Chapter I  Promotion of human rights

In 2005, human rights were promoted through initiatives undertaken by legally binding instruments and the Commission on Human Rights and its subsidiary body, the Subcommission on the Promotion and Protection of Human Rights. The Office of the United Nations High Commissioner for Human Rights continued its coordination and implementation activities, and provided advisory services and assistance through its technical cooperation programme.

As a follow-up to the conclusion of the United Nations Decade for Human Rights Education (1995-2004), the World Programme for Human Rights Education, proclaimed in 2004 by the General Assembly, began on 1 January 2005. Subsequently, the Assembly adopted the revised plan of action for the Programme’s first phase (2005-2007), which focused on primary and secondary school systems. Within the framework of his reform agenda to further improve the work of the United Nations and its common system, the Secretary-General proposed that the Commission on Human Rights be replaced with a smaller standing body to enable the Organization to take the cause of human rights as seriously as those of security and development. In September, the Assembly, acting on the Secretary-General’s proposal, created the Human Rights Council and charged it with promoting universal respect for human rights and fundamental freedoms for all, addressing violations and mainstreaming human rights within the UN system. Within the same context, the Office of the United Nations High Commissioner for Human Rights drew up a Plan of Action outlining a strategic vision for its future work. Other human rights monitoring bodies continued to promote civil, political, economic, social and cultural rights, and took action to eliminate racial discrimination and discrimination against women, to protect the rights of children and migrant workers and their families, and to end the practice of torture and other cruel, inhuman or degrading treatment or punishment.

The year also marked the midterm review of the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010), proclaimed in 1998. The Director-General of the United Nations Educational, Scientific and Cultural Organization, which led efforts to implement the Decade, recommended measures to maintain visibility between the mid-point and the completion of the Decade. In December, the Assembly reaffirmed that the objective of the Decade was to strengthen further the global movement for a culture of peace and invited Member States to observe 21 September yearly as the International Day of Peace, and as a day of global ceasefire and non-violence.

UN machinery

Commission on Human Rights


In response to a 2000 Commission decision on enhancing the effectiveness of its mechanisms [YUN 2000, p. 595], the Commission Chairperson convened a one-day informal meeting on 27 September to facilitate the exchange of information in preparation for the General Assembly’s sixtieth (2005) session [E/CN.4/IM/2005/1]. In a September note [E/CN.4/IM/2005/2], the Secretariat summarized the post-sessional meetings and activities of the Commission’s Expanded Bureau. The Commission had before it a discussion paper on enhancing and strengthening the effectiveness of its mechanisms and responses thereto, prepared by Asian human rights experts. On 21 April [dec. 2005/113], the Commission requested the High Commissioner to transmit the discussion paper to the special procedures and to solicit their views; organize an informal consultation between the special procedures and States devoted to an exchange of views on the item at the annual meeting of those procedures in 2005; study the issues raised in the discussion paper and contributions thereto and identify the practical steps taken by her Office to address them; organize an open-ended seminar in 2005 as part of efforts to enhance and strengthen the effectiveness of the special procedures; and report in
2006 on the implementation of the Commission’s current decision. On 25 July, the Economic and Social Council endorsed the Commission’s requests to the High Commissioner (decision 2005/290).

In response to the Commission’s request (see above), the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized a seminar on strengthening the effectiveness of the special procedures (Geneva, 12-13 October) [E/CN.4/2006/116], during which participants agreed that those procedures should be an integral part of the proposed human rights council (see below). It was also agreed that the human rights system could be further enhanced by fostering a greater sense of collegiality among mandate holders.

Organisation of work

Note by Secretariat. The Commission had before it a note by the Secretariat [E/CN.4/2005/9] containing statistical data on its 2004 session, which was intended to assist with the organization of the Commission’s work in 2005.

On 14 March [dec. 2005/101], the Commission invited special representatives, special rapporteurs, chairpersons and chairpersons/rapporteurs of various working groups and experts to participate in its meetings.

On 21 April [dec. 2005/114], the Commission decided that the first meeting of its sixty-sixth (2006) session would take place in January to elect its officers and that the session would be held from 13 March to 21 April. The Economic and Social Council approved the Commission’s decision on 25 July (decision 2005/291).

Also on 21 April [dec. 2005/115], the Commission recommended that the Council authorize six additional meetings for its sixty-sixth session and requested the Chairperson of that session to organize the session’s work within the time normally allotted so that the additional meetings would be utilized only if necessary.

On 25 July, the Council approved that measure (decision 2005/292).

Thematic procedures


Proposal for a human rights council

Report of Secretary-General (March). In the main part of his March report entitled “In larger freedom: towards development, security and human rights for all” [A/59/2005] (see p. 67), submitted to the 2005 World Summit, the Secretary-General suggested that the Commission on Human Rights be replaced with a smaller human rights council, to enable the Organization to take the cause of human rights as seriously as those of security and development. While acknowledging that the Commission had provided the international community with a universal framework for addressing human rights issues and a unique opportunity for working with civil society, the Secretary-General noted that the Commission’s capacity to perform its tasks had been undermined by its declining credibility and professionalism. States sought Commission membership not to help strengthen human rights but to protect themselves from criticism or to criticize others, the Secretary-General observed. Consequently, a credibility deficit had developed, casting a shadow on the reputation of the UN system as a whole. Against that background, the creation of a human rights council would accord human rights a more authoritative position, corresponding to the primacy of human rights in the UN Charter.

While addressing the Commission on 7 April [E/CN.4/2005/SR.37], the Secretary-General outlined a key peer review function for the proposed human rights council, which was to evaluate States’ fulfillment of their human rights obligations.

Commission action. On 22 April [E/2005/25 (dec. 2005/160)], the Commission, by a recorded vote of 34 to 13, with 4 abstentions, decided to establish an open-ended working group, to be chaired by its current Chairperson, and to convene a five-day intersessional meeting in June to reflect on the recommendations contained in the Secretary-General’s March report (see above), with a view to contributing to the intergovernmental deliberations in the General Assembly on the proposed reform of the United Nations. To that end, the Commission also decided to convene a one-day special session to adopt formally the outcome of the working group.

On 9 June, the Economic and Social Council, taking note of the Commission’s decision, requested its Chairperson to organize during the Commission’s 2005 session an open-ended infor-
The Assembly President was requested to conduct negotiations during the Assembly’s sixtieth (2005) session, aimed at establishing the Council’s mandate, modalities, functions, size, composition, membership, working method and procedures.

**Subcommission on the Promotion and Protection of Human Rights**

The Subcommission on the Promotion and Protection of Human Rights, at its fifty-seventh session (Geneva, 25 July–12 August) [E/CN.4/2005/2], adopted 32 resolutions and 15 decisions, and recommended 7 draft decisions for adoption by the Commission.

On 10 August [dec. 2005/107], the Subcommission, by a roll-call vote of 19 to none, with 2 abstentions, requested OHCHR to provide the Subcommission annually and before the beginning of its sessions with a list of countries that had proclaimed a state of emergency; States that had issued a standing invitation to the special procedures; States that had rejected a request by a special procedure; States that were members of the Commission, including those that had issued standing invitations; States on the Commission’s agenda; States being considered under the Commission’s agenda item 9 on the question of the violation of human rights and fundamental freedoms in any part of the world that had denied access to the special procedures; and States where those procedures had indicated inadequate or non-existent follow-up to their recommendations.

On 11 August [dec. 2005/113], the Subcommission approved the composition of its working groups for 2006.

On the same date [dec. 2005/114], the Subcommission, following an exchange of views on issues relating to the proposed reform of the United Nations, including of its human rights mechanisms (see p. 712), asked its Chairperson to transmit to the Commission’s Chairperson and to OHCHR a document, annexed to its current decision, on the role of an independent expert body within the context of the reform of the UN human rights machinery, and to request that it be distributed widely, particularly to Member States. The document, intended to contribute to the debate on reform initiatives, concluded that, for 58 years, the political standard-setting organs had felt the need for an independent expert body. That need had not disappeared and would increase in the future.

**Working papers.** The Subcommission had before it a working paper [E/CN.4/Sub.2/2005/4] on the organization, content and outcome of its work under agenda item 2 on the question of hu-
human rights and fundamental freedoms, prepared by Françoise Hampson (United Kingdom), in response to a 2004 Subcommission request [YUN 2004, p. 648]. The paper set out the background to concerns regarding the manner in which the Subcommission addressed the item, examined the role and importance of the subject and made suggestions for improving its deliberations on the item, with a view to enabling the Subcommission to retain its mandate, contribute distinctively to the examination of human rights violations and avoid the duplication of work with other bodies.

The Subcommission also considered a June working paper [E/CN.4/Sub.2/2005/5] on its methods of work relating to reports, submitted by Emmanuel Decaux (France), in response to a 2004 Subcommission request [YUN 2004, p. 648]. The paper, which aimed to provide a framework to facilitate in-depth debate among Subcommission members, focused on the guidelines annexed to a 1999 Subcommission decision [YUN 1999, p. 569] and examined, among other things, the origins of studies considered by the Subcommission, the factors governing the selection of those studies, and their organization and scope. Reflecting on the Subcommission’s 2003 [YUN 2003, p. 656] and 2004 [YUN 2004, p. 648] deliberations, it raised questions and made suggestions, with a view to stimulating joint discussion. The paper stated that the Subcommission should decide whether a working group needed to be set up, as had been done previously, given the uncertainty arising from ongoing negotiations at the High-level Plenary Meeting of the General Assembly (2005 World Summit).


Commission action. On 20 April [res. 2005/53], the Commission decided that the Subcommission should continue to debate country situations not being addressed by the Commission, but should not adopt country-specific resolutions, decisions or chairperson’s statements. It further decided that the Subcommission could best assist it by providing it with independent expert studies and working papers; recommendations based on their studies; and studies, research and expert advice at the Commission’s request. It recommended that the Subcommission should continue holding annual closed meetings with the Commission’s Expanded Bureau; streamlining its agenda; holding closed meetings on its working rules, procedures and timetables; drafting as many of its resolutions as possible in closed session; and using a question-and-answer format and expert panel discussions. The Commission also recommended that the Subcommission improve its methods of work by focusing on its primary role as the Commission’s advisory body; giving particular attention to studies recommended or confirmed by the Commission; respecting the highest standards of impartiality and expertise, and avoiding acts which would undermine the independence of its members; facilitating participation by non-governmental organizations (NGOs); considering studies and working papers by special rapporteurs and its members before sending them to the Commission; taking further steps to accomplish its work within a three-week session; proposing to the Commission ways to assist it in improving its work and vice versa; focusing on human rights questions relating to its mandate; avoiding duplication of its work with that of other bodies and mechanisms; and giving appropriate regard to legal opinions addressed to it. The Commission outlined criteria for States when nominating and electing Subcommission members and alternates.

