regarding policies which affect the economic, social or cultural rights of refugees.
- ◆ NGOs should use the conclusions and comments of the CESCR to support their work in protecting refugees.

Further information on how to submit information to the CESCR can be obtained from the Secretary to the Committee on Economic, Social and Cultural Rights, UN Centre for Human Rights, Palais des Nations, 1211 Geneva 10, Tel: (41 22) 917 39 68/39 63, Fax: 917 0099.

4e UN High Commissioner for Human Rights

The UN General Assembly established the new post of High Commissioner for Human Rights in 1993, and the first High Commissioner was appointed for a four-year term in February 1994. He has been mandated to promote and protect all human rights and to be the UN official with principal responsibility for UN human rights activities, including the UN Centre for Human Rights in Geneva.

Within the context of the evolution of the interpretation of his general mandate of promoting cooperation and dialogue in the protection of all human rights, the High Commissioner has regularly stated his willingness to work with NGOs and to try to respond to their concerns. NGOs working on refugee rights should therefore consider approaching him not only for advice but also with requests for urgent appeals from the High Commissioner to governments regarding the human rights of specific refugees.

The High Commissioner for Human Rights may be contacted at the UN Centre for Human Rights, Palais des Nations, 1211 Geneva 10, Tel: (41 22) 917 3134, Fax: 917 0245, e-mail: secrt.hchr@unog.ch

web site: <http://www.unhchr.ch>

5. Role of the UN High Commissioner for Refugees

The post of the UN High Commissioner for Refugees (UNHCR) was established in 1950 by a resolution of the UN General Assembly. The statute of UNHCR, set out in that resolution, grants to UNHCR the function of providing international protection to refugees. The 1951 Convention relating to the Status of Refugees, adopted one year later, provided that states parties should cooperate with UNHCR and facilitate its task of supervising the implementation of the Convention.

UNHCR is now one of the largest UN agencies: it has almost 4,000 staff working in 116 countries, with branch offices in 47 countries. UNHCR is an operational agency, meaning that it is engaged in work on a day-to-day basis in countries around the world on behalf of refugees. UNHCR staff may provide food, clothing, shelter and medical assistance to refugees. They intervene with governments to ensure refugees are admitted to a country and to prevent their refoulement. They try to ensure that while refugees are in an asylum country they are treated in accordance with basic minimum standards. In appropriate circumstances they try to find resettlement countries for refugees or promote or facilitate their voluntary return to their country of origin. Sometimes, UNHCR staff are called upon to monitor the safety of refugees who have voluntarily returned to their home countries.

The policies that UNHCR follows in fulfilling its function of international protection have an immediate and profound impact on millions of refugees worldwide. There is no doubt that influencing these policies is an effective means of advancing particular goals of refugee protection.

5a How non-governmental organizations can get UNHCR to act on particular issues

There is no “treaty body” under the 1951 Convention, nor any mechanism such as a special rapporteur to gather information on the extent to which States are fulfilling their obligations towards refugees. Compared to other groups (e.g. women and children) this appears to be a disadvantage for refugees; on the other hand, refugees do have a large UN agency, with thousands of staff in the field, to work for their protection.

UNHCR has had a long history of working in a close and cooperative relationship with NGOs. The UNHCR Statute (adopted in 1950) specifically empowers the High Commissioner to:

“...[establish] contact in such a manner as he may think best with private organizations dealing with refugee questions;

“[facilitate] the co-ordination of the efforts of private organizations concerned with the welfare of refugees.”

There are hundreds of NGOs that work closely with UNHCR to deliver assistance to refugees, to provide emergency relief and health care, to help resettle refugees, to provide legal advice and representation, and to carry out numerous other tasks on behalf of refugees. Obviously, NGOs which have a close working relationship with UNHCR are in a good position to make known their concerns on particular issues.

The broad policy directions taken by UNHCR are often decided at a high level — at UNHCR headquarters in Geneva — usually in consultation with Member States of UNHCR’s Executive Committee (Excom). The following section describes how NGOs can raise issues at the Excom.

5b Raising issues at the Excom and its Standing Committee

UNHCR is required to report annually to the UN General Assembly through the Economic and Social Council (ECOSOC). The General Assembly resolution each year guides the broad outlines

of UNHCR policies, but more detailed discussion of these policies takes place at: the annual Executive Committee of the High Commissioner's Programme (commonly referred to as the "Excom"); and since 1995 at its new Standing Committee, which currently meets four times a year, in January, April, June and September. The Excom meets for one week in Geneva, usually in the last week of September or the first week of October. There are 53 Member States of Excom.^{xii}

These Committees consider policy matters, including matters of refugee protection, and therefore the "Excom Conclusions" drafted by the Standing Committee are of a general and standard-setting nature. Unlike the CHR, the Excom will rarely, if ever, single out countries for criticism.

The Standing Committee and Excom are the most important regular, intergovernmental meetings where refugee protection issues are discussed. The decisions the governments take at the Standing Committee and Excom carry a great deal of weight since no other UN body addresses these issues in such an explicit manner.

For NGOs, however, it is difficult to participate actively in the Excom meetings. In order to make an oral statement an NGO must be invited to do so by the Chairperson of Excom. Furthermore, by January 1997 it was still unclear what rights of participation NGOs may have in the increasingly important Standing Committee meetings.

Given this process, it is difficult for NGOs to influence the text of the Excom Conclusions. Still, past experience has shown that if NGOs raise issues prior to the Excom, States sometimes take notice. Even if NGO concerns are not explicitly reflected in the Excom Conclusions, lobbying by NGOs can create a counter-balance to the pressure from those States who want more restrictive wording.

Suggested action at the Excom and its Standing Committee:

◆ NGOs considering raising issues at the Excom and its Standing Committee might consider the following suggestions:

- prepare a concise written statement, for possible distribution (at present informally) at the Standing Committee and Excom, on issues of concern and recommendations for action by both Committees;
- ensure that appropriate UNHCR staff (Division of Protection and NGO liaison officer) receive copies of this statement prior to the meeting or as soon as possible at the Standing Committee and Excom;
- circulate the written statement to Excom Member States (and observer States) in advance of the Excom meeting (see Appendix VI for addresses of diplomatic missions in Geneva);
- at the Standing Committee and Excom, try to arrange short meetings with Excom member governments and use these meetings to discuss the issues of concern;
- arrange a meeting with your own government's delegation prior to the Standing Committee and Excom to raise your concerns.

For further information on the work of UNHCR and how refugees and NGOs can raise the protection of refugees, contact: UNHCR, Division of International Protection, 154 rue de Lausanne, P.O. Box 2500, 1211 Geneva 2 Dépôt, Tel: (41 22) 739 81 11, Fax: (41 22) 731 95 46. Also at the same address: Chief of NGO section in the Division of External Relations.

For documentation and a very comprehensive and useful REFWORLD CD-ROM, contact: UNHCR, Centre for Documentation on Refugees (CDR), P.O. Box 2500, CH-1211 Geneva 2 Dépôt, Tel: (41 22) 739 84 65, Fax: (41 22) 739 86 82, e-mail: CDR @ UNHCR.CH

6. General conclusions

The UN body appropriate to raising a certain issue will vary greatly depending on the specific problem at hand. Different NGOs are concerned with different aspects of the refugee issue. Some, for instance, are concerned primarily with legal protection against *refoulement*. Others are more active in protecting the rights of refugees within the asylum country itself. Some NGOs wish to concentrate less on individual refugee cases and more on lobbying for new legal standards.

Users of this manual should refer to the relevant chapters and sections for more detailed points on specific human rights mechanisms that could be used to help defend the human rights of refugees. Below is a list of the general conclusions that can be drawn from the information provided:

- a) The international human rights procedures and mechanisms can be helpful in the **long term** as well as the **short term** for defending refugees' rights.
- b) Some procedures and mechanisms are appropriate for **individual** cases and others for **issues** related to refugee rights.
- c) It is **not always necessary to go physically** to Geneva or New York to use the UN human rights mechanisms. Written submissions and faxed requests are often all that is required.
- d) Written submissions can often be a simple **editing job of an existing report**, paper or urgent action appeal to make it appropriate for the particular UN procedure being used.
- e) It is important for NGOs to submit **accurate, detailed and timely** information to enable the UN human rights mechanisms to be effective. **Follow-up information** is very helpful and sometimes essential for a procedure to function.
- f) NGOs should work with diplomats, experts of treaty bodies and the Sub-Commission **throughout the year**; only meeting at the time of the meetings may not be possible or be too late if you have not had any contact (including in a written form) with them previously.
- g) The use of international human rights mechanisms should not be considered in isolation but rather should **complement** and support the use of national and regional human rights and other protective mechanisms for refugees. The mechanisms have some limitations but incorporation into other refugee protection strategies can increase their effectiveness.
- h) **Reference** to international human rights law, treaties, resolutions and reports of the CHR and Sub-Commission, conclusions and comments of the treaty bodies should be made to support the defence of cases of refugees.
- i) It is always advisable to consult experienced international NGOs for further advice on the **effective** use of the international mechanisms and procedures (see Appendix VII).

Appendix I

Recommended reference material

REFWORLD CD-Rom, UNHCR Centre for Documentation on Refugees, Geneva. Tel: (41 22) 739 84 65. Fax: (41 22) 739 86 82. E-mail: CDR @ UNHCR.CH

UNHCR Excom Conclusions, Geneva, updated every year. See *REFWORLD CD-Rom. Collection of International Instruments and other texts concerning refugees and displaced persons*, (Volume I: Universal Instruments; Volume II: Regional Instruments), UNHCR, Geneva, 1995.

Basic Documents on Human Rights 3rd edition, ed. Ian Brownlie; Oxford University Publications, Oxford, 1994; good reference tool for international human rights instruments.

Human Rights; a Compilation of International Instruments, volume 1, parts 1 and 2, United Nations Publications ST/HR/1/Rev.5, Geneva, 1994; more extensive than Brownlie's but very difficult to find. They should be available in UN information offices, otherwise they must be purchased at the UN bookstores in New York or Geneva; a set of two parts cost about US\$ 35 (or SFr 50). It does not have regional instruments, Brownlie's does.

Human Rights; International Instruments Chart of Ratifications, United Nations Publications ST/HR/4/Rev.14, Geneva, 1 July 1996; updated by the Centre for Human Rights every six months.

“International Human Rights Mechanisms: the Role of Special Procedures in the Protection of Human Rights; the Way Forward after Vienna”, by Helena Cook, *ICJ Review*, Special Issue No 50, International Commission of Jurists, Geneva, 1993; useful insider’s guide to the workings of the Commission on Human Rights.

Orientation Manual, the UN Commission on Human Rights, its Sub-Commission, and related procedures, Minnesota Advocates for Human Rights and International Service for Human Rights, 1992.

The Law of Refugee Status, by James Hathaway, Butterworth, Toronto, 1991; the book on the linkage between refugee law and international human rights law. Also check numerous articles by same author.

Basic Documents on International Migration Law, ed. Richard Plender, Martinus Nijhoff, 1988; an essential reference book for international refugee law practitioners. Look out for new, expanded version with UNHCR Excom conclusions.

NGOs and Refugees, edited by Morten Kjaerum, Klaus Slavensky and Finn Slumstrup, Danish Centre for Human Rights, 1993.

