

2005 UN Commission on Human Rights: Recommendations to the government of Ukraine on the occasion of its election to the Bureau of the Commission on Human Rights

On the occasion of its election to the Bureau of the 61st session of the United Nations (UN) Commission on Human Rights (the Commission), Amnesty International calls on the government of Ukraine to seize this opportunity to demonstrate leadership in the promotion and protection of human rights.

Amnesty International believes that by taking concrete steps to advance the promotion and protection of human rights during its term on the Bureau of the Commission, the government of Ukraine will send a strong signal to the international community about the responsibilities that come with membership of the Commission and will encourage other states to take similar steps and contribute to the promotion and protection of human rights worldwide.

Amnesty International welcomes the fact that Ukraine has ratified most of the international human rights treaties and recognised the competence of treaty monitoring bodies to consider individual communications and undertake inquiries into grave or systematic violations of human rights.

Amnesty International encourages the government of Ukraine to take some or all of the following additional measures:

- Ratify without reservations:
 - The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming to abolish the death penalty;
 - The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
 - The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
 - The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and
 - The Rome Statute of the International Criminal Court;
- Ensure full implementation of the human rights treaties to which Ukraine is party;
- Cooperate with the human rights treaty monitoring bodies, including by:
 - Submitting full and timely reports and presenting any overdue reports, including to the Committee on the Elimination of All Forms of Discrimination against Women and the Committee on the Elimination of Racial Discrimination;

- Implementing their concluding observations, including those of the Committee on the Rights of the Child and the Committee against Torture, as well as their views, including those of the Human Rights Committee in 2003;¹
- Cooperate with the Special Procedures of the Commission, including by:
 - Extending a standing invitation and facilitating their visits, in particular that of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;
 - Implementing their recommendations or providing a prompt and detailed explanation of any obstacles to their implementation.

Since its creation, the Commission has fulfilled a key role in promoting and protecting human rights worldwide. However, as the UN High-level Panel on Threats, Challenges and Change observed in its report, “[i]n recent years, the Commission’s capacity to perform [its] tasks has been undermined by eroding credibility and professionalism” and “[t]he Commission cannot be credible if it is seen to be maintaining double standards in addressing human rights concerns”.² Amnesty International considers that it is essential to re-establish the authority of the Commission as the UN’s chief human rights body and to enable it to address human rights issues in all countries at all times and respond effectively to crisis situations. Our organization believes that it is incumbent on each member of the Commission to take responsibility for this and looks to the members of the Bureau to lead by example.

Amnesty International encourages the government of Ukraine to take a leading role in efforts to:

- Ensure that effective promotion and protection of human rights in individual countries from all regions is a central function of the Commission;
- Establish objective and transparent criteria and procedures for the examination by the Commission of the human rights situation in individual countries; such criteria should draw on the experience of the UN High Commissioner for Human Rights and take into account the recommendations by the Special Procedures and the human rights treaty monitoring bodies, and reflect any country’s failure to cooperate with the UN human rights mechanisms;
- Create effective procedures for monitoring and evaluating governments’ implementation of the resolutions and decisions of the Commission and the recommendations of its Special Procedures in order to enhance governments’ accountability for respect for human rights;

¹ *Communication no. 781/1997: Ukraine* (CCPR/C/78/D/781/1997), 18 September 2003, in which the Committee found that Ukraine had violated the complainant’s right to a fair trial.

² “*A more secure world: Our shared responsibility*”, Report of the High-level Panel on Threats, Challenges and Change (A/59/565), para. 283.

- Support adequate funding from the UN regular budget for the human rights programme.