

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **UN General Assembly's Third Committee session produces mixed results**

Amnesty International welcomes action by the Third Committee of the United Nations General Assembly on serious human rights violations in three countries and a renewed call for a moratorium on executions pending abolition of the death penalty. The Committee also took important steps forward on the questions of torture, violence against women and countering terrorism.

But the annual session of the Assembly's human rights committee, which closed on 23 November, also featured negative developments. Among the setbacks, discrimination on the basis of sexual orientation was excluded from a list of factors that serve as motives for extrajudicial executions. There were also continued attacks on the Committee's, and indeed the Assembly's, competence to deal with country situations.

The Committee's decisions came in the form of resolutions that will now go to the plenary session of the Assembly for endorsement in December.

In three of these resolutions, the Committee once again recognized the gravity of the human rights situations in Iran, Myanmar and the Democratic People's Republic of Korea (North Korea). The resolution on Iran points to serious ongoing and recurring human rights violations in the country and reiterates its call upon the Government to carry out credible, independent and impartial investigations. It expresses particular concern at the failure the Government to launch an accountability process for alleged violations in the period following the presidential elections of 12 June 2009. The resolution calls for cooperation with the UN's independent human rights experts and requests the UN Secretary-General to report on the situation in Iran to the next session of the Assembly and, in the interim, to the Human Rights Council next spring.

On Myanmar, the resolution adopted strongly regretted that the Government did not ensure free, fair, transparent and inclusive elections, held on 7 November. The resolution welcomed however the release of Daw Aung San Suu Kyi and reiterated calls for the release all other prisoners of conscience. The Committee did not, as Amnesty International had urged, request the establishment of an international commission of inquiry into serious human rights violations, including crimes against humanity and possible war crimes. The resolution does, however, again urge the Government to undertake, without further delay a full, transparent, effective, impartial and independent investigation into all reports of human rights violations, and to bring to justice those responsible, drawing on UN assistance if necessary.

By acting on these resolutions, which were approved by larger margins than last year (see below), the Committee also reaffirmed its responsibility to take up human rights in specific countries, rejecting the argument that country situations should only be raised through the UN Human Rights Council and its Universal Periodic Review. The government of Iran tabled a "no-action motion" to halt debate of the discussion in the country using that argument, among others, but was rebuffed. Amnesty International has consistently urged the General Assembly to deal with country situations on merit, as procedural manoeuvring designed to stifle such discussion should have no place in a Committee charged with promoting and protecting human rights.

Voting on a resolution calling for a moratorium on the use of the death penalty, the third since 2007, the Committee confirmed the worldwide trend towards abolishing capital punishment. The resolution which garnered more support from UN Member States than previous efforts in 2007 and 2008 stresses the need to respect international standards that safeguard the rights of those facing the death penalty, and to make available information on the use of the death penalty.

Amnesty International welcomes the Committee's adoption by consensus of two resolutions on the question of torture and other ill-treatment, and authorizing the UN Committee against Torture to have longer sessions in 2011 and 2012 in order to allow it to deal with a backlog of State reports and individual complaints that it must review.

In another positive move, the Committee adopted, once again by consensus, a resolution on intensifying efforts to eliminate all forms of violence against women. The resolution stresses the contribution of the ad hoc international criminal tribunals and the International Criminal Court to ending impunity, through ensuring accountability and punishing perpetrators of violence against women.

Amnesty International hails the strong condemnation of extrajudicial, summary or arbitrary executions contained in the Third Committee's bi-annual resolution on the subject, but it deeply regrets that, for the first time in over a decade, a majority of governments succeeded in their bid to remove a reference to sexual orientation from the resolution. Unlike previous resolutions, the text adopted at this session does not specifically urge States to protect against and investigate killings committed because of discrimination on the basis of sexual orientation.

References to sexual orientation in a report on the right to education led to attacks in the Committee on the independence of the so-called 'Special Procedures', the experts appointed by the Human Rights Council to monitor and report on specific countries or issues. Amnesty International recalls that as impartial experts of the Council, the Special Rapporteurs and other representatives of the Special Procedures have the responsibility to offer their analysis and recommendations on important human rights issues falling within their mandates. States are entitled to disagree with them or correct any errors in the findings of the Special Procedures. However, states are increasingly using the Special Procedures Code of Conduct as the basis for political attacks on the independence of individual mandate-holders.

Regarding human rights and countering terrorism, the Committee adopted, by consensus, a text that is stronger than last year's. The improved language includes urging states to safeguard the right to privacy in accordance with international law and to ensure that interference with that right is subject to effective oversight and appropriate redress. The resolution also urges UN bodies to ensure that legislative and other measures adopted by states with use of UN technical assistance, respect human rights; and encourages the Working Groups of the UN Counter-Terrorism Implementation Task Force of 30 international entities, to incorporate a human rights perspective into their work.

In a positive development coinciding with the closing of the Third Committee's session, Iraq has just become the 20<sup>th</sup> state to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, allowing the treaty to become effective in the next 30 days. Earlier in this General Assembly session, Spain became the third country - following Ecuador and Mongolia - to ratify the Optional Protocol of the International Covenant on Economic, Social and Cultural Rights. Seven more ratifications or accessions are needed to bring that treaty into force and allow individuals to file complaints of violations of their economic, social and cultural rights to the panel that monitors implementation of the Covenant.

Voting on Country Resolutions

On 18 November, the Committee adopted resolutions on the situations in North Korea, Myanmar and Iran. On North Korea, the resolution was adopted with 100 states voting in favour, 18 against, and 60 abstentions, an increase in support for the text over last year. In addition Chile, Somalia, Tuvalu, and Georgia explained that they had intended to vote in favour and requested this to be recorded in the official record. Last year the Third Committee resolution was adopted by 97 in favour, with 19 against and 65 abstentions.

On Myanmar, the Committee adopted a resolution with 96 states in favour, 28 against and 60 abstentions. Last year the Third Committee resolution was adopted by 92, with 28 against and 65 abstentions.

On Iran, the Committee adopted a resolution with 80 states in favour, 44 against and 57 abstentions. The vote on the resolution was conducted after the defeat of a 'no action motion' by 51 in favour, 91 against and 32 abstentions. Last year the Third Committee resolution was adopted by 74, with 48 against and 59 abstentions.

#### Public Document

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