Appendix II

Key UN addresses and web sites

GENEVA, SWITZERLAND

UN Centre for Human Rights in Geneva

Palais des Nations

CH-1211 Geneva 10

Tel: (41 22) 917 1234

Fax: (41 22) 917 0123

Distribution of Documents

Door 40

Palais des Nations

CH-1211 Geneva 10

Tel: (41 22) 917 4900 / 4712

Fax: (41 22) 917 0123

NGO Liaison officer for the UN in Geneva

(responsible for NGO accreditation to meetings in Geneva)

Ms. Raymonde Martineau

Room 176-2

Palais des Nations

CH-1211 Geneva 10

Tel: (41 22) 917 2127

Fax: (41 22) 917 0583

United Nations High Commissioner for Refugees (UNHCR)

* Mr. D. McNamara, Director, Division of International Protection

* Ms. M. Connelly, NGO Coordinator

P.O. Box 2500

CH-1211 Geneva 2

Tel: (41 22) 739 8111

Fax: (41 22) 739 7377

NEW YORK, USA

UN Centre for Human Rights in

New York

UN Plaza

New York, NY 10017

Tel: (1 212) 963 5930

Fax: (1 212) 963 4097

Distribution of Documents

Room S-1552

UN Plaza

New York, NY 10017

Tel: (1 212) 963 6579

NGO Liaison Office in New York

(responsible for NGO accreditation for meetings in New York and services the NGO Committee of ECOSOC)

Ms. Farida Ayoub

DCI-1076

UN Plaza

New York, NY 10017

Tel: (1 212) 963 4842

Fax: (1 212) 963 2700

UN web sites

United Nations Home Page: www.un.org/

This is the official web site locator for the entire UN system. All UN-related web sites are listed in this page and can be accessed easily. It contains all specialized agencies of the UN as well as some autonomous organizations. A search can be carried out by subject. It offers links through five main topics: Peace and Security; Economic and Social Development; International Law; Humanitarian Affairs; and Human Rights. Security Council Resolutions and Presidential Statements and a selection of General Assembly documents can also be searched for. The page offers search facilities for UN press releases by theme, reference or date. It is being continually improved and offers some French and Spanish texts.

United Nations Human Rights Home Page: www.unhchr.ch/

This page allows you to access human rights web sites. They are:

(1) *Welcome to the UN human rights web site.* This is an introduction to the subject.

- (2) *What's new?* This is designed to keep the reader up to date with recent developments.
- (3) *UN High Commissioner for Human Rights/Centre of Human Rights.* This provides information about the High Commissioner, the structure of his office, program budgets, and selected statements by the High Commissioner.
- (4) *UN human rights program.* This shows all the activities of the UN in the field of human rights, including those relating to technical cooperation, field operations, conventional mechanisms (treaty- monitoring bodies), extra-conventional mechanisms, complaints procedures and voluntary trust funds. Information is provided on a number of selected topics dealt with by the UN.
- (5) *International human rights instruments.* This contains the full text of over 90 international human rights treaties, declarations and principles.
- (6) *Other human rights documents.* This is a list of all official UN reports and resolutions relevant to human rights issued between 1966 and 1997.
- (7) *International human rights conference and meetings.* This covers major world conferences of relevance to human rights, from the World Summit for Children in 1990 and the World Conference on Human Rights in 1993 to the UN Conference on Human Settlements in 1996.
- (8) *General information.* This includes relevant UN publications and press releases as well as information about international years on themes adopted by the General Assembly, and forthcoming missions of special rapporteurs.

UN Women Home Page: www.un.org/womenwatch

Womenwatch aims to be “the UN Internet Gateway on the Advancement and Empowerment of Women”. It offers a comprehensive link to all UN departments, programs and agencies which deal specifically with issues related to women, in particular DAW (Division for the Advancement of Women), UNIFEM (United Nations Development Fund for Women) and INSTRAW (International Research and Training Institute for the Advancement of Women). The links provide all the information available on the Commission on the Status of Women and on CEDAW, as well as documents and information from the Beijing World Conference and follow-up.

Also see link to CEDAW: www.un.org/dpcsd/daw/cedaw.htm

This provides the text of the Convention on the Elimination of All Forms of Discrimination Against Women, information on CEDAW, official documents and past sessions. Other search links are provided.

UN Treaty Database: www.un.org/depts/treaty

This is the constantly updated home page of the treaty section of the UN Office of Legal Affairs which provides information regarding treaties deposited by States with the UN Secretary-General. This is the page to check which State has ratified, acceded to or signed which treaty and when, and with what reservations. The first time you visit the page you need to register to get a password.

UNHCR Home Page: www.unhcr.ch

This is an extensive guide to the activities of UNHCR. It has numerous links to pages that contain descriptions of refugee problems, world maps and country specific information about refugees, photographs, witness statements of hardship and persecution, press releases, articles, repatriation information reports, official documents, legal information and basic reference materials.

RefWorld: e-mail: cdr@unhcr.ch

The database of the UN High Commissioner for Refugees offers a full range of laws, country information, analysis and comment on refugees and displacement. The databases are structured

and indexed according to internationally recognized standards, and new sources of information as well as reports are added daily. RefWorld groups information under five main menus: (1) High Commissioner's speeches, (2) UNHCR information, (3) Legal information, (4) Country information, (5) Bibliographical information.

UNDP: www.undp.org/

This web site deals with issues of development — anything from mission statements and news announcements to consultants and technical assistance. UN Development Programme Fund for Women and environmental issues are also listed.

UNICEF Home Page: www.unicef.org/

This contains all relevant information about the activities of UNICEF. There are links to The State of the World's Children, 1997; Child Labour; up-to-date news and new publications. There is a section called Voices of the Youth which suggests possible solutions and actions on the child's rights, children in war, girl children and urbanization. There is also information on the achievements of UNICEF over the past 50 years.

UN Department of Humanitarian Affairs: www.reliefweb.i...nc/multi/dha/hum_news

Up-to-date news on human rights issues. A whole range of human rights topics.

ICTY Home Page: www.un.org/icty/

The International Criminal Tribunal for the former Yugoslavia home page, which is still being compiled, provides access to Tribunal documents, press releases and publications. An equivalent for the International Criminal Tribunal for Rwanda is not yet available.

World Health Organization (WHO) Home Page: www.who.ch/

This very comprehensive home page provides some human rights-related press releases, in particular on health issues such as female genital mutilation, and a good selection of information which is not always posted on other sites.

Others

CICC Home Page: www.igc.apc.org

The home page of the NGO Coalition for an International Criminal Court provides unique access to all documentation related to the creation of an International Criminal Court, including UN documents, working papers of the PrepComs, press releases, updates and NGO documents.

Appendix III

Status of international human rights instruments (as of 1 November 1996)

The international human rights instruments of the United Nations which establish treaty bodies to monitor their implementation are the following:

- 1) The International Covenant on Economic, Social and Cultural Rights (ICESCR), which is monitored by the Committee on Economic, Social and Cultural Rights;
- 2) The International Covenant on Civil and Political Rights (ICCPR), which is monitored by the Human Rights Committee;

- 3) The Optional Protocol to the International Covenant on Civil and Political Rights (OPT), which is supervised by the Human Rights Committee;
- 4) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (OPT2);
- 5) The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which is monitored by the Committee on the Elimination of Racial Discrimination;
- 6) The Convention on the Elimination of All Forms of Discrimination against Women (abbreviated as CEDAW for the table below), which is monitored by the Committee on the Elimination of Discrimination against Women;
- 7) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (abbreviated as CAT for the table below), which is monitored by the Committee against Torture;
- 8) The Convention on the Rights of the Child (abbreviated as CRC for the table below), which is monitored by the Committee on the Rights of the Child;
- 9) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC), which was adopted by the General Assembly in 1990 and will enter into force when at least 20 States have ratified it.

The following listing of all Member States of the United Nations shows which of those States are a party (indicated by the year of entry into force or, for the Migrant Workers' Convention, the year of acceptance) or signatory (indicated by an "s") to the various UN human rights instruments listed. As at 1 November 1996, 184 Member States and seven non-Member States were a party to one or more of those instruments and only one Member State was not a party to any. The table was compiled by the UN Centre for Human Rights in Geneva.

| STATE | ICESCR | ICCPR | OPT | OPT2 | ICERD | CEDAW | CAT | CRC | MWC |
|---------------------|--------|-------|------|------|-------|-------|-------|------|-----|
| Afghanistan | 1983 | 1983 | | | 1983 | s | 1987 | 1994 | |
| Albania | 1992 | 1992 | | | 1994 | 1994 | 1994 | 1992 | |
| Algeria | 1989 | 1989 | 1990 | | 1972* | 1996 | 1989* | 1993 | |
| Andorra | | | | | | | | 1996 | |
| Angola | 1992 | 1992 | 1992 | | | 1986 | | 1991 | |
| Antigua and Barbuda | | | | | 1988 | 1989 | 1993 | 1993 | |
| Argentina | 1986 | 1986 | 1986 | | 1969 | 1985 | 1987* | 1991 | |
| Armenia | 1993 | 1993 | 1993 | | 1993 | 1993 | 1993 | 1993 | |
| Australia | 1976 | 1980 | 1991 | 1990 | 1975* | 1983 | 1989* | 1991 | |
| Austria | 1978 | 1978 | 1988 | 1993 | 1972 | 1982 | 1987* | 1992 | |
| Azerbaijan | 1992 | 1992 | | | 1996 | 1995 | 1996 | 1992 | |
| Bahamas | | | | | 1975 | 1993 | | 1991 | |
| Bahrain | | | | | 1990 | | | 1992 | |
| Bangladesh | | | | | 1979 | 1984 | | 1990 | |
| Barbados | 1976 | 1976 | 1976 | | 1972 | 1981 | | 1990 | |
| Belarus | 1976 | 1976 | 1992 | | 1969 | 1981 | 1987 | 1990 | |
| Belgium 1983 | 1983 | 1994 | s | 1975 | 1985 | s | 1992 | | |
| Belize | | 1996 | | | | 1990 | 1987 | 1990 | |
| Benin | 1992 | 1992 | 1992 | | s | 1992 | 1992 | 1990 | |