OHCHR was asked to ensure that all initiatives of the Subcommission with financial implications for the UN budget, including from voluntary sources, were brought before the Commission for consideration. It should submit to the Commission in 2006 a comprehensive report on the administrative and programme budget of the Subcommission and recommendations for strengthening and enhancing its budgetary planning and management. The Secretary-General was asked to support the Subcommission by making available documentation in good time before each session in UN official languages and assisting it with requests for information from Governments, intergovernmental organizations and NGOs. The Commission recommended that the Subcommission Chairperson or his/her representative attend the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission (see p. 723) to facilitate coordination between the Subcommission and other relevant UN bodies and procedures. The Chairperson of the Subcommission’s 2005 session was asked to report in 2006 on how recent enhancements of the Subcommission’s procedures had worked in practice.

Subcommission action. On 8 August [dec. 2005/104], the Subcommission requested its Chairperson to forward the summary records of its 2005 deliberations on agenda item 2 to the Commission, as requested in Commission resolution 2005/53 (see above).
Notes by Secretary-General. A note of the Secretary-General, with a later addendum [E/CN.4/2006/80 & Add.1], contained the nominations and biographical data of candidates for election to the 26-member Subcommission and the corresponding alternates, as the term of office of half the membership was due to expire.

A May note of the Secretary-General [E/CN.4/Sub.2/2005/32] reviewed developments between 1 June 2004 and 1 June 2005 in areas with which the Subcommission had been concerned.

Office of the High Commissioner for Human Rights

Reports of High Commissioner. The UN High Commissioner for Human Rights, Louise Arbour (Canada), in a 17 May report [E/2005/65] to the Economic and Social Council, addressed the human rights dimension of the Millennium Declaration [YUN 2000, p. 49], particularly regarding the link between human rights and the Millennium Development Goals (MDGs) [ibid., p. 51].

Stressing that it was only in ensuring respect for human rights that MDGs could be achieved in a sustainable way, the High Commissioner identified a number of human rights concerns in that regard, concerning respect for the principle of non-discrimination, meaningful participation and adequate monitoring and accountability mechanisms. Regarding the implications of adopting a rights-based approach for specific goals, the report drew attention to the work undertaken by UN human rights mechanisms on rights-based approaches to development issues, including related guidelines published by OHCHR. It concluded that the current review of the Millennium Declaration should recognize States’ human rights obligations to the strategies for achieving the MDGs.


By a 26 May report to the General Assembly [A/60/2005/Add.5], the Secretary-General transmitted the Plan of Action submitted by the High Commissioner, as called for in the main part of his March report to the 2005 World Summit (see p. 67). The Plan was drawn up against the backdrop of discussions on the future of the Commission, within the context of the Secretary-General’s proposal for replacing it with an upgraded human rights council (see p. 712). As such, the Plan focused on the work of OHCHR and presented a strategic vision for the future direction of the Office, building on the Secretary-General’s view that much more needed to be done by the international community to address current human rights threats and that OHCHR should be better resourced to play its central role in meeting that challenge. Given that combating human rights problems stemming from poverty, discrimination, conflict, impunity, democratic deficits and institutional weaknesses necessitated greater focus on the implementation of human rights norms and standards developed in the past 60 years, the Plan envisaged action to address to a range of “implementation gaps”, including those relating to knowledge, capacity, commitment and security. Based on the premise that OHCHR’s mission was to help close those gaps and thereby empower people to realize their rights, the Plan set forth action points in five areas relating to country engagement, leadership, partnership, the UN human rights bodies and management, staffing and planning. The Plan’s implementation was intended to begin within the year.

The High Commissioner’s report to the Assembly [A/60/36] further described the Plan of Action, highlighting its two dimensions: programming human rights work, in accordance with the Secretary-General’s reform agenda; and optimizing the use of resources, capacities and strengths of the UN human rights programme. The report noted that the goals of the Plan—protection and empowerment—reflected a more holistic view of the activities of the human rights programme and a recognition that human rights protection and the empowerment of individual right holders and duty bearers were decisive for bridging the gap between human rights rhetoric and reality. The Plan set out a strategy to address key human rights challenges, indicating that OHCHR needed to assume responsibility for identifying those challenges and obstacles, shaping international dialogues around them and proposing common strategies for addressing them effectively. To that end, the Plan outlined a series of initiatives, including, among others, periodic UN system-wide consultations and a global campaign for human rights. Pointing out that the reform of the human rights machinery would be an essential step in ensuring the effective implementation of human rights norms and standards at the national level, the High Commissioner reaffirmed support for a new human rights body (Human Rights Council), as proposed by the Secretary-General (see p. 712) and subsequently established by the Assembly in resolution 60/1 (see p. 48). The report also highlighted various activities undertaken during the year by the High Commissioner and OHCHR to implement the Plan of Action, concluding, however, that its full realization and success depended on Member States’ support. The High Commissioner urged
Assembly members to join in future efforts to ensure a stronger and better-equipped OHCHR to meet the human rights needs of States, institutional partners, civil society and, most importantly, victims of human rights violations everywhere.

On 16 December, the General Assembly took note of a report of the Third (Social, Humanitarian and Cultural) Committee [A/60/509/Add.5] regarding the High Commissioner’s report (decision 60/335).

**Strengthening the function of OHCHR**

*Report of High Commissioner.* In her first annual report to the Commission [E/CN.4/2005/12], the High Commissioner highlighted OHCHR activities designed to strengthen its capacity to promote and protect human rights at the country level, including through the provision of technical cooperation, support to national institutions, monitoring and protection work, and support to country rapporteurs and independent experts of the Commission. An important means of strengthening national systems of human rights protection was through cooperation with, and capacity-building for, UN country teams.

**Composition of staff**


*Commission action.* On 20 April [res. 2005/72], by a recorded vote of 36 to 15, with 2 abstentions, the Commission reaffirmed that it was necessary to change the prevailing geographical distribution of OHCHR staff and requested the Secretary-General to ensure that particular attention was paid to recruiting staff from unrepresented and underrepresented Member States, particularly from developing countries and countries with economies in transition. The High Commissioner was asked to ensure that the one-time post regularization of all core posts at headquarters and in the field resulted in a new and balanced geographical distribution of OHCHR staff; prepare an action plan aimed at reducing the current staff imbalance, indicating specific targets and deadlines to be achieved; avoid duplication of functions and work toward the goal of improved effectiveness and management; use the Junior Professional Officers programme as a tool for training national technical personnel in developing countries and countries with economies in transition; and report in 2006. The General Assembly and its appropriate subsidiary bodies were invited to give due consideration to the Commission’s current resolution and to the 2004 report of the Joint Inspection Unit (JIU) [YUN 2004, p. 650] on a management review of OHCHR and the recommendations contained therein. JIU was asked to assist the Commission in monitoring the implementation of its current resolution and to submit to the Assembly in 2006 and to the Commission in 2007 a follow-up review of the implementation of the decisions of the Commission and other UN intergovernmental bodies regarding the management, programmes and administration of OHCHR, particularly their impact on the recruitment policy and staff composition. Annexed to the Commission’s resolution was tabular information on the geographical distribution of OHCHR’s staff between 2001 and 2005.

On 25 July, the Economic and Social Council endorsed the Commission’s request to the Assembly and its subsidiary bodies, and to JIU (decision 2005/274).

**Annual Appeal 2005**

During the year, OHCHR received $73.9 million in voluntary contributions from donors towards activities outlined in the 2005 Annual Appeal, representing an increase of $13.9 million over 2004. The UN regular budget provided $34.8 million in 2005.

**Strengthening action to promote human rights**

In response to General Assembly resolutions 56/153 [YUN 2001, p. 582], 57/203 [YUN 2002, p. 616], 58/168 [YUN 2003, p. 660] and 59/190 [YUN 2004, p. 652], the Secretary-General, in a July report [A/60/134], submitted the proposals of one Member State (Georgia) for strengthening UN action in human rights through the promotion of international cooperation based on the principles of non-selectivity, impartiality and objectivity.

On 16 December, the Assembly took note of the Secretary-General’s report (decision 60/533).

**International cooperation in the field of human rights**

On 20 April [res. 2005/54], the Commission called on Member States, specialized agencies and intergovernmental organizations to continue constructive dialogue and consultations to enhance the understanding of human rights promotion and protection and fundamental freedoms. States and relevant UN human rights mechanisms and procedures were asked to continue to pay attention to the importance of mu-
tual cooperation in ensuring human rights promotion and protection.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 61], the General Assembly, on the recommendation of the Third Committee [A/60/509/Add.2], adopted resolution 60/156 without vote (agenda item 71 [b]).

