

AMNESTY INTERNATIONAL

Public Statement

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Amnesty International welcomes strengthened human rights provisions in latest draft text for September Summit: continues to call for further improvements

Amnesty International welcomes a range of further improvements in the human rights provisions in the revised draft outcome document published by the President of the General Assembly on 5 August 2005 after the General Assembly debate and consultations with Member States' facilitators. The organization is also encouraged that, despite some attempts to weaken the text, it has retained the important elements of the mandate of the proposed Human Rights Council (139)ⁱ and arrangements for its establishment within a strictly limited time frame (140)ⁱⁱ. Amnesty International will continue to work to further strengthen the human rights provisions in the draft text.

The organization calls on all governments and the President of the General Assembly to maintain what has been achieved so far, and to further strengthen human rights provisions in the draft text. Heads of State and Government meeting in September must seize the unique opportunity of the Summit to "raise human rights to the priority accorded to it in the UN Charter"ⁱⁱⁱ.

Amnesty International will continue to work between now and mid-September for the overall strengthening of the human rights aspects of the outcome document; for stronger provisions to create the proposed Human Rights Council as a principal organ of the United Nations; for an open, authoritative and transparent process involving NGO's to establish the proposed Human Rights Council's functions and working methods; for a further strengthening of language on human rights and terrorism and on IDP's, and for time-bound commitments for accession to all international human rights treaties and protocols as well as a call for states to ratify the Rome Statute of the International Criminal Court.

The organization wishes to highlight improvements in the text that must be fully endorsed and maintained:

a clear and prominently placed recognition that "the promotion and protection of the full enjoyment of all human rights and fundamental freedoms for *all* (emphasis added), in particular for women and children, are essential to advance development, peace and security (12);

a clear commitment, previously absent, that "states *must ensure* (emphasis added) that any measure taken to combat terrorism complies with their obligations under international law, in particular human rights, refugee and humanitarian law" (67) (although Amnesty International will continue to work to strengthen the remaining part of that paragraph to state that the fight against terrorism *must* be conducted in conformity with international law instead of that it "should be" so conducted);

a long called for provision that not only the arrangements made by ECOSOC for consultations with NGO's under UN Charter Article 71 shall apply to the Council, but also "*current practices observed in the Commission on Human Rights*", practices which are crucial to the contribution NGO's must be able to make to a new Human Rights Council (139 (d));

a strengthening of the proposed mandate elements of the Human Rights Council to include "*Periodically review*" the fulfillment by all States of their human rights obligations as well as an added provision to address also "continuous human rights situations" (139 (a));

a maintained commitment to double resources from the regular budget for the Office of the High Commissioner for Human Rights with an added provision to, progressively, bring in a balance between regular budget and voluntary resources (102);

a specific call on governments to ratify and implement all treaties relating to human rights (113) (previous drafts only concerned treaties relating to the protection of civilians);

some improvement on the implementation by states of recommendations made by human rights treaty bodies: states will now "further" their implementation rather than 'promote' them as previously (103);

stronger language on the mainstreaming of human rights with a new clear "resolve to integrate human rights into all areas of national policy" as well as support for mainstreaming of human rights throughout the UN system *at all levels* (emphasis added), which are then further specified with added support for closer cooperation between the Office of the High Commissioner for Human Rights and relevant UN bodies (104);

a new and long called for invitation to permanent members of the Security Council not to use their veto in cases of genocide, war crimes, ethnic cleansing and crimes against humanity (119);

a specific paragraph on children's rights with a clear commitment to respect and ensure the rights of each child without discrimination of any kind (regardless of whether in or outside situations of armed conflict) (107 and 121) and a stronger and updated text on children and armed conflict referring to the monitoring and reporting mechanism just established under Security Council resolution 1612 (2005) (96);

a new paragraph on the need for persons with disabilities to be guaranteed their full enjoyment of human rights without discrimination (108) and

a new reaffirmation of the commitment to ensure respect for and protection of the human rights of migrants, migrant workers and their families (39).

Background

Amnesty International has commented in detail on two previous draft Outcome Documents published by the President of the General Assembly for the September High-level Summit at which Heads of State and government will review implementation of the 2000 Millennium Declaration and the integrated follow-up of major UN conferences and summits in the economic, social and related fields. They will do so on the basis of the report of the Secretary-General *In larger freedom: towards development, security and human rights for all*, (A/59/2005), published in March 2005. For Amnesty International's comment on the first Draft Outcome Document, see *UN reform: Draft Outcome Document fails to recognize the primacy of human rights*, 3 June 2005 (AI Index: IOR 40/012/2005). For Amnesty International's comments on the second draft Outcome Document (A/59/HLPM/CRP.1/Rev.1), see Amnesty International's 26 July statement: *UN reform: Comments and recommendations on second Draft Outcome Document for September Summit* (IOR40/021/2005), and *UN: Proposed Human Rights Council must not be stripped of its essentials*, 4 August 2005, (AI Index: IOR 40/024/2005). For a detailed assessment of the need for a Human Rights Council see: *Meeting the challenge: Transforming the Commission on Human Rights into a Human Rights*

Council (AI Index IOR 40/008/2005) April 2005.

ⁱ The numbers in brackets refer to paragraphs in: Revised draft outcome document of the High-level Plenary Meeting of the General Assembly of September 2005, submitted by the President of the General Assembly, Advance United Version dated 5 August 2005 (9.30pm), future document A/59/HLPM/CRP.1/Rev.2.

ⁱⁱ See: UN: Proposed Human Rights Council must not be stripped of its essentials, 4 August 2005, (AI Index: IOR 40/024/2005).

ⁱⁱⁱ UN Human Rights Council, Explanatory Note provided by the Secretary-General, 23 May 2005, A/59/2005/Add.1).