| | | | | | | | | |
|---------------------------------------|------|------|------|-------|-------|-------|-------|------------|
| Bhutan | | | | s | 1981 | | 1990 | |
| Bolivia | 1982 | 1982 | 1982 | | 1970 | 1990 | s | 1990 |
| Bosnia and Herzegovina | 1992 | 1992 | 1995 | | 1993 | 1992 | 1992 | 1992 |
| Botswana | | | | | 1974 | 1996 | | 1995 |
| Brazil | 1992 | 1992 | | | 1969 | 1984 | 1989 | 1990 |
| Brunei Darussalam | | | | | | | 1995 | |
| Bulgaria 1976 | 1976 | 1992 | | 1969* | 1982 | 1987* | 1991 | |
| Burkina Faso | | | | | 1974 | 1987 | | 1990 |
| Burundi | 1990 | 1990 | | | 1977 | 1992 | 1993 | 1990 |
| Cambodia | 1992 | 1992 | | | 1983 | 1992 | 1992 | 1992 |
| Cameroon | 1984 | 1984 | 1984 | | 1971 | 1994 | 1987 | 1993 |
| Canada | 1976 | 1976 | 1976 | | 1970 | 1982 | 1987* | 1992 |
| Cape Verde | 1993 | 1993 | | | 1979 | 1981 | 1992 | 1992 |
| Central African Rep. | 1981 | 1981 | 1981 | | 1971 | 1991 | | 1992 |
| Chad | 1995 | 1995 | 1995 | | 1977 | 1995 | 1995 | 1990 |
| Chile | 1976 | 1976 | 1992 | | 1971* | 1990 | 1988 | 1990 s |
| China | | | | | 1982 | 1981 | 1988 | 1992 |
| Colombia | 1976 | 1976 | 1976 | | 1981 | 1982 | 1988 | 1991 1995 |
| Comoros | | | | | | 1994 | | 1993 |
| Congo | 1984 | 1984 | 1984 | | 1988 | 1982 | | 1993 |
| Costa Rica | 1976 | 1976 | 1976 | s | 1969* | 1986 | 1993 | 1990 |
| Côte d'Ivoire | 1992 | 1992 | | | | 1973 | 1995 | 1995 1991 |
| Croatia | 1991 | 1991 | 1995 | 1995 | | 1991 | 1991 | 1991* 1991 |
| Cuba | | | | | 1972 | 1981 | 1995 | 1991 |
| Cyprus | 1976 | 1976 | 1992 | | | 1969* | 1985 | 1991* 1991 |
| Czech Republic | 1993 | 1993 | 1993 | | | 1993 | 1993 | 1993 1993 |
| Democratic People's Republic of Korea | 1981 | 1981 | | | | | | 1990 |
| Denmark | 1976 | 1976 | 1976 | 1994 | | 1972* | 1983 | 1987* 1991 |
| Djibouti | | | | | | | | 1991 |
| Dominica | 1993 | 1993 | | | | | 1981 | 1991 |
| Dominican Republic | 1978 | 1978 | 1978 | | 1983 | 1982 | s | 1991 |
| Ecuador | 1976 | 1976 | 1976 | 1993 | | 1969* | 1981 | 1988* 1990 |
| Egypt | 1982 | 1982 | | | 1969 | 1981 | 1987 | 1990 1993 |
| El Salvador | 1980 | 1980 | 1995 | | | 1979 | 1981 | 1996 1990 |
| Equatorial Guinea | 1987 | 1987 | 1987 | | | | 1984 | 1992 |
| Eritrea | | | | | 1995 | | 1994 | |
| Estonia | 1992 | 1992 | 1992 | | | 1991 | 1991 | 1991 1991 |
| Ethiopia 1993 | 1993 | | | | 1976 | 1981 | 1994 | 1991 |
| Fiji | | | | | 1973 | 1995 | | 1993 |
| Finland | 1976 | 1976 | 1976 | 1991 | | 1970* | 1986 | 1989* 1991 |
| France | 1981 | 1981 | 1984 | | | 1971* | 1984 | 1987* 1990 |
| Gabon | 1983 | 1983 | | | | 1980 | 1983 | s 1994 |
| Gambia | 1979 | 1979 | 1988 | | | 1979 | 1993 | s 1990 |
| Georgia | 1994 | 1994 | 1994 | | | | 1994 | 1994 1994 |
| Germany | 1976 | 1976 | 1993 | 1992 | | 1969 | 1985 | 1990 1992 |
| Ghana | | | | | 1969 | 1986 | | 1990 |
| Greece | 1985 | | | | | 1970 | 1983 | 1988* 1993 |
| Grenada | 1991 | 1991 | | | | s | 1990 | 1990 |
| Guatemala | 1988 | 1992 | | | | 1983 | 1982 | 1990 1990 |
| Guinea | 1978 | 1978 | 1993 | | | 1977 | 1982 | 1989 1990 |
| Guinea-Bissau | 1992 | | | | | | 1985 | 1990 |

| | | | | | | | | | |
|---------------------------------------------------|------|------|------|------|-------|------|-------|------|-------|
| Guyana | 1977 | 1977 | 1993 | | | 1977 | 1981 | 1988 | 1991 |
| Haiti | 1991 | | | | | 1973 | 1981 | 1995 | |
| Holy See | | | | | | 1969 | | 1990 | |
| Honduras | 1981 | s | s | s | | 1983 | | 1990 | |
| Hungary | 1976 | 1976 | 1988 | 1994 | 1969* | 1981 | 1987* | 1991 | |
| Iceland | 1979 | 1979 | 1979 | 1991 | 1969* | 1985 | 1996* | 1992 | |
| India | 1979 | 1979 | | | | 1969 | 1993 | 1993 | |
| Indonesia | | | | | | 1984 | s | 1990 | |
| Iran, Islamic Rep. of | 1976 | 1976 | | | | 1969 | | 1994 | |
| Iraq | 1976 | 1976 | | | | 1970 | 1986 | 1994 | |
| Ireland | 1990 | 1990 | 1990 | 1993 | s | 1986 | s | 1992 | |
| Israel | 1992 | 1992 | | | | 1979 | 1991 | 1991 | 1991 |
| Italy | 1978 | 1978 | 1978 | 1995 | 1976* | 1985 | 1989* | 1991 | |
| Jamaica | 1976 | 1976 | 1976 | | | 1971 | 1984 | 1991 | |
| Japan | 1979 | 1979 | | | | 1995 | 1985 | 1994 | |
| Jordan | 1976 | 1976 | | | | 1974 | 1992 | 1991 | 1991 |
| Kazakstan | | | | | | | | 1994 | |
| Kenya | 1976 | 1976 | | | | | 1984 | | 1990 |
| Kiribati | | | | | | | | 1995 | |
| Kuwait | 1996 | 1996 | | | | 1969 | 1994 | 1996 | 1991 |
| Kyrgystan | 1994 | 1994 | 1994 | | | | | | 1994 |
| Lao People's Dem. Rep. | | | | 1974 | 1981 | | | 1991 | |
| Latvia | 1992 | 1992 | 1994 | | | 1992 | 1992 | 1992 | 1992 |
| Lebanon | 1976 | 1976 | | | | 1971 | | | 1991 |
| Lesotho | 1992 | 1992 | | | | 1971 | 1995 | | 1992 |
| Liberia | s | s | | | | 1976 | 1984 | | 1993 |
| Libyan Arab Jamahiriya | 1976 | 1976 | 1989 | | | 1969 | 1989 | 1989 | 1993 |
| Liechtenstein | | | | | | 1995 | 1990* | 1995 | |
| Lithuania | 1992 | 1992 | 1992 | | | | 1994 | 1996 | 1992 |
| Luxembourg | 1983 | 1983 | 1983 | 1992 | 1978 | 1990 | 1987* | 1994 | |
| Macedonia (the former Yugoslav Republic of) | 1991 | 1991 | 1994 | 1995 | 1991 | 1991 | 1994 | 1991 | |
| Madagascar | 1976 | 1976 | 1976 | | | 1969 | 1989 | | 1991 |
| Malawi | 1994 | 1994 | 1996 | | | 1996 | 1987 | 1996 | 1991 |
| Malaysia | | | | | | 1995 | | 1995 | |
| Maldives | | | | 1984 | 1993 | | | 1991 | |
| Mali | 1976 | 1976 | | | | 1974 | 1985 | | 1990 |
| Malta | 1990 | 1990 | 1990 | 1994 | | | 1971 | 1991 | 1990* |
| Marshall Islands | | | | | | | 1993 | | 1990 |
| Mauritania | | | | 1989 | | | | 1991 | |
| Mauritius | 1976 | 1976 | 1976 | | | 1972 | 1984 | 1993 | 1990 |
| Mexico | 1981 | 1981 | | | | 1975 | 1981 | 1987 | 1990 |
| Micronesia, Federated States of | | | | | | | | 1993 | |
| Monaco | | | | 1995 | | | 1992* | 1993 | |
| Mongolia | 1976 | 1976 | 1991 | | | 1969 | 1981 | | 1990 |
| Morocco | 1979 | 1979 | | | | 1971 | 1993 | 1993 | 1993 |
| Mozambique | | 1993 | | 1993 | 1983 | | | | 1984 |
| Myanmar | | | | | | | | 1991 | |
| Namibia | 1994 | 1994 | 1994 | 1994 | 1982 | 1992 | 1994 | 1990 | |

| | | | | | | | | | |
|----------------------------------|------|------|------|------|-------|------|-------|------|------|
| Nauru | | | | | | 1994 | | | |
| Nepal | 1991 | 1991 | 1991 | | | 1971 | 1991 | 1991 | 1990 |
| Netherlands | 1979 | 1979 | 1979 | 1991 | 1972* | 1991 | 1989* | 1995 | |
| New Zealand | 1979 | 1979 | 1989 | 1990 | 1972 | 1985 | 1990* | 1993 | |
| Nicaragua | 1980 | 1980 | 1980 | s | 1978 | 1981 | s | 1990 | |
| Niger | 1986 | 1986 | 1986 | | 1969 | | | 1990 | |
| Nigeria | 1993 | 1993 | | | 1969 | 1985 | s | 1991 | |
| Niue | | | | | | | 1995 | | |
| Norway | 1976 | 1976 | 1976 | 1991 | 1970* | 1981 | 1987* | 1991 | |
| Oman | | | | | | | | | |
| Pakistan | | | | 1969 | 1996 | | 1990 | | |
| Palau | | | | | | | 1995 | | |
| Panama | 1977 | 1977 | 1977 | 1993 | 1969 | 1981 | 1987 | 1991 | |
| Papua New Guinea | | | | 1982 | 1995 | | 1993 | | |
| Paraguay | 1992 | 1992 | 1995 | | | 1987 | 1990 | 1990 | |
| Peru | 1978 | 1978 | 1981 | | 1971* | 1982 | 1988 | 1990 | |
| Philippines | 1976 | 1987 | 1989 | | 1969 | 1981 | 1987 | 1990 | 1995 |
| Poland | 1977 | 1977 | 1992 | | 1969 | 1981 | 1989* | 1991 | |
| Portugal | 1978 | 1978 | 1983 | 1990 | 1982 | 1981 | 1989* | 1990 | |
| Qatar | | | | 1976 | | | 1995 | | |
| Republic of Korea | 1990 | 1990 | 1990 | | 1979 | 1985 | 1995 | 1991 | |
| Republic of Moldova | 1993 | 1993 | | | 1993 | 1994 | 1995 | 1993 | |
| Romania | 1976 | 1976 | 1993 | 1991 | 1970 | 1982 | 1990 | 1990 | |
| Russian Federation | 1976 | 1976 | 1992 | | 1969* | 1981 | 1987* | 1990 | |
| Rwanda | 1976 | 1976 | | | 1975 | 1981 | | 1991 | |
| Saint Kitts and Nevis | | | | 1985 | | 1990 | | | |
| Saint Lucia | | | | 1990 | 1982 | | 1993 | | |
| Saint Vincent and the Grenadines | 1982 | 1982 | 1982 | | 1981 | 1981 | | 1993 | |
| Samoa | | | | 1992 | | 1994 | | | |
| San Marino | 1986 | 1986 | 1986 | | | | | 1991 | |
| Sao Tome and Principe | s | s | | | s | | 1991 | | |
| Saudi Arabia | | | | | | | 1996 | | |
| Senegal | 1978 | 1978 | 1978 | | 1972* | 1985 | 1987* | 1990 | |
| Seychelles | 1992 | 1992 | 1992 | 1995 | 1978 | 1992 | 1992 | 1990 | 1994 |
| Sierra Leone | 1996 | 1996 | 1996 | | 1969 | 1988 | s | 1990 | |
| Singapore | | | | | 1995 | | 1995 | | |
| Slovak Republic | 1993 | 1993 | 1993 | | 1993* | 1993 | 1993* | 1993 | |
| Slovenia | 1992 | 1991 | 1993 | 1994 | 1992 | 1992 | 1993* | 1991 | |
| Solomon Islands | 1982 | | | | 1982 | | 1995 | | |
| Somalia | 1990 | 1990 | 1990 | | 1975 | | 1990 | | |
| South Africa | s | s | | | s | 1995 | s | 1995 | |
| Spain | 1977 | 1977 | 1985 | 1991 | 1969 | 1984 | 1987* | 1991 | |
| Sri Lanka | 1980 | 1980 | | | 1982 | 1981 | 1994 | 1991 | 1996 |
| Sudan | 1986 | 1986 | | | 1977 | | s | 1990 | |
| Suriname | 1977 | 1977 | 1977 | | 1984 | 1993 | | 1993 | |
| Swaziland | | | | 1969 | | | 1995 | | |
| Sweden | 1976 | 1976 | 1976 | 1990 | 1972* | 1981 | 1987* | 1990 | |
| Switzerland | 1992 | 1992 | | 1994 | 1994 | s | 1987* | s | |
| Syrian Arab Republic | 1976 | 1976 | | 1969 | | | 1993 | | |
| Tajikistan | | | | 1995 | 1993 | 1995 | 1993 | | |
| Thailand | 1996 | | | | 1985 | | 1992 | | |