Enhancement of international cooperation in the field of human rights

The General Assembly,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights,

Recalling its adoption of the United Nations Millennium Declaration on 8 September 2000 and its resolution 30/187 of 20 December 2004, and taking note of Commission on Human Rights resolution 2005/54 of 20 April 2005 on the enhancement of international cooperation in the field of human rights,

Recalling also the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, and its role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all the activities for the promotion and protection of human rights,

Recalling the adoption of resolution 2000/31 of 18 August 2000, on the promotion of dialogue on human rights issues, by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,

1. Reaffirms that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. Recognizes that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. Reaffirms that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. Urges all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. Reaffirms the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

6. Considers that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. Reaffirms that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

8. Calls upon Member States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

9. Invites States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

10. Decides to continue its consideration of the question at its sixty-first session.

Right to promote and protect human rights

Human rights defenders

Reports of Special Representative. In his annual report to the Commission [E/CN.4/2005/101], the Secretary-General’s Special Representative on human rights defenders, Hina Jilani (Pakistan), described her activities, analysed trends in Governments’ responses to her communications, examined the situation and role of human rights defenders in the context of international peace and security, including numerous allegations of violations of their rights, and made recommendations for recognizing and promoting their work. The Special Representative had sent 316 communications, of which 231 were sent jointly with other mechanisms, concerning over 330 cases of alleged violations against some 895 defenders and 165 NGOs. Defenders were targeted
in their professional capacities as journalists, lawyers and doctors, with trade unionists, victims’ relatives and civil servants also suffering hostility in their work. The Special Representative was concerned that violations were increasingly shifting from low-level targeting, such as intimidation and harassment, to more serious attacks that resulted to the death of some 47 defenders in the reporting period, with much of the atrocities allegedly committed by the police and security forces. The Special Representative urged States to respect the peaceful expression of demands for human rights; refrain from stigmatizing and discrediting the work of human rights defenders; review their legislation and ensure it conformed with the 1998 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on human rights defenders) adopted by the General Assembly in resolution 53/144 [YUN 1998, p. 608]; guarantee a positive environment for the defence of internationally recognized human rights; and train the judiciary, law enforcement agencies and other branches of Government accordingly. Governments and other warring parties in situations of armed conflicts were urged to refrain from targeting defenders, while UN organs and agencies were asked to pay particular attention to their protection. A March addendum to the report [E/CN.4/2005/101/Add.1] summarized communications sent to and received from Governments.

The Special Representative visited Nigeria (3-12 May) to assess the situation and role of human rights defenders in the country [E/CN.4/2006/95/Add.2]. She described the country’s vibrant civil society, where defenders addressed a vast array of issues relating to civil and political rights, including freedom of expression, illegal detention, summary executions, police abuse, women’s rights and a variety of economic, social and cultural rights. The oppressive military regimes of the 1990s had systematically targeted defenders, many of whom suffered egregious violations, including extrajudicial killings, aimed at silencing them and preventing them from operating. The transition to civilian rule in 1999 brought hope for a new era of respect for fundamental rights and democracy, as the Government, in efforts to promote human rights, adopted laws, developed policies and strengthened relevant institutions, which helped establish a more constructive environment for defenders to work in. The Government’s initiatives in that regard included the ratification of key international human rights instruments; increased support for the National Human Rights Commission mandated to collaborate with defenders; and the development of a national plan of action designed to serve as a framework for sustained and coordinated country-wide measures to promote and protect human rights. The transition to democracy, however, also brought new challenges, especially regarding the transformation of State structures and the political, economic and social conditions that affected the enjoyment of human rights. In particular, while defenders reported an overall improvement in their situation following the advent of civilian rule, they maintained that some federal laws continued to undermine their work and safety, including those relating to the freedom of association, of assembly and of information. The Government also remained intolerant of defenders working on issues perceived as sensitive and relating mostly to democratic governance, elections, corruption, economic, social and environmental rights, as well as women’s rights.

The Special Representative, expressing concern at those remaining shortcomings, called on the Government to further strengthen the National Human Rights Commission by providing for its independence and autonomy and to establish directorates for citizen’s rights and ensure that they were sufficiently funded to fulfil their mandate. She also recommended that the Government reconsider any plans for adopting regulations that infringed on the freedom of association of human rights organizations or that limited their independence; review the provisions of the Public Order Act to ensure respect for the freedom of assembly; expedite the process of adopting an adequate legislative framework for freedom of information; and take measures to address impunity and to adequately protect election monitors and journalists within the context of the elections planned for 2007.

In Israel and the Occupied Palestinian Territory (5-11 October) [E/CN.4/2006/95/Add.3], where defenders operated against a backdrop of 38 years of occupation and conflict, the Special Representative found that security-driven laws and practices had resulted in the repression of activities for defending human rights. The Special Representative expressed concern of defenders in both Israel and the Occupied Palestinian Territory was the violation of the rights of the Palestinian population under Israeli occupation, as they were being deprived of even the basic right to human dignity. Although the Israeli Government generally respected the rights of Israeli defenders and did not seem to restrain their activities within Israel, the same defenders faced difficulties in promoting and protecting the rights of minorities, including the Arab and Palestinian communities in Israel and...
in the Occupied Palestinian Territory. In that regard, violations by Israeli authorities against defenders included, among other things, unlawful killings, harassment or threats to physical integrity; administrative detention and ill-treatment; restrictions on the freedom of movement; denial of humanitarian access; infringements on the right to freedom of assembly and to protest; and settler violence. The Special Representative was particularly concerned that, in the wake of Israel’s unilateral withdrawal from the Gaza Strip (see p. 533), defenders in Gaza might become more vulnerable to obstruction and risks, owing to their isolation from other parts of the Palestinian territory and the outside world. The difficulties facing defenders were compounded by the failure of the Palestinian authority itself to respect human rights and the rule of law in areas under its control. Consequently, the security of defenders, particularly those who exposed violations by security agents, was affected by lawlessness and impunity for human rights abusers. Affirming that resistance to the occupation was a legitimate right of the Palestinian people, the Special Representative recommended that Israel end the administrative detention of defenders and allow peaceful activities in defence of human rights to be conducted free of fear and risk. She further recommended that the Palestinian Authority respect the rule of law, ensure that the fundamental rights and freedoms of the Palestinian population were fully restored and protected in areas under its control, end impunity for human rights violations and investigate complaints against officials, who threatened defenders. The Special Representative asked the United Nations to prioritize support for defenders and to adopt measures for their protection, suggesting that the Organization’s international monitoring and reporting mechanisms and those documenting violations with the objective of compensating victims be given a wider mandate to help protect them. The United Nations also needed to take concrete action, in accordance with its Charter, to enforce compliance with international law in the Occupied Palestinian Territory.

In Brazil (5-21 December) [E/CN.4/2006/95/Add.4], the Special Representative acknowledged the existence, despite difficult circumstances, of a vibrant human rights movement and examined the situation of defenders concerned with the rights of landless rural workers, peasants, indigenous communities, people of African descent and other minorities. She highlighted positive efforts by the Government to ensure that defenders operated unimpeded and in safety, noting that the Government respected defenders’ work and had adopted policies and initiatives to facilitate the implementation of a legal framework for human rights protection. Despite those initiatives, serious concerns persisted, owing to a wide gap between policy declaration and implementation and the creation of mechanisms and their effectiveness. Of particular concern, were reports of violent incidents and threats that hampered defenders’ security and compelled many of them to flee their homes for long periods, perpetuating distrust and lack of faith in existing human rights mechanisms and initiatives. In their efforts to expose human rights violations and end impunity for the perpetrators, defenders suffered numerous assassination attempts, killings and threats by “extermination groups” linked to security forces, unfair and malicious prosecution, and numerous other crimes. The Special Representative believed that more uniformity of commitment to the implementation of human rights policies by federal and state authorities could mitigate those concerns and highlighted the need for the legislature to become more sensitive to human rights issues and assign more priority to protecting activities for defending them. The Government needed to adopt more comprehensive strategies for protecting defenders and ending impunity for violations against them. There was also a need for the State to be more proactive in addressing social conflict and legitimizing defenders’ intervention on behalf of local movements. It was the State’s responsibility to ensure that defenders were not isolated in that struggle for social justice.

A September note of the Secretary-General [A/60/39] transmitted the Special Representative’s annual report, in accordance with General Assembly resolution 59/192 [YUN 2004, p. 657] and Commission resolution 2005/67 (see p. 720). The Special Representative described the contribution of human rights defenders to the efforts of UN system bodies, particularly the Security Council and the Commission, to preserve and restore international peace and security. She determined that defenders had been mostly active regarding early warning about threats and challenges, human rights preservation in situations of armed conflict and in addressing human rights issues in peacebuilding operations. Defenders provided early warning of emerging problems, including gross human rights violations, and helped prevent their deterioration. Where peace and security had already collapsed, they protected the civilians affected and their constant monitoring helped expose deviations from international human rights and humanitarian law by parties to conflicts, allowing the international community to take action. Defenders
also contributed significantly to post-conflict peacebuilding by helping to strengthen the rule of law in the countries concerned, addressing the human rights factors that caused the conflict and supporting the establishment of democratic principles. Case studies illustrating such efforts by defenders included the armed conflicts in the Sudan (particularly in the Darfur region), and in Nepal and Guatemala, where they helped alert the Security Council and the Commission to the violations against civilians and the need to take action. Despite their fundamental role, and sometimes because of it, defenders were themselves victims of killings, disappearances, torture, arbitrary arrest and detention, harassment and intimidation. The Special Representative recommended that the Security Council and the Commission accord greater attention to protecting defenders. Noting that both the Council and the Commission had expressed interest in developing early warning mechanisms to alert them to emerging peace and human rights problems, the Special Representative stated that defenders, through their work, already served as such a mechanism. Pointing out that previous failure by both bodies to respond sufficiently early to defenders’ warnings had caused peace and human rights concerns to deteriorate, the Special Representative recommended that the Security Council and the Commission react more expeditiously to information from defenders on evolving issues and consider how such information could reach them in a timely manner. She further recommended that the essential role of defenders be recognized within the context of a reformed Commission on Human Rights (Human Rights Council) (see p. 712), to which they should be given adequate access to report on relevant issues and have those reports be duly considered. Other recommendations on the need to protect defenders and to facilitate their work were addressed to States, the UN Secretariat and specialized agencies.

On 16 December, the Assembly took note of the Secretary-General’s note (decision 60/533).

**Commission action.** On 20 April [res. 2005/67], the Commission, condemning all human rights violations committed against persons promoting and defending human rights and fundamental freedoms, called on States to protect human rights defenders and asked the Special Representative to report on her activities to the General Assembly and to the Commission. The Secretary-General and concerned UN agencies and organizations were requested to assist her, while OHCHR was asked to draw the attention of UN bodies to her reports.

**Communication.** On 24 March [E/CN.4/2005/20/25], Turkey transmitted its observations on the Special Representative’s report on her visit to the country. While pointing to encouraging findings in the report, it disagreed with references to the activities of the Kurdistan Workers’ Party (PKK), which it alleged was a terrorist organization. As such, Turkey’s struggle against that organization should not have been portrayed as an armed conflict but as a “fight against terrorism”. It was also unfair that a new law it had adopted to improve the conditions under which human rights defenders operated in the country were not well covered in the Special Representative’s report. Furthermore, a majority of the recommendations contained in the report had been implemented well before the Special Representative’s visit.

**GENERAL ASSEMBLY ACTION**

On 16 December [meeting 64], the General Assembly, on the recommendation of the Third Committee [A/60/509/Add.2], adopted resolution 60/161 without vote [agenda item 71 (b)].

**Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms**

The General Assembly, Recalling its resolution 55/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms annexed to that resolution, and reiterating the importance of the Declaration and its wide dissemination,

Recalling also all previous resolutions on this subject, in particular its resolution 59/192 of 20 December 2004 and Commission on Human Rights resolution 2005/67 of 20 April 2005,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are facing threats, harassment and insecurity as a result of those activities, Gravely concerned by the continuing high level of human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world and by the fact that, in a number of countries in all regions of the world, impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this has a negative impact on their work and safety, Recalling that human rights defenders are entitled to equal protection of the law, and deeply concerned about the increase in new restrictive legislation regulating the creation and operation of non-governmental organizations and any abuse of civil or criminal proceedings against them because of their activities for the promotion and protection of human rights and fundamental freedoms,
Concerned by the considerable number of communications received by the Special Representative of the Secretary-General on the situation of human rights defenders that, together with the reports submitted by some of the special procedure mechanisms, indicate the serious nature of the risks faced by human rights defenders, including women human rights defenders,

Emphasizing the important role that individuals, non-governmental organizations and groups play in the promotion and protection of human rights and fundamental freedoms, including in combating impunity, promoting access to justice, information and public participation in decision-making and promoting, strengthening and preserving democracy,

Recognizing the substantial role that human rights defenders can play in supporting peace through dialogue, openness, participation and justice, including by monitoring and reporting on human rights,

Recalling that, in accordance with article 4 of the International Covenant on Civil and Political Rights, certain rights are recognized as non-derogable in any circumstances and that any measures derogating from other provisions of the Covenant must be in accordance with that article in all cases, and underlining the exceptional and temporary nature of any such derogations, as stated in General Comment No. 29, on states of emergency, adopted by the Human Rights Committee on 24 July 2001,

Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and safety in a manner contrary to international law,

Welcoming the significant work conducted by the Special Representative, and encouraging strengthened cooperation between the Special Representative and other special procedures of the Commission on Human Rights as well as other relevant United Nations bodies, offices, departments and specialized agencies and personnel, both at headquarters and at the country level,

Welcoming also regional initiatives for the promotion and protection of human rights and the cooperation between international and regional mechanisms for the protection of human rights defenders, and encouraging further development in this regard,

Welcoming further the steps taken by some States towards adopting national policies or legislation for the protection of human rights defenders,

Recalling that the primary responsibility for protecting and promoting human rights rests with the State, and reaffirming that national legislation consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the jurisdictional framework within which human rights defenders conduct their activities, and noting with deep concern that the activities of some non-State actors pose a major threat to the security of human rights defenders,

Emphasizing the need for strong and effective measures for the protection of human rights defenders,

1. Calls upon all States to promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, including by taking, as appropriate, practical steps to that end;

2. Welcomes the reports of the Special Representative of the Secretary-General on the situation of human rights defenders and her contribution to the effective promotion of the Declaration and the improvement of the protection of human rights defenders worldwide;

3. Condemns all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world, and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to eliminate such human rights violations;

4. Calls upon all States to take all necessary measures to ensure the protection of human rights defenders, at both the local and the national levels, including in times of conflict and peacebuilding;

5. Also calls upon all States to ensure, protect and respect the freedom of expression and association of human rights defenders and, where registration is required, to facilitate registration, including through the establishment of effective and transparent criteria and non-discriminatory, expeditious and inexpensive procedures in accordance with national legislation;

6. Urges States to ensure that any measures to combat terrorism and preserve national security comply with their obligations under international law, in particular under international human rights law, and do not hinder the work and safety of human rights defenders;

7. Also urges States to take appropriate measures to address the question of impunity for attacks, threats and acts of intimidation against human rights defenders and their relatives, including by ensuring that complaints from human rights defenders are promptly investigated and addressed in a transparent, independent and accountable manner;

8. Urges all States to cooperate with and assist the Special Representative in the performance of her tasks and to furnish, upon request, all information for the fulfillment of her mandate;

9. Calls upon States to give serious consideration to responding favourably to the requests of the Special Representative to visit their countries, and urges them to enter into a constructive dialogue with the Special Representative with respect to the follow-up to and implementation of her recommendations so as to enable her to fulfil her mandate even more effectively;

10. Urges those States that have not yet responded to the communications transmitted to them to do so without delay and to investigate expeditiously urgent appeals and allegations brought to their attention by the Special Representative;

11. Invites States to translate the Declaration into national languages and to take measures to improve its dissemination;

12. Encourages States to promote awareness and training in regard to the Declaration in order to enable officials, agencies, authorities and the judiciary to observe the provisions of the Declaration and thus to promote better understanding and respect for human rights defenders;

13. Invites relevant United Nations bodies, including at the country level, within their respective mandates and working in cooperation with States, to give
due consideration to the Declaration and to the reports of the Special Representative, and in this context requests the Office of the United Nations High Commissioner for Human Rights to draw the attention of all relevant United Nations bodies, including at the country level, to the reports of the Special Representative;

14. Requests that the Office of the High Commissioner as well as other relevant United Nations bodies, offices, departments and specialized agencies consider ways in which they can assist States to strengthen the role and security of human rights defenders, including in conflict situations and peacebuilding;

15. Requests the Secretary-General to provide the Special Representative with human, material and financial resources in order to enable her to continue to carry out her mandate effectively, including through country visits;

16. Requests all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Representative in the implementation of her programme of activities;

17. Requests the Special Representative to continue to report annually on her activities to the General Assembly and to the Commission on Human Rights in accordance with her mandate;

18. Decides to consider the question at its sixty-second session under the item entitled “Human rights questions”.

Human rights and human responsibilities


Commission action. On 20 April [dec. 2005/11], by a recorded vote of 26 to 25, with 1 abstention, the Commission asked Miguel Alfonso Martínez (Cuba) to prepare, without financial implications and for submission in 2006, a new version of his 2003 report on human responsibilities [E/CN.4/2004/105, annex 1], taking into account the comments made by Member States, intergovernmental organizations and NGOs.

Other aspects

Good governance

Commission action. On 20 April [res. 2005/68], the Commission, welcoming the report on the 2004 seminar on good governance practices for the promotion of human rights [YUN 2004, p. 658], requested the High Commissioner to ensure that relevant UN agencies and other bodies with governance programmes were aware of the seminar’s outcome and to encourage them to examine whether their approaches to good governance promoted human rights. The High Commissioner was further asked to publish for consultation by States a selection of practices arising from the seminar, and to convene another seminar in 2006 on the role of anti-corruption measures at the national and international levels in good practices for promoting and protecting human rights.

Human rights instruments

General aspects


(France), provided a brief overview of the current situation and updated information contained in his previous report [ibid.]. The current report, which focused on developing the first set of working hypotheses proposed by the Special Rapporteur in 2004 [ibid.], reviewed UN annual initiatives to encourage universal participation in relevant treaties, discussed good practice in that context and suggested measures to revive a movement towards universal ratification of international human rights instruments. The Special Rapporteur was expected to submit a final report on the study in 2006, as requested by the Commission [ibid.].

Subcommission action. On 8 August [res. 2005/4], the Subcommission asked the Secretary-General to continue to assist the Special Rapporteur, who would submit a final report in 2006.

Human rights treaty body system

Meeting of chairpersons. A May note by the Secretary-General [HRI/MC/2005/1 & Corr.1] contained the provisional agenda and annotations for the seventeenth meeting of chairpersons of human rights treaty bodies (see below). In an August note [A/60/278], the Subcommission asked the Secretary-General to coordinate the work of the treaty bodies, enhancing their effectiveness and streamlining their reporting procedures and requirements.

The meeting had before it Secretariat reports providing an overview of the current working methods of treaty bodies relating to the State party reporting process [HRI/MC/2005/4]; a comparative analysis of reservations [HRI/MC/2005/5]; a report [HRI/MC/2005/6 & Add.1] on the discussions of the treaty bodies in the past year regarding provisional guidelines for reporting with an expanded core document, prepared by the Rapporteur of the Third Inter-Committee Meeting, Kamel Filali (Algeria); and the revised draft of the guidelines [HRI/MC/2005/5], prepared by the Secretariat. Also held, was the seventh joint meeting of treaty body chairpersons, special rapporteurs/representatives, independent experts and members of the Commission’s special procedures. The meeting adopted recommendations relating to interaction with the Commission; technical cooperation; cooperation with special procedures; statistical information relating to human rights; and meetings with mandate-holders. The chairpersons requested the Secretariat to organize consultations between the treaty bodies, States parties, OHCHR, UN entities and other stakeholders to discuss the Secretary-General’s proposals for reforming the UN human rights system, as contained in his report to the 2005 World Summit (see p. 67), as well as the related proposals contained in the Plan of Action presented by the High Commissioner for the reform of the treaty body system (see p. 715). Annexed to the report was the report of the Fourth Inter-Committee Meeting of human rights treaty bodies (Geneva, 20-22 June), which adopted recommendations on reporting guidelines, reservations, technical terminology, NGO participation and engagement with national human rights institutions.

On 16 December, the General Assembly took note of the report of the chairpersons’ meeting (decision 60/533).

Report of Secretary-General. An August report of the Secretary-General [A/60/278] described efforts to implement General Assembly resolution 57/202 [YUN 2002, p. 625] on the effective implementation of international human rights instruments, including reporting obligations under those instruments. The report focused on the outcomes of the chairpersons’ meetings (see above) and on the work of treaty bodies relating to cooperation and harmonization of work.