| | | | | | | | | | |
|-----------------------------|------|------|------|------|-------|------|-------|------|------|
| Togo | 1984 | 1984 | 1988 | | 1970 | 1983 | 1987* | 1990 | |
| Tonga | | | | 1972 | | | 1995 | | |
| Trinidad and Tobago | 1979 | 1979 | 1981 | | 1973 | 1990 | | 1992 | |
| Tunisia | 1976 | 1976 | | | 1969 | 1985 | 1988* | 1992 | |
| Turkey | | | s | 1986 | 1988* | 1995 | | | |
| Turkmenistan | | | | 1994 | | | 1993 | | |
| Tuvalu | | | | | | | 1995 | | |
| Uganda | 1987 | 1995 | 1995 | | 1980 | 1985 | 1987 | 1990 | 1995 |
| Ukraine | 1976 | 1976 | 1991 | | 1969* | 1981 | 1987 | 1991 | |
| United Arab Emirates | | | 1974 | | | | | | |
| United Kingdom | 1976 | 1976 | | 1969 | 1986 | 1989 | 1992 | | |
| United Republic of Tanzania | 1976 | 1976 | | | 1972 | 1985 | | 1991 | |
| United States of America | s | 1992 | | | 1994 | s | 1994 | s | |
| Uruguay | 1976 | 1976 | 1976 | 1993 | 1969* | 1981 | 1987* | 1990 | |
| Uzbekistan | 1995 | 1995 | 1995 | | 1995 | 1995 | 1995 | 1994 | |
| Vanuatu | | | | | 1995 | | 1993 | | |
| Venezuela | 1978 | 1978 | 1978 | 1993 | 1969 | 1983 | 1991* | 1990 | |
| Viet Nam | 1982 | 1982 | | | 1982 | 1982 | | 1990 | |
| Yemen | 1987 | 1987 | | | 1989 | 1984 | 1991 | 1991 | |
| Yugoslavia | 1976 | 1976 | s | | 1969 | 1982 | 1991* | 1991 | |
| Zaire | 1977 | 1977 | 1977 | | 1976 | 1986 | 1996 | 1990 | |
| Zaire | 1977 | 1977 | 1977 | | 1976 | 1986 | 1996 | 1990 | |
| Zambia | 1984 | 1984 | 1984 | | 1972 | 1985 | | 1992 | |
| Zimbabwe | 1991 | 1991 | | | 1991 | 1991 | | 1990 | |

TOTAL NUMBER OF

| | | | | | | | | | |
|----------------|---------------|--------------|------------|-------------|--------------|--------------|------------|------------|------------|
| STATES | 135 | 136 | 89 | 29 | 148 | 154 | 100 | 187 | 7 |
| PARTIES | | | | | | | | | |
| | ICESCR | ICCPR | OPT | OPT2 | ICERD | CEDAW | CAT | CRC | MWC |

* Indicates that the state party has recognized the competence to receive and process individual communications of the Committee on the Elimination of Racial Discrimination under article 14 of the ICERD (total 23 states parties) or of the Committee against Torture (total 38 states parties).

Since there are 192 States in this list, the number of States who have not ratified the instruments are:

| | | | | | | | | |
|---------------|--------------|------------|-------------|--------------|--------------|------------|------------|------------|
| ICESCR | ICCPR | OPT | OPT2 | ICERD | CEDAW | CAT | CRC | MWC |
| 57 | 56 | 103 | 163 | 44 | 38 | | 92 | 5 |
| | | | | | 185 | | | |

Appendix IV**Status of ratification of other conventions**

In the following list of States it is indicated when they became a party to five additional conventions relevant to human rights. The year indicates the year of ratification by that State, "s" means the State only signed the convention. The conventions are:

The Convention relating to the **Status of Refugees** (CSR 1951) and its **Optional Protocol** (protecting non-European refugees) (CSR-OP 1967), the data on ratifications stem from 19 January 1996, UNHCR-PI section.

The Convention on the Prevention and Punishment of the Crime of **Genocide** (CPPCG 1948), the data of ratifications of which stem from UN Document ST/LEG/SER.E/14, and are dated 31 December 1995.

The **Geneva Conventions** (GCs 1949) and their Additional Protocols (AP I 1977, on **protection of victims of international armed conflicts**; and AP II 1977, on **protection of victims of non-international armed conflicts**), information on ratifications is obtained from the ICRC, and is dated 30 June 1996.

There are 192 States in this list, 185 of which are Member States of the United Nations.

| State | CSR 1951 | CSR-OP 1967 | CPPCG 1948 | GCs 1949 | API 1977 | APII 1977 |
|---------------------------|---------------------|------------------------|-----------------------|---------------------|---------------------|----------------------|
| Afghanistan | | | 1956 | 1956 | | |
| Albania | 1992 | 1992 | 1955 | 1957 | 1993 | 1993 |
| Algeria | 1963 | 1967 | 1963 | 1960 | 1989 | 1989 |
| Andorra | | | | 1993 | | |
| Angola | 1981 | 1981 | | 1984 | 1984 | |
| Antigua and Barbuda | 1995 | 1995 | 1988 | 1986 | 1986 | 1986 |
| Argentina | 1961 | 1967 | 1956 | 1956 | 1986 | 1986 |
| Armenia | 1993 | 1993 | 1993 | 1993 | 1993 | 1993 |
| Australia | 1954 | 1973 | 1949 | 1958 | 1991 | 1991 |
| Austria | 1954 | 1973 | 1958 | 1953 | 1982 | 1982 |
| Azerbaijan | 1993 | 1993 | | 1993 | | |
| Bahamas | 1993 | 1993 | 1975 | 1975 | 1980 | 1980 |
| Bahrain | | | 1990 | 1971 | 1986 | 1986 |
| Bangladesh | | | | 1972 | 1980 | 1980 |
| Barbados | | | 1980 | 1968 | 1990 | 1990 |
| Belarus | | | 1954 | 1954 | 1989 | 1989 |
| Belgium | 1953 | 1969 | 1951 | 1952 | 1986 | 1986 |
| Belize | 1990 | 1990 | | 1984 | 1984 | 1984 |
| Benin | 1962 | 1970 | | 1961 | 1986 | 1986 |
| Bhutan | | | | 1991 | | |
| Bolivia | 1982 | 1982 | s | 1976 | 1983 | 1983 |
| Bosnia and Herzegovina | 1993 | 1993 | 1992 | 1992 | 1992 | 1992 |
| Botswana | 1969 | 1969 | | 1968 | 1979 | 1979 |
| Brazil | 1960 | 1972 | 1952 | 1957 | 1992 | 1992 |
| Brunei Darussalam | | | | 1991 | 1991 | |
| Bulgaria | 1993 | 1993 | 1950 | 1954 | 1989 | 1989 |
| Burkina Faso | | | 1965 | 1961 | 1987 | 1987 |
| Burundi | 1963 | 1971 | | 1971 | 1993 | 1993 |
| Cambodia | 1992 | 1992 | 1950 | 1958 | | |
| Cameroon | 1961 | 1967 | | 1963 | 1984 | 1984 |
| Canada | 1969 | 1969 | 1952 | 1965 | 1990 | 1990 |
| Cape Verde | | 1987 | | 1984 | 1995 | 1995 |
| Central African | | | | | | |

| | | | | | | |
|------------------------------------------|------|------|------|------|------|------|
| Republic | 1962 | 1967 | | 1966 | 1984 | 1984 |
| Chad | 1981 | 1981 | | 1970 | | |
| Chile | 1972 | 1972 | 1953 | 1950 | 1991 | 1991 |
| China | 1982 | 1982 | 1983 | 1956 | 1983 | 1983 |
| Colombia | 1961 | 1980 | 1959 | 1961 | 1993 | 1995 |
| Comoros | | | | 1985 | 1985 | 1985 |
| Congo | 1962 | 1970 | | 1967 | 1983 | 1983 |
| Costa Rica | 1978 | 1978 | 1950 | 1969 | 1983 | 1983 |
| Côte d'Ivoire | 1961 | 1970 | 1995 | 1961 | 1989 | 1989 |
| Croatia | 1991 | 1991 | 1992 | 1992 | 1992 | 1992 |
| Cuba | | | 1953 | 1954 | 1982 | |
| Cyprus | 1963 | 1968 | 1982 | 1962 | 1979 | 1996 |
| Czech Republic | 1993 | 1993 | 1993 | 1993 | 1993 | 1993 |
| Democratic People's Republic of Korea | | | 1989 | 1957 | 1988 | |
| Denmark | 1952 | 1968 | 1951 | 1951 | 1982 | 1982 |
| Djibouti | 1977 | 1977 | | 1978 | 1991 | 1991 |
| Dominica | 1994 | 1994 | | 1981 | 1996 | 1996 |
| Dominican Republic | 1978 | 1978 | s | 1958 | 1994 | 1994 |
| Ecuador | 1955 | 1969 | 1949 | 1954 | 1979 | 1979 |
| Egypt | 1981 | 1981 | 1952 | 1952 | 1992 | 1992 |
| El Salvador | 1983 | 1983 | 1950 | 1953 | 1978 | 1978 |
| Equatorial Guinea | 1986 | 1986 | | 1986 | 1986 | 1986 |
| Eritrea | | | | | | |
| Estonia | | | 1991 | 1993 | 1993 | 1993 |
| Ethiopia | 1969 | 1969 | 1949 | 1969 | 1994 | 1994 |
| Fiji | 1972 | 1972 | 1973 | 1971 | | |
| Finland | 1968 | 1968 | 1959 | 1955 | 1980 | 1980 |
| France | 1954 | 1971 | 1950 | 1951 | | 1984 |
| Gabon | 1964 | 1973 | 1983 | 1965 | 1980 | 1980 |
| Gambia | 1966 | 1967 | 1978 | 1966 | 1989 | 1989 |
| Georgia | | | 1993 | 1993 | 1993 | 1993 |
| Germany | 1953 | 1969 | 1954 | 1954 | 1991 | 1991 |
| Ghana | 1963 | 1968 | 1958 | 1958 | 1978 | 1978 |
| Greece | 1960 | 1968 | 1954 | 1956 | 1989 | 1993 |
| Grenada | | | | 1981 | | |
| Guatemala | 1983 | 1983 | 1950 | 1952 | 1987 | 1987 |
| Guinea | 1965 | 1968 | | 1984 | 1984 | 1988 |
| Guinea-Bissau | 1976 | 1976 | | 1974 | 1986 | 1986 |
| Guyana | | | | 1968 | 1988 | 1988 |
| Haiti | 1984 | 1984 | 1950 | 1957 | | |
| Holy See | 1956 | 1967 | | 1951 | 1985 | 1985 |