Equitable geographical distribution in the membership of the human rights treaty bodies

Report of High Commissioner. In response to General Assembly resolution 59/38 [YUN 2004, p. 661], the High Commissioner submitted a September report [A/60/351 & Corr.1] on the equitable geographical distribution in the membership of the human rights treaty bodies. The report provided information on the system of electing treaty body members, analysed the past and current membership of each treaty body by geographical region and concluded that the election modalities was a matter for the States parties.

On 16 December, the General Assembly took note of the High Commissioner’s report (decision 60/533).

Reservations to human rights treaties

Report of Secretariat. As requested by the Third Inter-Committee Meeting of human rights treaty bodies [YUN 2004, p. 660], a June Secretariat report [HRI/MC/2005/5] provided information on the practice of human rights treaty bodies regarding reservations to the treaties they monitored. The report described the provisions in relevant treaties relating to reservations and those in the 1969 Convention on the Law of Treaties [YUN 1969, p. 784] and also surveyed the treaty bodies’ ap-
approaches to reservations and the response of other UN bodies to the issue.

The report found that, although the issue of reservations had been of significant concern to treaty bodies, the way in which they expressed that concern and the remedial measures they recommended varied. While they had all been motivated to restrict the scope of existing reservations and had encouraged their removal by States parties, they offered little guidance on the criteria by which a reservation should be determined impermissible and in breach of a treaty’s object and purpose and the consequences of such a determination. As such, there was a need for treaty bodies to take a more harmonized approach to the issue, which might be guided by a joint general comment. Annexed to the report were an outline of the practice of the treaty bodies with respect to reservations, including concluding observations/comments and miscellaneous issues, as well as tables of reservations, objections and withdrawals.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 64], the General Assembly, on the recommendation of the Third Committee [A/60/509/Add.1], adopted resolution 60/149 without vote [agenda item 71 (a)].

International Covenants on Human Rights

The General Assembly,
Recalling its resolution 58/165 of 22 December 2003 and Commission on Human Rights resolution 2004/69 of 21 April 2004,
Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the core of the International Bill of Human Rights,
Taking note of the report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights,
Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,
Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in examining the progress made by States parties in fulfilling the obligations undertaken in the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights and in providing recommendations to States parties on their implementation,
Considering that the effective functioning of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights is indispensable for the full and effective implementation of the International Covenants on Human Rights,
Recognizing the importance of regional human rights instruments and monitoring mechanisms in complementing the universal system of promotion and protection of human rights,

1. Reaffirms the importance of the International Covenants on Human Rights as major components of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;
2. Strongly appeals to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and making the declaration provided for in article 41 of the International Covenant on Civil and Political Rights, and, while acknowledging that additional States have recently become parties to these instruments, requests the Secretary-General to continue to support the annual treaty event to this end;
3. Invites the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants and to the Optional Protocols to the International Covenant on Civil and Political Rights with a view to achieving universal adherence;
4. Calls for the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;
5. Emphasizes that States must ensure that any measure to combat terrorism complies with their obligations under relevant international law, including their obligations under the International Covenants on Human Rights, and welcomes the establishment by the Commission on Human Rights of the mandate of a Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;
6. Stresses the importance of avoiding the erosion of human rights by derogation, and recalls that, in accordance with article 4 of the International Covenant on Civil and Political Rights, certain rights are recognized as non-derogable in any circumstances and that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, bearing in mind the need for States parties to provide the fullest possible information during states of emergency so that the justification for the appropriateness of measures taken in those circumstances can be assessed, and underlining the exceptional and temporary nature of any such derogations;
7. **Encourages** States parties to consider limiting the extent of any reservations that they lodge to the International Covenant on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, to formulate any reservations as precisely and narrowly as possible, and to regularly review such reservations with a view to withdrawing them so as to ensure that no reservation is incompatible with the object and purpose of the relevant treaty;

8. **Welcomes** the annual reports of the Human Rights Committee submitted to the General Assembly at its fifty-ninth and sixtieth sessions, and takes note of the General Comments adopted by the Committee, including the most recent, General Comment No. 31 on the nature of the general legal obligation imposed on States parties to the International Covenant on Civil and Political Rights;

9. **Also welcomes** the reports of the Committee on Economic, Social and Cultural Rights on its thirtieth and thirty-first sessions and on its thirty-second and thirty-third sessions, and takes note of the General Comments adopted by the Committee, including the most recent, General Comment No. 16 on the equal right of men and women to the enjoyment of all economic, social and cultural rights, adopted by the Committee at its thirty-fourth session;

10. **Expresses regret** at the number of States parties that have failed to fulfil their reporting obligations under the International Covenants on Human Rights, and urges States parties, on their own initiative, to assume their reporting obligations on time and to attend and participate in the consideration of the reports by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights when so requested;

11. **Urges** States parties to make use in their reports of sex-disaggregated data, and stresses the importance of integrating a gender perspective in the implementation of the International Covenants on Human Rights at the national level, including in the national reports of States parties and in the work of the Human Rights Committee and of the Committee on Economic, Social and Cultural Rights;

12. **Strongly encourages** States parties that have not yet submitted core documents to the Office of the United Nations High Commissioner for Human Rights to do so, and invites all States parties regularly to review and update their core documents while bearing in mind the current discussion on the elaboration of an expanded core document;

13. **Urges** States parties to take due diligence into account, in implementing the provisions of the International Covenants on Human Rights, the recommendations and observations made during the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights, and the views adopted by the Human Rights Committee under the first Optional Protocol to the International Covenant on Civil and Political Rights;

14. **Urges** all States to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many local languages as possible and to distribute them and make them known as widely as possible to all individuals within their territory and subject to their jurisdiction;

15. **Urges** each State party to give particular attention to the dissemination at the national level of their reports submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights and, further, to translate, publish and make available as widely as possible to all individuals within its territory and subject to its jurisdiction by appropriate means the full text of the recommendations and observations made by the Committees after the examination of those reports;

16. **Reiterates** that States parties should take into account, in their nomination of members to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, that the Committees shall be composed of persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience, and to equal representation of women and men, and that members serve in their personal capacity, and also reiterates that, in the elections of the Committees, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems;

17. **Invites** the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, when considering the reports of States parties, to continue to identify specific needs that might be addressed by United Nations departments, funds and programmes and the specialized agencies, including through the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights;

18. **Stresses** the need for improved coordination among relevant United Nations mechanisms and bodies in supporting States parties, upon their request, in implementing the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, and encourages continued efforts in this direction;

19. **Expresses its appreciation** for the efforts made so far by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to improve the efficiency of their working methods and encourages the Committees to pursue their efforts, welcomes in this regard the meetings held by the Committees and States parties to exchange ideas on how to render the working methods of the Committees more efficient, and encourages all States parties to continue to contribute to the dialogue with practical and concrete proposals and ideas on ways to improve the effective functioning of the Committees;

20. **Takes note of** the proposals of the Secretary-General and the United Nations High Commissioner for Human Rights as well as other proposals on human rights treaty body reform, inter alia, to harmonize reporting requirements and to create a unified standing treaty body, and looks forward to further deliberations on this subject;

21. **Welcomes** the continuing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to strive for uniform stand-
ards in the implementation of the provisions of the International Covenants on Human Rights.

22. Notes the need for further consideration of the issue of justiciability of the rights set forth in the International Covenant on Economic, Social and Cultural Rights and for further efforts towards developing indicators and benchmarks to measure progress in the national implementation by States parties of the rights protected by the Covenant;

23. Takes note with appreciation of the report of the open-ended working group of the Commission on Human Rights established with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights on its second session, and encourages all parties to participate actively in the third session, at which the working group will consider a paper with elements for an optional protocol presenting a non-judgemental analysis of all the various options for an optional protocol, to be submitted by the Chairperson of the working group in order to facilitate a more focused discussion at the third session;

24. Encourages the specialized agencies that have not yet done so to submit their reports on the progress made in achieving the observance of the provisions of the International Covenant on Economic, Social and Cultural Rights, in accordance with article 18 of the Covenant, and expresses its appreciation to those that have done so;

25. Encourages the Secretary-General to continue to assist States parties to the International Covenants on Human Rights in the preparation of their reports, including by convening seminars or workshops at the national level for the training of government officials engaged in the preparation of such reports and by exploring other possibilities available under the programme of advisory services in the field of human rights;

26. Requests the Secretary-General to ensure that the Office of the United Nations High Commissioner for Human Rights effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates by providing, inter alia, adequate Secretariat staff resources and conference and other relevant support services;

27. Also requests the Secretary-General to keep the General Assembly informed of the status of the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations, through the United Nations websites.

Covenant on Civil and Political Rights and Optional Protocols

Accessions and ratifications
As at 31 December, parties to the International Covenant on Civil and Political Rights and the Optional Protocol thereto, adopted by the General Assembly in resolution 2200 A (XXI) [YUN 1966, p. 423], numbered 154 and 105, respectively. During the year, Honduras became a party to the Optional Protocol to the Covenant.

The Second Optional Protocol, aimed at the abolition of the death penalty, adopted by the Assembly in resolution 44/128 [YUN 1989, p. 484], was acceded to by Canada and Liberia, bringing the total number of States parties to 56 as at 31 December.


Implementation

Monitoring body. The Human Rights Committee, established under article 28 of the Covenant, held three sessions in 2005: its eighty-third from 14 March to 1 April (New York), its eighty-fourth from 11 to 29 July (Geneva) [A/60/40, vol. I] and its eighty-fifth from 17 October to 3 November (Geneva) [A/61/41, vol. I]. In 2005, the Committee considered reports from 13 States—Brazil, Canada, Greece, Iceland, Italy, Kenya, Mauritius, Paraguay, Slovenia, the Syrian Arab Republic, Thailand, Uzbekistan and Yemen—under article 40. It adopted views on communications from some individuals alleging violations of their rights under the Covenant, and decided that other such communications were inadmissible. Those views and decisions were annexed to the Committee’s reports [A/60/40, vol. II; A/61/40, vol. II].

By notifications of 25 January, 31 March, 8 April, 24 May and 20 July, Peru stated that it had extended the state of emergency in different provinces and parts of the country, declared initially in 2003 [YUN 2003, p. 670]. On 20 September, it notified other States through the intermediary of the Secretary-General of the further extension of the state of emergency for 60 days, and by further notifications of 1 and 23 December, it again extended the State of emergency. On 1 February, Nepal proclaimed a state of emergency in the entire kingdom, which it revoked on 5 May. On 18 August, Ecuador notified other States, through the intermediary of the Secretary-General, of the declaration of a state of emergency in different provinces of the country, which was extended to other parts on 22 August. On 14 October, Guate-
mala informed the Secretary-General that its Congress had adopted a legislative decree recognizing a state of national disaster in parts of the country for 30 days. On 15 November, France informed the Secretary-General that it had declared a state of emergency throughout the metropolitan territory.

On 16 December, the General Assembly took note of the report of the Human Rights Committee on its eighty-second to eighty-fourth sessions (decision 60/553).

**Covenant on Economic, Social and Cultural Rights**

**Accessions and ratifications**

As at 31 December, the number of parties to the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly in resolution 2200 A (XXI) [YUN 1966, p. 419], remained at 151.

**Note by Secretariat.** The Commission had before it a Secretariat note [E/CN.4/2005/95] informing it that the Secretary-General would report in 2006 on the status of the Covenant, in accordance with the Commission’s 2004 request [YUN 2004, p. 663].

**Draft optional protocol**

In response to a 2004 Commission request [YUN 2004, p. 663], the open-ended Working Group to consider options regarding the elaboration of an optional protocol to the Covenant held its second session (Geneva, 10-20 January) [E/CN.4/2005/32]. The optional protocol would be designed to establish a complaints procedure format for individuals or groups who felt that their rights under the Covenant had been violated. Background information for the Group’s discussions was provided in a report of the Secretary-General [E/CN.4/2005/WG.25/2] containing a comparative summary of existing communications and inquiry procedures and practices under international human rights instruments and the UN system, submitted in response to a 2004 Commission request (YUN 2004, p. 663).

After considering preliminary views on options by States, delegations and representatives of intergovernmental organizations and NGOs, the Working Group held an interactive dialogue with the Commission’s special rapporteurs whose mandates addressed economic, social and cultural rights, and with experts of the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Committee on Economic, Social and Cultural Rights, the Committee against Torture (CAT) and the Committee on the Elimination of Discrimination against Women (CEDAW). The Group also met with regional experts, including the Commissioner of the African Commission on Human and Peoples’ Rights and the Deputy Executive Secretary of the Committee of Independent Experts (European Committee of Social Rights).

The Group requested its Chairperson-Rapporteur to submit to its third session a document listing elements that could be contained in an optional protocol, including, among other things, an explanation of its nature and scope; ways to ensure the effective functioning of a communications procedure; the criteria for admissibility of complaints; the standing of individuals or groups under an optional protocol; the nature of economic, social and cultural rights, particularly regarding the risk of interference in domestic political discussions about resource allocation; the cost implications of an optional protocol with a complaints mechanism; the relationship between an optional protocol and existing mechanisms; an analysis and assessment of the potential impact of an optional protocol on improving the implementation of economic, social and cultural rights at the national level; and the option of having no optional protocol.

**Commission action.** On 15 April [res. 2005/22], the Commission, by a recorded vote of 50 to none, with 3 abstentions, called on States to give full effect to economic, social and cultural rights and guarantee that they would be exercised without discrimination; consider signing and ratifying the International Covenant on Economic, Social and Cultural Rights and take it into account in relevant national and international policymaking processes; and ensure the participation of civil society representatives in preparing periodic reports to the Committee on Economic, Social and Cultural Rights and in implementing its recommendations. The Commission requested the open-ended Working Group to consider options regarding the elaboration of an optional protocol to the Covenant (see above) and to report in 2006, and the Secretary-General, to report also in 2006 on the implementation of the current resolution.

**Implementation**

**Monitoring body.** The Committee on Economic, Social and Cultural Rights held its thirty-fourth (25 April–13 May) and thirty-fifth (7-25 November) sessions, both in Geneva [E/2006/22]. Its pre-sessional working group also met in Geneva from 16 to 20 May and from 28 November to 2 December to identify issues to be discussed with reporting States.

In 2005, the Committee examined reports under articles 16 and 17 of the Covenant submitted by Austria, Bosnia and Herzegovina, China (including Hong Kong SAR and Macao SAR), Libyan Arab Jamahiriya, Norway, Serbia and Montenegro, Slovenia, Uzbekistan and Zambia.

The Committee adopted three general comments, including, on 10 May, general comment No. 16 (2005) on the equal right of men and women to the enjoyment of economic, social and cultural rights, covered in article 3 of the Covenant; on 21 November, general comment No. 17 (2005) on the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific and literary artistic production of which he was the author, covered in article 15 (1) (c); and on 24 November, general comment No. 18 (2005) on the right to work, covered in article 6.

OHCHR was invited to consider the possibility of organizing, in 2006, a workshop on follow-up action to its concluding observations for States parties to the Covenant from the East European region whose reports had recently been considered by the Committee.

Reports of Secretary-General. In accordance with a 2004 Commission request [YUN 2004, p. 665], the Secretary-General submitted a report [E/CN.4/2005/39], highlighting the activities undertaken and other developments within the international human rights system to promote the realization of economic, social and cultural rights. The report found that progress had been made to increase focus and understanding on those rights, marked by higher levels of cooperation with UN agencies, particularly in the context of the Food and Agriculture Organization of the United Nations (FAO) Voluntary Guidelines on the Right to Food. There was also greater focus on technical cooperation and further progress in raising awareness through the work of treaty bodies about the nature of the rights concerned. In particular, the Committee on Economic, Social and Cultural Rights had continued to draft a general comment on article 3 of the Covenant on Economic, Social and Cultural Rights (right to the enjoyment of those rights), and on article 6 (right to work) and article 15 (1) (c) (right to benefit from the protection of the moral and material interests resulting from scientific, literary or artistic production). The Commission’s special procedures continued to play a key role in promoting a more effective realization of the rights in question and OHCHR had maintained cooperation with other UN agencies to integrate them into the UN system.

Pursuant to General Assembly resolution 58/165 [YUN 2005, p. 671], the Secretary-General, on 19 August [A/60/284], reported on the status of the International Covenant on Civil and Political Rights and its Optional Protocols (see p. 726), and of the International Covenant on Economic, Social and Cultural Rights (see p. 727).

On 16 December, the Assembly took note of the Secretary-General’s report (decision 60/533).

Convention against racial discrimination

Accessions and ratifications

As at 31 December, the number of parties to the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly in resolution 2106 A (XX) [YUN 1965, p. 440], remained at 170.

On 20 April [res. 2005/64], by a recorded vote of 38 to 1, with 14 abstentions, the Commission reiterated the call made in the Durban Plan of Action, adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance [YUN 2001, p. 655], to achieve universal ratification of the Convention by 2005 and for all States to consider making the declaration provided for in article 14 (see below). It asked OHCHR to publish a list of countries yet to ratify the Convention, reinvigorate the campaign for universal ratification and report thereon in 2006.

The Commission welcomed the adoption by the Committee on Racial Discrimination of general comment XXX on discrimination against non-citizens [YUN 2004, p. 665] and stressed the need to implement it.

On 25 July, the Economic and Social Council took note of the Commission’s resolution (decision 2005/272).

Implementation

Monitoring body. The Committee on the Elimination of Racial Discrimination (CERD), established under article 8 of the Convention, held its sixty-sixth (21 February–11 March) and sixtieth-seventh (2–19 August) sessions [A/60/18], both in Geneva.

The Committee considered reports submitted by Australia, Azerbaijan, Bahrain, Barbados, France, Georgia, Iceland, Ireland, the Lao People’s Democratic Republic, Nigeria, Turkmenistan, the United Republic of Tanzania, Venezuela and Zambia. Under article 9 relating to measures to give effect to the Convention’s provisions, the Committee considered Botswana’s re-
sponse to its 2002 observations [YUN 2002, p. 628] and informed it on 10 March that several aspects of its relevant legislation, including the Tribal Territories Act and its Constitution, had a discriminatory effect on some ethnic groups, particularly those subordinate to a dominant tribe on a Tribal Territory. The Committee asked to be kept informed of Botswana’s ongoing reform process.

On 11 March, the Committee adopted a decision on Suriname, recommending the country’s legal acknowledgment of indigenous peoples’ right to possess, develop, control and use their communal lands and to participate in the exploitation and management of the associated natural resources. Suriname was invited to comment by 15 April on the Committee’s assessment of its draft Mining Act as it affected indigenous and tribal peoples’ right to be consulted and fairly compensated for any damage by mining activities.

With regard to the Convention’s implementation in States parties whose reports were seriously overdue, the Committee adopted a decision on Papua New Guinea, regretting that, despite repeated requests, it had not fulfilled its obligations under the Convention. CERD adopted decisions also regretting the situations of Malawi, Seychelles and Saint Lucia and informing them that it intended to proceed with the adoption of concluding observations under its review procedure in the absence of their response by 31 January 2006 to relevant questions designed to facilitate the resumption of dialogue.

Under article 14 of the Convention, CERD considered communications from individuals or groups claiming violation of their rights enumerated in the Convention by a State party. Forty-six States parties had recognized CERD’s competence to do so (Algeria, Australia, Austria, Azerbaijan, Belgium, Brazil, Bulgaria, Chile, Costa Rica, Cyprus, Czech Republic, Denmark, Ecuador, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Mexico, Monaco, Netherlands, Norway, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Ukraine, Uruguay, Venezuela).

Pursuant to article 15 of the Convention, the Committee was empowered to consider petitions, reports and other information relating to ‘Trust and Non-Self-Governing Territories. The Committee noted, as it had in the past, the difficulty in fulfilling its functions in that regard, owing to the lack of copies of relevant petitions and to the fact that reports contained scant information relating directly to the Convention’s principles and objectives.


The Committee adopted decisions under its early warning and urgent action procedures regarding the situation in New Zealand [dec. 1 (60)], Darfur, Sudan [dec. 2 (66)], and Suriname [dec. 1 (67)]. It also addressed the situations of the Western Shoshone indigenous people in the United States and the Tatars in Crimea, Ukraine, drew both parties’ attention to a list of questions to clarify the situation of the communities concerned and asked them to respond by 31 December, for discussion at its 2006 session. CERD also adopted a decision on follow-up to the declaration on the prevention of genocide: indicators of patterns of systematic and massive racial discrimination, and general recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system.