| | | | | | | |
|------------------------------------------------------|------|------|------|------|------|------|
| Honduras | 1992 | 1992 | 1952 | 1965 | 1995 | 1995 |
| Hungary | 1989 | 1989 | 1952 | 1954 | 1989 | 1989 |
| Iceland | 1955 | 1968 | 1949 | 1965 | 1987 | 1987 |
| India | | | 1959 | 1950 | | |
| Indonesia | | | | 1958 | | |
| Iran, Islamic Republic of | 1976 | 1976 | 1956 | 1957 | | |
| Iraq | | | 1959 | 1956 | | |
| Ireland | 1956 | 1968 | 1976 | 1962 | | |
| Israel | 1954 | 1968 | 1950 | 1951 | | |
| Italy | 1954 | 1972 | 1952 | 1951 | 1986 | 1986 |
| Jamaica | 1964 | 1980 | 1968 | 1964 | 1986 | 1986 |
| Japan | 1981 | 1982 | | 1953 | | |
| Jordan | | | 1950 | 1951 | 1979 | 1979 |
| Kazakstan | | | | 1992 | 1992 | 1992 |
| Kenya | 1966 | 1981 | | 1966 | | |
| Kiribati | | | | 1989 | | |
| Kuwait | | | 1995 | 1967 | 1985 | 1985 |
| Kyrgyzstan | | | | 1992 | 1992 | 1992 |
| Lao People's Democratic Republic | | | 1950 | 1956 | 1980 | 1980 |
| Latvia | | | 1992 | 1991 | 1991 | 1991 |
| Lebanon | | | 1953 | 1951 | | |
| Lesotho | 1981 | 1981 | 1974 | 1968 | 1994 | 1994 |
| Liberia | 1964 | 1980 | 1950 | 1954 | 1988 | 1988 |
| Libyan Arab Jamahiriya | | | 1989 | 1956 | 1978 | 1978 |
| Liechtenstein | 1957 | 1968 | 1994 | 1950 | 1989 | 1989 |
| Lithuania | | | | | | |
| Luxembourg | 1953 | 1971 | 1981 | 1953 | 1989 | 1989 |
| Macedonia (the former Yugoslav Republic of) | 1994 | 1994 | 1994 | 1993 | 1993 | 1993 |
| Madagascar | 1967 | | | 1963 | 1992 | 1992 |
| Malawi | 1987 | 1987 | | 1968 | 1991 | 1991 |
| Malaysia | | | 1994 | 1962 | | |
| Maldives | | | 1984 | 1991 | 1991 | 1991 |
| Mali | 1973 | 1973 | 1974 | 1965 | 1989 | 1989 |
| Malta | 1971 | 1971 | | 1968 | 1989 | 1989 |
| Marshall Islands | | | | | | |
| Mauritania | 1987 | 1987 | | 1962 | 1980 | 1980 |
| Mauritius | | | | 1970 | 1982 | 1982 |
| Mexico | | | 1952 | 1952 | 1983 | |
| Micronesia, Federated States of | | | | 1995 | 1995 | 1995 |

| | | | | | | |
|-------------------------------------|------|------|------|------|------|------|
| Monaco | 1954 | | 1950 | 1950 | | |
| Mongolia | | | 1967 | 1958 | 1995 | 1995 |
| Morocco | 1956 | 1971 | 1958 | 1956 | | |
| Mozambique | 1983 | 1989 | 1983 | 1983 | 1983 | |
| Myanmar | | | 1956 | 1992 | | |
| Namibia | 1995 | | 1994 | 1991 | 1983 | 1983 |
| Nauru | | | | | | |
| Nepal | | | 1969 | 1964 | | |
| Netherlands | 1956 | 1968 | 1966 | 1954 | 1987 | 1987 |
| New Zealand | 1960 | 1973 | 1978 | 1959 | 1988 | 1988 |
| Nicaragua | 1980 | 1980 | 1952 | 1953 | | |
| Niger | 1961 | 1970 | | 1964 | 1979 | 1979 |
| Nigeria | 1967 | 1968 | | 1961 | 1988 | 1988 |
| Niue | | | | | | |
| Norway | 1953 | 1967 | 1949 | 1951 | 1981 | 1981 |
| Oman | | | | 1974 | 1984 | 1984 |
| Pakistan | | | 1957 | 1951 | | |
| Palau | | | | 1996 | 1996 | 1996 |
| Panama | 1978 | 1978 | 1950 | 1956 | 1995 | 1995 |
| Papua New Guinea | 1970 | 1986 | 1982 | 1976 | | |
| Paraguay | 1970 | 1970 | s | 1961 | 1990 | 1990 |
| Peru | 1964 | 1983 | 1960 | 1956 | 1989 | 1989 |
| Philippines | 1981 | 1981 | 1950 | 1952 | | 1986 |
| Poland | 1991 | 1991 | 1950 | 1954 | 1991 | 1991 |
| Portugal | 1960 | 1976 | | 1961 | 1992 | 1992 |
| Qatar | | | | 1975 | 1988 | |
| Republic of Korea | 1992 | 1992 | 1950 | 1966 | 1982 | 1982 |
| Republic of Moldova | | | 1993 | 1993 | 1993 | 1993 |
| Romania | 1991 | 1991 | 1950 | 1954 | 1990 | 1990 |
| Russian Federation | 1993 | 1993 | 1954 | 1954 | 1989 | 1989 |
| Rwanda | 1980 | 1980 | 1975 | 1964 | 1984 | 1984 |
| Saint Kitts and Nevis | | | | 1986 | 1986 | 1986 |
| Saint Lucia | | | | 1981 | 1982 | 1982 |
| Saint Vincent and the Grenadines | 1993 | | 1981 | 1981 | 1983 | 1983 |
| Samoa | 1988 | 1994 | | 1984 | 1984 | 1984 |
| San Marino | | | | 1953 | 1994 | 1994 |
| Sao Tome and Principe | 1978 | 1978 | | 1976 | | |
| Saudi Arabia | | | 1950 | 1963 | 1987 | |

| | | | | | | |
|------------------------------|------|------|------|------|------|------|
| Senegal | 1963 | 1967 | 1983 | 1963 | 1985 | 1985 |
| Seychelles | 1980 | 1980 | 1992 | 1984 | 1984 | 1984 |
| Sierra Leone | 1981 | 1981 | | 1965 | 1986 | 1986 |
| Singapore | | | 1995 | 1973 | | |
| Slovak Republic | 1993 | 1993 | 1993 | 1993 | 1993 | 1993 |
| Slovenia | 1991 | 1991 | 1992 | 1992 | 1992 | 1992 |
| Solomon Islands | 1995 | 1995 | | 1981 | 1988 | 1988 |
| Somalia | 1978 | 1978 | | 1962 | | |
| South Africa | 1996 | 1996 | | 1952 | 1995 | 1995 |
| Spain | 1978 | 1978 | 1968 | 1952 | 1989 | 1989 |
| Sri Lanka | | | 1950 | 1959 | | |
| Sudan | 1974 | 1974 | | 1957 | | |
| Suriname | 1978 | 1978 | | 1976 | 1985 | 1985 |
| Swaziland | | 1969 | | 1973 | 1995 | 1995 |
| Sweden | 1954 | 1967 | 1952 | 1953 | 1979 | 1979 |
| Switzerland | 1955 | 1968 | | 1950 | 1982 | 1982 |
| Syrian Arab Republic | | | 1955 | 1953 | 1983 | |
| Tajikistan | 1993 | 1993 | | 1993 | 1993 | 1993 |
| Tanzania, United Republic of | 1964 | 1968 | 1984 | 1962 | 1983 | 1983 |
| Thailand | | | | 1954 | | |
| Togo | 1962 | 1969 | 1984 | 1962 | 1984 | 1984 |
| Tonga | | | 1972 | 1978 | | |
| Trinidad and Tobago | | | | 1963 | | |
| Tunisia | 1957 | 1968 | 1956 | 1957 | 1979 | 1979 |
| Turkey | 1962 | 1968 | 1950 | 1954 | | |
| Turkmenistan | | | 1992 | 1992 | 1992 | |
| Tuvalu | | | | 1981 | | |
| Uganda | 1976 | 1976 | 1995 | 1964 | 1991 | 1991 |
| Ukraine | | | 1954 | 1954 | 1990 | 1990 |
| United Arab Emirates | | | | 1972 | 1983 | 1983 |
| United Kingdom | 1954 | 1968 | 1970 | 1957 | | |
| United States of America | | 1968 | 1988 | 1955 | | |
| Uruguay | 1970 | 1970 | 1967 | 1969 | 1985 | 1985 |
| Uzbekistan | | | | 1993 | 1993 | 1993 |
| Vanuatu | | | | 1982 | 1985 | 1985 |
| Venezuela | | 1986 | 1960 | 1956 | | |
| Viet Nam | | | 1981 | 1957 | 1981 | |
| Yemen | 1980 | 1980 | 1987 | 1970 | 1990 | 1990 |
| Yugoslavia | 1959 | 1968 | 1950 | 1950 | 1979 | 1979 |
| Zaire | 1965 | 1975 | 1962 | 1961 | 1982 | |
| Zambia | 1969 | 1969 | | 1996 | 1995 | 1995 |

| | | | | | | |
|-----------------------------------|------|------|------|------|------|------|
| Zimbabwe | 1981 | 1981 | 1991 | 1983 | 1992 | 1992 |
| Total number of states parties | 127 | 127 | 120 | 187 | 145 | 137 |
| Number of States not parties | 65 | 65 | 72 | 5 | 47 | 55 |

Appendix V

Addresses of regional human rights bodies

Inter-American Commission on Human Rights

1889 F Street, NW
Washington, D.C. 20006
USA
Tel: (1 202) 428 3967

African Commission on Human and Peoples' Rights

Mr. Germain Baricako, Secretary
Kairaba Avenue
P.O. Box 673
Banjul
THE GAMBIA
Tel: (220) 392 962
Fax: (220) 390 764

Council of Europe

Mr. P.H. Imbert, Head of Human Rights
section
F - 67075 Strasbourg Cedex
FRANCE
Tel: (33) 88 41 20 00
Fax: (33) 88 41 27 81

European Commission of Human Rights

P.O. Box 431 R6
F - 67006 Strasbourg Cedex
FRANCE
Tel: (33) 88 61 49 61
Fax: (33) 88 36 70 57/35 19 61

Appendix VI

Addresses of the Geneva Missions of Member States of the Commission on Human Rights

Those marked with an asterisk (*) are also members of the UNHCR Executive Committee

*** Algeria**

Route de Lausanne 308
1293 Bellevue
Switzerland
Tel: (41 22) 774 1986
Fax: (41 22) 774 3049

Angola

Route de Chêne 109
1224 Chêne-Bougeries
Switzerland
Tel: (41 22) 348 4050
Fax: (41 22) 348 4046

*** Argentina**

Route de l'Aéroport 10
P.O. Box 536
CH - 1215 Geneva 15
Tel: (41 22) 798 19 52
Fax: (41 22) 798 59 95 / 19 92

*** Austria**

Rue de Varembe 9-11
P.O. Box 68
CH - 1211 Geneva 20
Tel: (41 22) 733 77 50
Fax: (41 22) 734 45 91
E-mail: mission.austrian@itu.ch

*** Bangladesh**

Rue de Lausanne 65
1202 Geneva
Tel: (41 22) 732 5940
Fax: (41 22) 738 4616

Belarus

Av. de la Paix 15
Case postale
1211 Geneva 20
Tel: (41 22) 734 3844
Fax: (41 22) 734 3844