As at 31 December, 41 States parties had accepted an amendment to article 8 of the Convention regarding the financing of CERD [YUN 1992, p. 741]. The amendment was to enter into force when accepted by a two-thirds majority of States parties, comprising approximately 115 of the 170 States parties to the Convention. A meeting of the States parties, planned for 12 January 2006, would elect nine candidates to replace Committee members whose terms of office were to expire shortly thereafter [CERD/SP/68 & Add.1].

Subregional workshop. A subregional workshop (Cairo, Egypt, 19-22 December) [HR/EGY/SEM/2006/1], attended by over 50 participants from six North African countries (Algeria, Egypt, Libyan Arab Jamahiriya, Mauritania, Morocco, Tunisia), adopted a series of recommendations to support and enhance States’ capacity to implement the concluding comments/observations of CEDAW and CERD and to strengthen cooperation with other relevant stakeholders for that purpose.

Convention against torture

Accessions and ratifications

As at 31 December, 141 States were parties to the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly
in resolution 39/46 [YUN 1984, p. 813]. Madagascar and Nicaragua ratified the Convention during the year. The Optional Protocol to the Convention, which was adopted in resolution 57/199 [YUN 2002, p. 631] and opened for signature on 4 February 2003, had 49 signatories and 16 States parties (Albania, Argentina, Costa Rica, Croatia, Denmark, Georgia, Liberia, Mali, Malta, Mauritius, Mexico, Paraguay, Poland, Sweden, United Kingdom, Uruguay). The Protocol would enter into force 30 days following the deposit of the twentieth instrument of ratification or accession. As at 31 December, 31 December, the number of States parties on which enquiries had been conducted to implement the related recommendations of the Committee. Under article 22, the Committee considered communications submitted by individuals who claimed that their rights under the Convention had been violated by a State party and who had exhausted all available domestic remedies.

Convention on elimination of discrimination against women and Optional Protocol
(For details on the status of the Convention and on the Optional Protocol, see p. 1271.)

Convention on the Rights of the Child

Accessions and ratifications
As at 31 December, the number of States parties to the 1989 Convention on the Rights of the Child, adopted by the General Assembly in resolution 44/25 [YUN 1989, p. 560], remained at 192. States parties to the Optional Protocol to the Convention on the involvement of children in armed conflict, adopted by the Assembly in resolution 54/263 [YUN 2000, p. 615], rose to 105, with ratification during the year by Armenia, Benin, Colombia, India, Israel, Latvia, Liechtenstein, Poland, the Sudan, Togo and Ukraine, and accession by Eritrea, Nicaragua and Turkmenistan. The Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, also adopted by resolution 54/263, had 101 States parties, with ratification in 2005 by Armenia, Benin, Canada, India, Japan, the Netherlands and Poland, and accession by Angola, Eritrea, Georgia, Saint Vincent and the Grenadines and Turkmenistan.

Commission action. On 19 April [res. 2005/44], by a recorded vote of 32 to 1, the Commission urged States to sign and ratify or accede to the Convention and its Optional Protocols, implement them fully and end impunity for perpetrators of crimes against children. The Secretary-General should assist the Committee on the
Rights of the Child, while OHCHR, UN mechanisms and relevant UN system organs were asked to incorporate a strong child-rights perspective in all their activities, and to train their staff in child protection matters.

The Secretary-General reported on the status of the Convention and Optional Protocols as at 30 June [A/60/175 & Corr.1] and 6 December [E/CN.4/2006/64].

On 23 December, the Assembly urged States that had not done so to become parties to the Convention and the Optional Protocols thereto, and to strengthen cooperation with CRC (resolution 60/231) (see p. 855).

Implementation

Monitoring body. In 2005, the Committee on the Rights of the Child (CRC) held its thirty-eighth (10-28 January) [CRC/C/146], thirty-ninth (17 May–3 June) [CRC/C/150] and fortieth (12-30 September) [CRC/C/153] sessions, all in Geneva. Its working group met to review State party reports and identify the main questions to be discussed with representatives of the reporting States.

Under article 44 of the Convention, CRC considered initial or periodic reports submitted by Albania, Algeria, Australia, Austria, the Bahamas, Belize, Bolivia, Bosnia and Herzegovina, China (including Hong Kong SAR and Macao SAR), Costa Rica, Denmark, Ecuador, Finland, Iran, Luxembourg, Mongolia, Nepal, Nicaragua, Nigeria, Norway, the Philippines, the Russian Federation, Saint Lucia, Sweden, Togo, Trinidad and Tobago, Uganda and Yemen.

In September, the Committee held a day of general discussion on the subject of children without parental care and adopted recommendations and general comment No. 7 on Implementing Child Rights in Early Childhood. It also discussed the drafts of other general comments on unaccompanied and asylum-seeking children, fundamental principles in the juvenile justice system, and the rights of indigenous children and of children with disabilities.

Subregional workshop. A subregional workshop (Buenos Aires, Argentina) [HRL/ARG/SEM/2006/1], attended by participants from 10 Latin American States (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay, Venezuela), discussed issues relating to the rights of the child and adopted recommendations to enhance the implementation of the Committee’s concluding observations in the sub-region.

Convention on migrant workers

Accessions and ratifications

As at 31 December, the number of States parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in resolution 45/158 [YUN 1990, p. 594] and which entered into force in 2003 [YUN 2003, p. 676], totalled 34. During the year, Chile, Lesotho and Peru ratified the Convention, while Algeria, Honduras, Nicaragua and the Syrian Arab Republic acceded to it.

The Secretary-General reported on the status of the Convention as at 1 August [A/60/272].

Commission action. On 19 April [res. 2005/47], the Commission requested States to promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Convention and other relevant international human rights instruments, norms and standards.

In July, the Economic and Social Council took note of the Commission’s action (decision 2005/267).

Implementation

Monitoring body. In 2005, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families held its second (25-29 April) [A/60/48] and third (12-16 December) [A/61/48] sessions, both in Geneva, at which it adopted provisional guidelines for the submission of initial reports by States and agreed to follow the practices of other treaty bodies in considering those reports.

It also discussed, among other things, ways to simplify and harmonize reporting, cooperation with States parties and other concerned bodies, and treaty body reform. The Committee held days of general discussion on 28 April and 15 December on “protecting the rights of all migrant workers as a tool to enhance development”, to enable it to contribute to the high-level dialogue of the General Assembly devoted to international migration and development, to be held in 2006, pursuant to Assembly resolution 58/208 [YUN 2003, p. 1087].

Concerned that it had not yet received any reports from State parties under article 73 of the Convention relating to States parties’ obligation to report on measures they had taken to give effect to the Convention’s provisions, the Committee urged States to fulfil their reporting obligation in accordance with the provisional reporting guidelines it had adopted. In December, it
elected five members to replace those whose terms were due to expire on 31 December and requested the Secretary-General to arrange two sessions in 2006.

On 16 December, the Assembly took note of the Committee’s report on its second session (decision 60/533).

**Convention on genocide**

As at 31 December, 138 States were parties to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly in resolution 260 A (III) [YUN 1948-49, p. 959]. During the year, Bolivia ratified the Convention and the United Arab Emirates acceded to it.

**Commission action.** On 20 April [res. 2005/62], the Commission called on States that had not ratified or acceded to the Convention to do so and, where necessary, to enact national legislation in conformity with its provisions. It stressed the importance of enhanced international cooperation in fostering the principles enshrined in the Convention and invited the Secretariat and relevant UN system bodies and agencies to disseminate it widely, in order to ensure its universality.

It requested the Secretary-General to make available to the Commission in 2006 a report on the implementation of his five-point action plan for preventing genocide and on the activities of the special Adviser on the Prevention of Genocide, who should, in 2006 and 2007, report on progress made in discharging his mandate.

The Economic and Social Council, by decision 2005/295, endorsed that request.

**Other activities**

**Follow-up to the 1993 World Conference**

**Report of High Commissioner.** In a March report [E/CN.4/2005/12] on follow-up to the World Conference on Human Rights [YUN 1993, p. 908], the High Commissioner described OHCHR activities to help promote and protect human rights at the national level, strengthen the rule of law, transitional justice and democracy, support and strengthen the establishment of national human rights institutions and counter impunity for perpetrators of human rights violations. The report also discussed the situation of groups vulnerable to discrimination in various regions, including especially indigenous peoples, migrants and women, as well as issues relating to human trafficking and human rights and development.

Highlighting a number of challenges in the task of protecting human rights for all, most notably terrorism, peace and development questions and the resurgence of torture, the report observed that the human rights community could best respond to those challenges from a human rights perspective and within the framework of existing instruments and the related legal obligations of States.

**Annual meeting.** In August, the High Commissioner transmitted the report of the twelfth meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups of the Commission’s special procedures and advisory services programme (Geneva, 20-24 June) [E/CN.4/2006/1]. Participants discussed issues relating to the effectiveness of the special procedures system, both in terms of the functioning of each mandate and of the system as a whole. Discussions focused on identifying specific measures to be taken within the context of current efforts to reform the Commission and measures to enhance coordination among the procedures, in order to better follow up on their findings and recommendations and to communicate more effectively.

The meeting agreed to establish a coordination committee, whose principal role would be to assist individual experts to carry out their mandates effectively and promote the standing of the special procedures system within the broader framework of the UN and its human rights programmes. The committee’s main function was to facilitate coordination among mandate-holders and act as a bridge between them and OHCHR, other UN human rights components and civil society. However, its role would be limited to making recommendations in order to ensure the independence and autonomy of mandate-holders, and would be reviewed by the 2006 meeting of special procedures. Participants also considered follow-up measures to encourage, facilitate and monitor the implementation of the recommendations of special procedures, requesting OHCHR, in that regard, to present a separate annual report to the Commission containing statistics reflecting responses to requests by those procedures for visits and communications arising therefrom. To facilitate a more effective strategy for communications, they agreed that OHCHR should consider appointing a communication specialist to work closely with the coordination committee and individual mandate-holders.