Benin

5, av. de l'Observatoire
1180 Bruxelles
Belgium
Tel: (32 2) 374 9192

Fax: (32 2) 375 8326

Bhutan

Chemin du Champ-d'Anier 17-19

1209 Geneva

Tel: (41 22) 798 7971

Fax: (41 22) 788 2593

*** Brazil**

Ancienne Route 17B

CH - 1218 Grand-Saconnex

Switzerland

Tel: (41 22) 929 09 00

Fax: (41 22) 788 25 06

Bulgaria

Chemin des Crêts-de-Pregny 16

CH - 1218 Grand-Saconnex

Switzerland

Tel: (41 22) 798 03 00 / 01

Fax: (41 22) 798 03 02

*** Canada**

Rue du Pré-de-la-Bichette 1

CH - 1202 Geneva

Tel: (41 22) 919 92 00

Fax: (41 22) 919 92 33

Cape Verde

Fritz-Schäfferstrasse 5

53113 Bonn

Germany

Tel: (0049 228) 26 50 02

Fax: (0049 228) 26 50 61

Chile

Rue de Moillebeau 58 (4th floor)

P.O. Box 332

CH - 1211 Geneva 19

Tel: (41 22) 734 51 30

Fax: (41 22) 734 41 94

*** China**

Chemin de Surville 11

P.O. Box 85

CH - 1213 Petit Lancy, Geneva

Tel: (41 22) 792 25 37

Fax: (41 22) 793 70 14

*** Colombia**

Chemin du Champ-d'Anier 17-19
CH - 1209 Geneva
Tel: (41 22) 798 45 54 / 55
Fax: (41 22) 791 07 87

Cuba

Chemin de Valérie 100
CH - 1292 Chambésy
Switzerland
Tel: (41 22) 758 94 30
Fax: (41 22) 758 94 31

Czech Republic

Chemin Louis Dunant 17
P.O. Box 109
CH - 1211 Geneva 20
Tel: (41 22) 740 38 88 / 36 68 / 36 61
Fax: (41 22) 740 36 62

*** Denmark**

Rue de Moillebeau 56 (7th floor)
P.O. Box 435
CH - 1211 Geneva 19
Tel: (41 22) 733 71 50
Fax: (41 22) 733 29 17

Dominican Republic

Avenue Eugène-Pittard 7
CH - 1206 Geneva
Tel: (41 22) 789 05 50/789 04 42
Fax: (41 22) 789 18 66

Ecuador

Rue de Lausanne 139 (6ème étage)
CH - 1202 Geneva
Tel: (41 22) 731 48 79
Fax: (41 22) 738 26 76

Egypt

Avenue Blanc 49 (2ème étage)
CH - 1202 Geneva
Tel: (41 22) 731 65 30/39
Fax: (41 22) 738 44 15

El Salvador

Rue de Lausanne 65 (2ème étage)
CH - 1202 Geneva
Tel: (41 22) 732 70 36

Fax: (41 22) 738 47 44

*** Ethiopia**

Rue de Moillebeau 56

P.O. Box 338

CH - 1211 Geneva

Tel: (41 22) 733 07 50/58/59

Fax: (41 22) 740 11 29

*** France**

Villa "Les Ormeaux"

Route de Pregny 36

CH - 1292 Chambésy

Switzerland

Tel: (41 22) 758 91 11

Fax: (41 22) 758 91 37 / 24 49

Gabon

Rue Henri Veyrassat 7bis

P.O. Box 12

CH - 1211 Geneva 7

Tel: (41 22) 345 80 01

Fax: (41 22) 340 23 09

*** Germany**

Chemin du Petit-Saconnex 28C

P.O. Box 171

CH - 1211 Geneva 19

Tel: (41 22) 730 11 11

Fax: (41 22) 734 30 43 / 12 95

Guinea

140 East 39th Street

New York, N.Y. 10016

USA

Tel: (001 212) 687 8115/6/7

Fax: (001 212) 687 8248

*** India**

Rue du Valais 9 (6th floor)

CH - 1202 Geneva

Tel: (41 22) 732 08 59

Fax: (41 22) 731 54 71 / 738 45 48

Indonesia

Rue de Saint-Jean 16

P.O. Box 2271

CH - 1211 Geneva

Tel: (41 22) 345 33 50/57/58/59

Fax: (41 22) 345 57 33

*** Ireland**

Rue de Lausanne 45-47
P.O. Box 2566
CH - 1211 Geneva 2
Tel: (41 22) 732 85 50
Fax: (41 22) 732 81 06 / 731 43 65

*** Italy**

Chemin de l'Impératrice 10
CH - 1292 Pregny, Geneva
Tel: (41 22) 918 08 10
Fax: (41 22) 734 67 02

*** Japan**

Chemin des Fins 3
P.O. Box 337
CH - 1211 Geneva 19
Tel: (41 22) 717 31 11
Fax: (41 22) 788 38 11

*** Madagascar**

Avenue Riant-Parc 32
CH - 1209 Geneva
Tel: (41 22) 740 16 50
Fax: (41 22) 740 16 16

Malaysia

International Centre Cointrin (ICC)
1st floor - block H
Route de Pré-Bois 20
P.O. Box 711
CH - 1215 Geneva 15
Tel: (41 22) 788 15 05 / 09 / 23
Fax: (41 22) 788 04 92

Mali

Basteistrasse 86
53173 Bonn
Germany
Tel: (0049 228) 35 70 48
Fax: (0049 228) 36 19 22

Mexico

Avenue de Budé 10A
P.O. Box 433
CH - 1211 Geneva 19
Tel: (41 22) 733 88 50
Fax: (41 22) 733 48 10

Mozambique

Rue Florissant 51
CH - 1206 Geneva
Tel: (41 22) 347 90 46
Fax: (41 22) 347 90 45

Nepal

Rue Frédéric Amiel 1
CH - 1203 Geneva
Tel. (41 22) 344 44 41
Fax: (41 22) 344 4 0 93

*** Netherlands**

Chemin des Anémones 11
P.O. Box 276
CH - 1219 Châtelaine
Switzerland
Tel: (41 22) 797 50 30
Fax: (41 22) 797 51 29

*** Nicaragua**

Rue de Roveray 16
CH - 1207 Geneva
Tel: (41 22) 736 66 44
Fax: (41 22) 736 60 12

*** Pakistan**

Rue de Moillebeau 56
P.O. Box 434
CH - 1211 Geneva 19
Tel: (41 22) 734 77 60
Fax: (41 22) 734 80 85
E-mail: pakistan@itu.ch

*** Philippines**

Avenue Blanc 47
CH - 1202 Geneva
Tel: (41 22) 731 83 20/29
Fax: (41 22) 731 68 88

Republic of Korea

Route de Pré-Bois 20
P.O. Box 566
CH - 1215 Geneva 15
Tel: (41 22) 791 01 11
Fax: (41 22) 788 62 49

*** Russian Federation**

Avenue de la Paix 15
P.O. Box
CH - 1211 Geneva 20
Tel: (41 22) 733 18 70 / 734 66 30 / 734 46 18
Fax: (41 22) 734 40 44

South Africa

Rue du Rhône 65
CH - 1204 Geneva
Tel: (41 22) 849 54 54
Fax: (41 22) 849 54 32

Sri Lanka

Rue de Moillebeau 56 (5th floor)
P.O. Box 436
CH - 1211 Geneva 19
Tel: (41 22) 734 93 40 / 93 49 / 98 50
Fax: (41 22) 734 90 84

*** Uganda**

Avenue de Tervueren 317
B-1150 Brussels
Belgium
Tel: (0032 2) 762 58 25
Fax: (0032 2) 763 04 38

Ukraine

Avenue de la Paix 15
P.O. Box 77
CH - 1211 Geneva 20
Tel: (41 22) 740 32 70
Fax: (41 22) 734 38 01

*** United Kingdom of Great Britain and Northern Ireland**

Rue de Vermont 37-39
P.O. Box 1211
Geneva 20
Tel: (41 22) 918 23 00
Fax: (41 22) 918 23 33

*** United States of America**

Route de Pregny 11
CH - 1292 Chambésy
Switzerland
Tel: (41 22) 749 41 11
Fax: (41 22) 749 48 80

Uruguay

Rue de Lausanne 65 (4ème)

CH - 1202 Geneva
 Tel: (41 22) 732 83 66
 Fax: (41 22) 731 56 50

*** Zaire**

Avenue de Budé 18 (Local 1822)
 P.O. Box 2595
 CH - 1211 Geneva 2
 Tel: (41 22) 740 22 85
 Fax: (41 22) 740 37 44

Zimbabwe

Chemin William Barbey 27
 CH - 1292 Chambésy
 Switzerland
 Tel: (41 22) 758 30 11/13/26
 Fax: (41 22) 758 30 44

Appendix VII

Addresses of some human rights non-governmental organizations

Geneva, Switzerland

Amnesty International UN Office

15 route des Morillons
 1218 Grand-Saconnex
 Geneva
 Tel: (41 22) 798 2500
 Fax: (41 22) 791 0390

Association for the Prevention of Torture (APT)

Ms. Claudine Haenni (Secretary General)
 P.O. Box 2267
 CH-1211 Geneva 2
 Tel: (41 22) 734 2088
 Fax: (41 22) 734 5649
 (draft Optional Protocol to Convention against Torture)

**Churches' Commission on International affairs of the World Council of Churches
 (CCIA-WCC) & Refugee and Migration Service**

Mr. Dwain Eps (Director)
 150, route de Ferney
 P.O. Box 2100
 CH-1211 Geneva 2
 Tel: (41 22) 791 6111
 Fax: (41 22) 791 0361
 (general, refugees, migrants, impunity, women's rights, indigenous peoples' rights)

Quakers UN Office - Geneva

Friends World Committee for Consultation

Ms. Rachel Brett (Human Rights Officer)

Mr. Tim Wichert (Refugee & IDP Officer)

Quaker House

13, avenue du Mervelet

CH-1209 Geneva

Tel: (41 22) 748 4800

Fax: (41 22) 734 0015

(general, child soldiers, conscientious objectors, internally displaced, refugees)

Habitat International Coalition + Centre on Housing Rights and Evictions (Headquarters: Mexico)

Mr. Miloon Kothari

8 rue Gustave Moynier

1202 Geneva

Tel: (41 22) 738 8167

Fax: (41 22) 738 8167

(housing rights, Committee on Economic, Social and Cultural Rights)

International Commission of Jurists (ICJ)

Mr. Adama Dieng (Secretary General)

81A avenue de Châtelaine

P.O. Box 216

CH-1219 Geneva

Tel: (41 22) 979 3800

Fax: (41 22) 979 3801

(rule of law, independence of judiciary, impunity)

International Council of Voluntary Agencies (ICVA)

Ms. Brita Sydhoff

Programme Officer

13, rue Gaultier

P.O. Box 216

CH - 1211 Geneva 21

Tel: (41 22) 908 07 70

Fax: (41 22) 738 99 04

International Service for Human Rights

Mr. Adrien-Claude Zoller (Director)

1, rue de Varembé

P.O. Box 16

CH-1211 Geneva 20

Tel: (41 22) 733 5123

Fax: (41 22) 733 0826

(rights of human rights defenders, NGO access and contribution to international human rights procedures and standard setting)

SOS-Torture / World Organization Against Torture

Mr. Eric Sottas (Director)
 37, rue de Vermont
 CH-1211 Geneva 20
 Tel: (41 22) 733 3140
 Fax: (41 22) 733 1051
 (cases, causes and issues related to torture)

International Federation of Human Rights Leagues (FIDH)

Ms. Sara Guillet (UN Representative)
 P.O. Box 6477
 CH-1211 Geneva 6
 Tel: (41 22) 700 1288
 Fax: (41 22) 735 0653

Sub-Sahara and North Africa region

African Centre for Democracy and Human Rights Studies

Ms. Zoe M. Tembo (Executive Director)
 K.S.M.D., Kairaba Avenue
 Banjul
 THE GAMBIA
 Tel: (2 20) 394 525 / 394 961
 Fax: (220) 394 962

Arab Institute for Human Rights

Mr. Frej Fennich (Director)
 10 rue Ibn Massoud
 El Manzah
 1004 Tunis
 TUNISIA
 Tel: (216 1) 767 003 / 889
 Fax: (216 1) 750 911

Civil Liberties Organization

Mr Richard Akinola
 24 Mbonu Ojike St.
 Off Alhaji Masha Rd.
 Surerlere, Lagos
 NIGERIA
 Tel: (2340 1) 584 0288
 Fax: (2340 1) 587 6876 / 0228

The Egyptian Organisation for Human Rights

Mr. Megad M.E. Barai
 8/10 Mathaf El Manial
 St. Manial El Roda
 Cairo
 EGYPT
 Tel: (20 2) 362 0467
 Fax: (20 2) 362 1613

Kenya Human Rights Commission

Mr. Maina Kiai
FLCAK House
Mchumbi Road, South B
P.O. Box 55235
Nairobi
KENYA
Tel: (254 2) 53 19 29/54 37 69
Fax: (254 2) 54 36 35

Lawyers for Human Rights

Mr. Jody Kollapen (Director)
730 Van Erkom Building
Pretorius Street
Pretoria 0002
Docex 113, Pretoria
SOUTH AFRICA
Tel: (27 12) 21 2135
Fax: (27 12) 325 6318

Legal Resource Centre

Mr. Bougani MAJOLA
P.O. Box 305
2113 Newtown
8th floor, Elizabeth House
18 Pritchard Street
2001 Johannesburg
SOUTH AFRICA
Tel: (27 11) 836 8071
Fax: (27 11) 833 1747

Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO)

Mr. Waly Coly Faye (General Secretary)
B.P. 15246
Dakar-Fann
SENEGAL
Tel: (221) 24 60 56
Fax: (221) 24 60 52

Union Interafricaine des Droits de l'Homme

Mr. Halidou Ouedraogo (President)
01 BP 2055
Ouagadougou
BURKINA FASO
Tel: (226) 31 31 50
Fax: (226) 31 32 28

Women in Law and Development in Africa

Ms. Joanna FORSTER
P.O. Box 4622
Harare
ZIMBABWE
Tel: (263 4) 752 105
Fax: (263 4) 733 670

Asia-Pacific (including Middle East) region

ACFOD / CCHROT Peace and Human Rights Programme

Mr. Boonthan T. Verawongse
494 Lardprao 101 Road
Soi 11, Klong-Chan
Bangkapi, Bangkok 10240
THAILAND
Tel: (66 2) 377 9357 / 370 2701 / (66 1) 917 5960
Fax: (66 2) 374 0464 / 370 1202 / 322 5326

Al-Haq

Ms. Mervat Rishmawi
Researcher on Women and Labour
P.O. Box 1413
Ramallah, West Bank, Palestine
via ISRAEL
Tel: (972 2) 995 6421 / 4646
Fax: (972 2) 995 4903

Asia Pacific Forum on Women, Law and Development (APWLD)

Ms. Joy Y Oraa (Regional Coordinator)
P.O. Box 12224
50770 Kuala Lumpur
MALAYSIA
Tel: (60 3) 651 0648
Fax: (60 3) 651 1371

Australian Council for Overseas Aid (ACFOA)

Mr. Pat Walsh (Human Rights Office)
124 Napier St.
Fityroy, Vic. 3065
AUSTRALIA
Tel: (61 3) 417 7505
Fax: (61 3) 416 2746

Human Rights Commission

Mr. Ho Hei Wah, Director
c/o Society for Community Organization (SOCO)
52 Princess Margaret Road, 3rd Fl.
Kowloon
HONG KONG
Tel: (852) 27 13 91 65

Fax: (852) 27 61 33 26

INFORM

Ms. Sunila Abeysekera
5 Jayaratne Avenue,
Off Thimbivigasyaya Rd
Colombo 5
SRI LANKA
Tel: (94 1) 584 350
Fax: (94 1) 580 721

International Movement Against All Forms of Discrimination and Racism (IMADR)

Mr. Masataka Okamoto (Secretary)
3-5-11 Roppongi Minato-ku
Tokyo
JAPAN
Tel: (81 3) 35 86 7447
Fax: (81 3) 35 86 7462

South Asia Human Rights Documentation Centre

Mr. Ravi Nair (Executive Director)
C-16/2, DDA Flats, Saket
New Delhi - 110 017
INDIA
Tel: (91 11) 686 5736 / 685 9622
Fax: (91 11) 686 5736
Email: SADC@UNV.ERNET.IN

Jesuit Refugee Service (Asia-Pacific)

Ms. Lay Lee
24/1 Soi Avey 4 (South)
Phaholyathin Rd. (7)
Bangkok 10400
THAILAND
Tel: (66 2) 279 1817 / 278 4182
Fax: (66 2) 271 3632

KOHRNET

c/o Lawyers for a Democratic Society (Minbyun)
4/F Myungji Building
1572-12, Seocho-dong Seocho-ku
Seoul 137-0710
REPUBLIC OF KOREA
Tel: (82 2) 522 7284
Fax: (82 2) 522 7285

Western, Central and Eastern Europe region

ACAT-France

252, rue Saint-Jacques
F-75005 Paris
FRANCE
Tel: (33 1) 43 29 88 52
Fax: (33 1) 40 46 01 83

Amnesty International

Mr. Pierre SanÉ (Secretary General)
International Secretariat
1 Easton Street
London WC1X 8DJ
UNITED KINGDOM
Tel: (44 171) 413 5500
Fax: (44 171) 956 1157
Telex: 28502

Article 19

Ms. Francis D'Souza (Executive Director)
International Centre on Censorship
Lancaster House
33 Islington Hight St.
London N1 9LH
UNITED KINGDOM
Tel: (44 171) 278 9292
Fax: (44 171) 713 1356

Asociación pro Derechos Humanos de España

Mr. José Antonio Gimbernat
José Ortega y Gasset 77, 2o. Dcha.
Madrid 28006
SPAIN
Tel: (34 1) 402 23 12
Fax: (34 1) 402 84 99

**Bischofliches Hilfswerk Misereor e.V - Aktion gegen Hunger und Krankheit in der Welt
(Misereor)**

Msgr. Norbert Herkenrath (Director)
Mozartstr. 9
P.O. Box 1450
5100 Aachen
GERMANY
Tel: (49 241) 442 178
Fax: (49 241) 442 188

Catholic Institute For International Relations (CIIR)

Mr. Ian Linden (General Secretary)
22 Coleman Fields
London N1 7AF
UNITED KINGDOM
Tel: (44 171) 354 0883

Fax: (44 171) 359 0017

Danish Centre for Human Rights

Mr. Morten Kjaerum (Director)

Studiestraede 38

DK-1455 Copenhagen

DENMARK

Tel: (45) 33 911 299

Fax: (45) 33 910 299

Diakonisches Werk

Mr. Werner Lottje (Human Rights Secretary)

Postfach 10 11 42

D-70010 Stuttgart 10

GERMANY

Tel: (49 711) 215 9501

Fax: (49 711) 215 9368

Food First Information and Action Network (FIAN)

Mr. Michael Windfuhr (Executive Director)

P.O. Box 10 22 43

D-69012 Heidelberg

GERMANY

Tel: (49 6221) 830 620

Fax: (49 6221) 830 545

Helsinki Foundation for Human Rights

Mr. Marek Nowicki

18 Bracka St. apt. 62

00-028 Warsaw

POLAND

Tel: (48 2) 628 10 08

Fax: (48 2) 26 98 75/29 69 96

International Federation for Human Rights (FIDH)

Mr. Antoine Bernard (Secretary General)

17 passage de la Main d'Or

F-75011 Paris

FRANCE

Tel: (33 1) 43 55 25 18

Fax: (33 1) 43 55 18 80

Interrights

Ms. Emma Playfair (Executive Director)

33 Islington High Street

Lancaster House

London N1 9LH

UNITED KINGDOM

Tel: (44 171) 278 3230

Fax: (44 171) 278 4334

Memorial Human Rights Centre

Alexei Korotaev (Director)
P.O. Box 552
Moscow, 125057
RUSSIAN FEDERATION
Tel: (7 95) 200 6506
Fax: (7 95) 252 4312

Minority Rights Group

Mr. Alan Philips (Director)
379 Brixton Road
London SW9 7DE
UNITED KINGDOM
Tel: (44 171) 978 9498
Fax: (44 171) 738 6265

NGO Forum on Sri Lanka

Mr. Bryn Wolfe
3 Bondway
London SW8 1SJ
UNITED KINGDOM
Tel: (44 171) 582 6922 / 820 3000
Fax: (44 171) 582 9929

NOVIB

Ms. Marjolein Brouwer
Human Rights Desk
Amaliastraat 7
2514 JC, The Hague
THE NETHERLANDS
Tel: (31 70) 342 1621
Fax: (31 70) 361 4461

Pax Romana - ICMICA

Mr. Anselmo LEE
Rue des Alpes 7
Casa Postale 1062
CH-1791 Fribourg
SWITZERLAND
Tel: (41 253) 22 74 82
Fax: (41 263) 22 74 83

“Rädda Barnen” (Save The Children Fund)

S-107 88 Stockholm
SWEDEN
Tel: (46 8) 698 9000
Fax: (46 8) 698 9013

Reporters Sans Frontières

Rue Geoffroy-Marie 5
F - 75009 Paris
FRANCE
Tel: (33 1) 44 83 84 84
Fax: (33 1) 45 23 11 51

Romanian Helsinki Committee

Ms. Renate Weber (Co-President)
Calea Victoriei 120, sector 1
Bucharest
ROMANIA
Tel: (401) 312 45 28
Fax: (401) 31245 28

Survival International

Mr. Stephen Corry (Director)
310 Edgware Road
London W2 1DY
UNITED KINGDOM
Tel: (44 171) 723 5535
Telex: 933524 GEONET G
(quoting box: GEO 2: survival)

Swedish NGO Foundation for Human Rights

Ms. Birgitta Berggren (Director)
Drottninggaten 101
S-113 60 Stockholm
SWEDEN
Tel: (46 8) 303 150
Fax: (46 8) 303 031

UNPO

Mr. Michael van Walt van Praag (Director)
P.O. Box 85878
NL-2585 CN The Hague
THE NETHERLANDS
Tel: (31 70) 360 3318
Fax: (31 70) 360 3346

Latin America region

Centro de Estudios Legales y Sociales (CELS)

Rodriguez Peña 286 - 10 piso
1020 Buenos Aires
ARGENTINA
Tel: (54 1) 371 9968
Fax: (54 1) 371 3790
E-mail: postmaster@cels.org.ar

CODEHUCA/CIEPRODH

Lic. Factor Méndez Doninelli
15 Av. 5-15 zona 1
Apdo. 419-I 01907
Guatemala City
GUATEMALA
Tel: (502 2) 208 32
Fax: (502 2) 53 90 07

Comisión Andina de Juristas

Mr. Diego Garcia Sayan
Los Sauces 285
San Isidro, Lima 27
PERU
Tel: (51 14) 40 79 07
Fax: (51 14) 42 64 68

Comisión Colombiana de Juristas

Mr. Gustavo Gallon (Executive Director)
Cra. 10, No. 24-76, of. 1101
Apartado Aéreo 58533
Bogotá
COLOMBIA
Tel: (57 1) 282 1239 / 283 2436 / 2569 / 2332
Fax: (57 1) 342 8819

Coordinadora Nacional de Derechos Humanos

Ms. Sofia MAJER
Túpac Amaru 2467, Lince
Lima 14
PERU
Tel: (51 14) 224 827
Fax: (51 14) 411 533

Federación Latinoamericana de Asociaciones de Familiares de Detenidos-Desaparecidos (FEDEFAM)

Ms. Janet Bautista, President
Apartado postal 2444
Carmelitas 1010-A
Caracas
VENEZUELA
Tel: (58 2) 564 0503
Fax: (58 2) 564 2746

Habitat International Coalition

Mr. Enrique Ortiz
Cordobanes No. 24, Col. San José Insurgentes, Mexico 03900 D.F.
MEXICO
Tel: (52 5) 651 6807

Fax: (52 5) 593 5194

E-mail: hic@laneta.apc.org

Inter-American Institute of Human Rights

Mr. Juan Mendéz

Apartado postal 10081

1000 San José

COSTA RICA

Tel: (506) 340 404

Fax: (506) 340 955

PRODH

Mr. David Fernandez

Calle de Puebla No. 153

Colonia Roma, CP 06700

Mexico D.F

MEXICO

Tel: (52 5) 511 4733

Fax: (52 5) 208 7547

Programa Venezolano de Educación Acción en Derechos Humanos (PROVEA)

Ms. Ligia Bolivar

Apdo. Postal 5156

Carmelitas 1010-A

Caracas

VENEZUELA

Tel: (58 2) 862 10 11

Fax: (58 2) 81 66 89

SERPAJ / FEDEFAM - Uruguay

Mr. Luis Perez Aguirre (SERPAJ)

Mr. Javier Miranda (FEDEFAM)

Joaquin Requena 1642

C.P. 11.200, Montevideo

URUGUAY

Tel: (598 2) 485 301

Fax: (598 2) 485 701

North America region

Amnesty International

UN Office

Mr. Andrew Clapham (UN Representative)

777 UN Plaza, 4th Floor

New York, NY 10017

USA

Tel: (1 212) 867 8878

Fax: (1 212) 370 0183

Center for Justice and International Law

Ms. Viviana Krisricevic
1522 K. Street, Suite 910
Washington, DC 20005
USA
Tel: (1 202) 842 8630
Fax: (1 202) 371 8032
(particular expertise on the inter-American system)

Human Rights in China

Mr. Xiao Qiang (Director)
485 Fifth Ave. 3rd Floor
New York, NY 10017
USA
Tel: (1 212) 661 2909
Fax: (1 212) 972 0905

Human Rights Watch

(includes Asia Watch, Helsinki Watch, Middle East Watch, Africa Watch, Americas Watch)

Ms. Joanna Weschler (UN Officer)
485 Fifth Avenue
New York, NY 10017-6104
USA
Tel: (1 212) 972 8400
Fax: (1 212) 972 0905

International Human Rights Law Group

Ms. Gay McDougall (Director)
1601 Connecticut Avenue NW
Suite 700
Washington, DC 20009
USA
Tel: (1 202) 232 8500
Fax: (1 202) 232 6731

International Service for Human Rights

Representation at the UN - New York
Prof. Stephen P. Marks
Columbia University
420 West 118th Street, Room 1233
New York, NY 10027
USA
Tel: (1 212) 854 1449
Fax: (1 212) 854 8577

International Women's Rights Action Watch

Ms. Marsha Freeman (Director)
Hubert H. Humphrey Institute
140 Humphrey Center

301-19th Avenue South
Minneapolis, MN 55455
USA
Tel: (1 612) 625 5557
Fax: (1 612) 625 6351
(prepares alternative NGO reports to CEDAW)

Jacob Blaustein Institute for the Advancement of Human Rights

Ms. Felice Gaer (Director)
165 East 56 St.
New York, NY 10022
USA
Tel: (1 212) 759 0690
Fax: (1 212) 751 4017

Lawyers Committee for Human Rights

Mr. Michael Posner (Director)
330 7th Avenue, 10th Floor
New York, NY 10001
USA
Tel: (1 212) 629 6170
Fax: (1 212) 967 0916

Network on International Human Rights / Réseau des Droits de la personne au plan international (RDPPI)

Ms. Myriam de Feyter (Coordinator)
1 rue Nicholas Street
Suite 300
Ottawa, Ontario, K1N 7B7
CANADA
Tel: (1 613) 241 7007
Fax: (1 613) 241 5302

Canada-Asia Working Group

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Appendix VIII **Information on the joint publishers**

Amnesty International

Amnesty International is a worldwide voluntary movement that works to prevent some of the gravest violations by governments of people's fundamental human rights. The main focus of its campaigning is to:

- free all prisoners of conscience. These are people detained anywhere for their beliefs or because of their ethnic origin, sex, colour, language, national or social origin, economic status, birth or other status — who have not used or advocated violence;
- ensure fair and prompt trials for political prisoners;
- abolish the death penalty, torture and other cruel treatment of prisoners;
- end extrajudicial executions and “disappearances”.

Amnesty International also opposes abuses by opposition groups, including hostage-taking, torture and killings of prisoners and other deliberate and arbitrary killings.

Amnesty International, recognizing that human rights are indivisible and interdependent, works to promote all the human rights enshrined in the Universal Declaration of Human Rights and other international standards, through human rights education programs and campaigning for ratification of human rights treaties.

Amnesty International is impartial. It is independent of any government, political persuasion or religious creed. It does not support or oppose any government or political system, nor does it support or oppose the views of the victims whose rights it seeks to protect. It is concerned solely with the protection of the human rights involved in each case, regardless of the ideology of the government or opposition forces, or the beliefs of the individual.

Amnesty International does not grade countries according to their record on human rights; instead of attempting comparisons it concentrates on trying to end the specific violations of human rights in each case.

Amnesty International has around 1,000,000 members and subscribers in 162 countries and territories. There are 4,273 local Amnesty International groups registered with the International Secretariat and several thousand school, university, professional and other groups in 80 countries in Africa, the Americas, Asia, Europe and the Middle East. To ensure impartiality, each group works on cases and campaigns in countries other than its own, selected for geographical and political diversity. Research into human rights violations and individual victims is conducted by the International Secretariat of Amnesty International. No section, group or member is expected to provide information on their own country, and no section, group or member has any responsibility for action taken or statements issued by the international organization concerning their own country.

Amnesty International has formal relations with the United Nations Economic and Social Council (ECOSOC); the United Nations Educational, Scientific and Cultural Organization (UNESCO); the Council of Europe; the Organization of American States; the Organization of African Unity; and the Inter-Parliamentary Union.

Amnesty International is financed by subscriptions and donations from its worldwide membership. No funds are sought or accepted from governments. To safeguard the independence of the organization, all contributions are strictly controlled by guidelines laid down by the International Council.

The International Service for Human Rights

Information, training and advice

Established in 1984 by representatives of a variety of NGOs in Geneva, the International Service for Human Rights has been offering human rights defenders, from around the world, analytical reports on the UN human rights mechanisms, training on how to use the international norms and procedures, strategic advice for effective lobbying, contributions to standard setting, practical information and logistical support in order to enable human rights defenders to take full advantage of international human rights law and procedures. The International Service does not normally campaign on country or individual cases but will advise others how to and does advocate for the general rights of human rights defenders.

Information Programme

The International Service publishes the “Human Rights Monitor”, a unique analytical quarterly review of all the UN human rights meetings. It is translated into French and Arabic. In 1997 it is due to be translated into Spanish.

The International Service responds to the need for UN documentation (e.g. reports and resolutions) by publishing the more technical “HR Documentation DH”, which provides the correct UN coding, addresses to get the UN documents and details on how and who voted on resolutions. Further written orientation is provided in a series of manuals, for example on women’s rights in the UN.

Training

The Geneva Training Course, which coincides with the UN Commission on Human Rights and its August Sub-Commission, are offered for representatives of human rights organizations, especially from the South. An average of five in-region national and regional training workshops are also organized each year with regional and national partners.

Strategic and legal advice

Human rights defenders often demand, from the organization, frank advice on the use and applicability of international law and how to operate effectively within the intergovernmental environment of the United Nations. The International Service strives to explain that although international law and procedures are under-utilized, the international procedures also have some limitations. The organization therefore offers advice on how international initiatives can be integrated into strategies of human rights protection at regional and national levels.

Secretariat and network

The Secretariat of the International Service has a staff of seven persons, permanently assisted by project fellows and interns. It has a Representative to the UN in New York and international Executive and Advisory Councils. It depends on an international network of partners to assist in training, to define policies through the association’s structures and to ensure that the organization is responding to the needs of human rights defenders in the field, in a manner which is empowering them to be more effective.

Endnotes

i. The Representative was established in 1992 and currently continues his mandate until the session of Commission on Human Rights in 1998. He has been asked to compile and analyse existing legal norms for the protection of the rights of internally displaced persons, with the possibility of “consolidating them in a single international document” (UN Doc. E/CN.4/1996/52).

ii. See Appendix IV for status of ratifications to the 1951 Convention and its 1967 Protocol.

iii. More information on humanitarian law can be obtained from: International Organisations Division, International Committee of the Red Cross, 17 avenue de la Paix, CH 1211 Geneva, Tel. (41 22) 734 6001 Fax (41 22) 786 8935.

iv. See Appendix V for addresses of regional human rights bodies.

v. See Orientation Manual, in Appendix 1, for further information on consultative status.

vi. See Orientation Manual, in Appendix 1, for further advice.

vii. Some international human rights treaties provide for an interstate complaint procedure, which enables state parties to formally lodge a complaint against another state party (ICCPR articles 41-43, Convention on the Elimination of All Forms of Racial Discrimination article 11, Convention against Torture article 21). However, it is required that both States have recognized the competence of the Committee in this respect. Because of the political character of such an act, this complaint procedure is rarely used.

viii. By 1 November 1996 this had been done by 38 countries: Algeria, Argentina, Australia, Austria, Bulgaria, Canada, Croatia, Cyprus, Denmark, Ecuador, Finland, France, Greece, Hungary, Iceland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Russian Federation, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Togo, Tunisia, Turkey, United Kingdom, Uruguay, Venezuela and Yugoslavia.

ix. For a report on these cases see Nowak, Committee against Torture and Prohibition of Refoulement, Netherlands Quarterly of Human Rights, Vol.14/4, 1996.

x. Twenty-three States that are party to the Convention have made a declaration under Article 14: Algeria, Australia, Bulgaria, Chile, Costa Rica, Cyprus, Denmark, Ecuador, Finland, France, Hungary, Iceland, Italy, Luxembourg, Netherlands, Norway, Peru, Russian Federation, Senegal, Slovakia, Sweden, Ukraine and Uruguay.

xi. General Recommendation XXII (49), adopted at the 1175th meeting, on 16 August 1996; Report of the Committee on the Elimination of Racial Discrimination, General Assembly Official Records, Fifty-first Session Supplement No. 18 (A/51/18).

xii. In 1997 the following States were members of Excom: Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Canada, China, Colombia, Denmark, Ethiopia, Finland, France, Germany, Greece, Holy See, Hungary, India, Iran, Ireland, Israel, Italy, Japan, Lebanon, Lesotho, Madagascar, Morocco, Namibia, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Poland, Russian Federation, Somalia, South Africa, Spain, Sudan, Sweden, Switzerland, Tanzania, Thailand, Tunisia, Turkey, Uganda, United Kingdom, United States of America, Venezuela, Yugoslavia and Zaire.