On 16 December, the Assembly took note of the Third Committee’s report [A/50/509/Add.4] on the implementation of and follow-up to the Vienna Declaration and Programme of Actions,
adopted at the 1993 World Conference (decision 60/534).

Advisory services and technical cooperation

Report of Secretary-General. In accordance with Commission resolution 2004/81 [YUN 2004, p. 670], the Secretary-General submitted his annual report [E/CN.4/2006/104] describing OHCHR technical cooperation programme, which provided assistance for building national and regional human rights infrastructure. Highlighting the programme’s continuing growth, the report noted that OHCHR had refined the policy orientation of the programme, in the light of the Secretary-General’s reform initiatives. The OHCHR Plan of Action, in particular, developed within the context of discussions to reform the Commission (see p. 715), of which a summary was annexed to the report, was changing the way the Office carried out its work, including the Technical Cooperation Programme. At a time of such fundamental changes, clear operational and policy guidance was important to ensure consistency and common understanding and OHCHR had taken steps to develop a suitable policy framework for the Programme, through consolidating, updating and streamlining past discussions and positions.

In 2005, the Voluntary Fund for Technical Cooperation in the Field of Human Rights funded 42 projects, of which 14 were completed during the year, while the implementation of 28 others was in progress. There were 23 new requests. As at 31 December, the Fund had received approximately $18.7 million for the 2004-2005 biennium, against expenditure of over $19 million. The Fund’s Board of Trustees, at its twenty-third session (7-10 June), reviewed the programme’s status and discussed technical cooperation in the context of the Secretary-General’s reform agenda, regional activities, strategies and plans in the Asia-Pacific and Arab regions, cooperation between UNICEF and OHCHR in the follow-up to treaty body recommendations and a human rights approach to programming. It advised OHCHR on policy orientation, global vision and strategy on a broader level. Its twenty-fourth session, initially scheduled for November, was postponed to January 2006. As at year’s end, the Fund’s income amounted to $27.7 million, including carry over from the previous year. Expenditure totalled $19.2 million for the 2004-2005 biennium.

Working paper. In response to a 2004 Subcommission request [YUN 2004, p. 670], Gudmundur Alfredsson (Iceland) and Ibrahim Salama (Egypt) presented a June working paper [E/CN.4/Sub.2/2005/41], which examined the content and delivery of technical cooperation in the field of human rights. The paper discussed related institutional issues within the UN system, including the mainstreaming of human rights and rights-based activities; the substantive basis for technical cooperation in human rights instruments adopted by the United Nations and accepted by States; dialogue and exchange of positive experiences; national ownership as a crucial element for sustainability; and technical aspects concerning delivery, such as national and international actors, local expertise and independent evaluations.

Subcommission action. On 11 August [res. 2005/25], the Subcommission, taking into account the working paper on technical cooperation (see above), decided to appoint Mr. Alfredsson and Mr. Salama as Special Rapporteurs with the task of preparing a comprehensive study focusing on the best ways to include economic, social and cultural rights in international, regional and bilateral technical cooperation in the field of human rights. It asked the Secretary-General to assist them, and UN offices and agencies to respond favourably to their queries.

Afghanistan

Note by Secretary-General. A January note of the Secretary-General [E/CN.4/2005/122], submitted in response to a 2004 Commission request [YUN 2004, p. 671], highlighted the work of the independent expert on technical cooperation in the field of human rights in Afghanistan, including a planned mission to the country during the year, as well as the efforts of the UN Assistance Mission in Afghanistan (UNAMA) (see p. 408) to enhance the role of its gender adviser.

Report of independent expert. During his second mission to Afghanistan (30 January-7 February) [E/CN.4/2005/122], the independent expert, following extensive research and broad-based consultations with senior Government officials, the country’s human rights institutions and UN bodies and NGOs operating there, acknowledged that some progress had been made to promote and protect human rights. Notable positive developments included advances in the country’s democratic process, the release, based on his appeal, of some 730 individuals illegally held in inhuman conditions for over 30 months and developments relating to a national transitional justice strategy. However, pressing human rights issues remained, and those demanding the immediate attention of the Government and the international community included: the activities of factional commanders involved in
illegal land seizures, extortion and intimidation; arbitrary arrest and routine violations of the administration of justice by the Afghan National Police; the lack of due process and the use of torture by State security and intelligence operatives; threats to the country’s security and human rights promotion and protection by the illegal drug industry; poor prison conditions, particularly with regard to women and children and other egregious violations of women’s rights; child trafficking and other abusive treatment of children, including the illegal recruitment of children for the military and the displaced; and the actions of the United States-led coalition forces that appeared to be unregulated, and to have allegedly violated international human rights and humanitarian law. The expert emphasized that the country’s future depended on strengthening the rule of law, improving the administration of justice and promoting and protecting human rights, and to that end, recommended a comprehensive strategic plan. Other recommendations related to oversight for State security institutions; action against poppy cultivation and drug trafficking; and the need to address social and economic issues, secure women’s and children’s rights, resolve pressing land and housing questions, improve access to education, strengthen civil society and transitional or post-conflict justice, ensure the successful conduct of elections, and ensure that the activities of coalition forces accorded with international human rights and humanitarian law.

Commission action. The Commission Chairperson, in a 21 April statement on technical cooperation in the field of human rights in Afghanistan [E/2005/23], which the Commission adopted by consensus, said that the Commission welcomed the new Afghan Constitution adopted in 2004 [YUN 2004, p. 761], which stated that the citizens, whether men or women, were equal before the law and also provided for adequate representation of women in the Wolesi Jirga (House of the People) and Meshrano Jirga (House of Elders). Noting that the protection and promotion of women’s and children’s rights were of paramount importance, particularly regarding access to education, health care and full participation in all aspects of Afghan life, the Commission expressed concern about the continuing violence and abuse against women and girls, including honour crimes, early and forced marriages, and human trafficking, which still occurred in certain parts of the country. The security situation also remained fragile owing to extremist violence and related criminality. To address those problems, the Commission called for the adoption of comprehensive anti-trafficking legislation and emphasized that an environment free from violence, discrimination and abuse for all Afghans was essential for a viable and sustainable recovery and reconstruction process. It also addressed the need to expose human rights violations, hold the perpetrators accountable and obtain justice and reparations for the victims, and encouraged the Government to assist the Afghan Independent Human Rights Commission to enable it to fulfil its mandate. The High Commissioner was asked to monitor the human rights situation in Afghanistan, expand the programme of advisory services and technical cooperation that the Government and the United Nations had committed to the General Assembly in 2005, and to the Commission in 2006. The Secretary-General was asked to ensure the appointment of a senior gender adviser within the newly established Gender Unit of UNAMA.

On 25 July, the Economic and Social Council endorsed the Commission’s requests to the High Commissioner (decision 2005/293).

Report of High Commissioner. A September note of the Secretary-General [A/60/343] transmitted the report of the High Commissioner on the situation of human rights in Afghanistan and on the achievements of the technical assistance in the field of human rights, prepared in accordance with the Commission’s requests, contained in its Chairperson’s statement (see above). The High Commissioner noted that, despite the achievement of many of the benchmarks in the 2001 Bonn Agreement [YUN 2001, p. 311], the human rights situation in Afghanistan remained of great concern, with much of the problem attributable to the security situation and weakness in governance. Factional commanders and former warlords remained major power brokers, and conflict between anti-Government entities and Government and international forces combating them had taken a toll on civilians. The rule of law was emerging only slowly, and reform in the justice system was patchy, with impunity often prevailing. She concluded that the political achievements made, including the holding of Parliamentary elections, while crucial, were not a full measure of progress towards a society where human rights were respected and protected. As such, there was a need for the Government and the international community to continue making bold strides in human rights. All the Afghan people needed to be empowered, including men, women, persons with disabilities and members of all ethnic groups, to enable them to assert and claim their rights. Only then could human rights be more readily respected, protected and fulfilled. The High Commissioner recommended that the Government and the international community protect the right of the civilians affected by the continuing armed conflict in parts of the
country, in accordance with international human rights and humanitarian law. She also proposed measures concerning the rule of law and administration of justice, transitional justice, the situation of women and children, economic, social and cultural rights, and capacity-building to enhance the role of the Afghan Independent Human Rights Commission and NGOs.

The General Assembly took note of the note by the Secretary-General on 16 December (decision 60/533).

Burundi

Commission action. On 20 April [res. 2005/75], the Commission, condemning all acts of violence and violations of human rights and international humanitarian law in Burundi, urged the Transitional Government to establish an independent national human rights commission to promote and protect human rights. The independent expert on the human rights situation in the country was asked to continue his work and to submit an interim report to the General Assembly in 2005 and report to the Commission in 2006.

On 25 July, the Economic and Social Council endorsed the Commission’s requests (decision 2005/275).

Reports of independent expert. A September report note of the Secretary-General [A/60/354] transmitted to the General Assembly the expert’s interim report on the human rights situation in Burundi during the period from January to 15 August, pursuant to Commission resolution 2005/75 (see above). The report provided information on the expert’s third visit to Burundi (2-10 July), which coincided with the legislative elections of 4 July. The expert found that peace in the country was advancing steadily and that there had been progress in the legislative process and improvements in the security and human rights situations. The country had promulgated its new Constitution on 22 March, following a referendum, which drew a voter turnout of 92 per cent, many of them women. Other positive developments included efforts to establish a Truth and Reconciliation Commission and the initiation of the demobilization process for over 12,000 ex-combatants, including 2,939 children. Despite those advances, human rights violations occurred on a daily basis, largely due to the continued armed conflict in the country and to sub-regional factors, such as mass migrations and the proliferation of small arms. Armed elements, including the military, allegedly violated the right to life and committed torture, arbitrary detention, sexual violence and mass displacement of people. Poverty compounded the country’s human rights problems, as it restricted access to health care and encouraged the transmission of HIV/AIDS. The impact of reform in the judicial sector had been limited. Prisons were overcrowded and no consensus had been reached on who should be categorized as a “political prisoner”. The expert reiterated the recommendations set out in his 2004 report [YUN 2004, p. 671] that had not yet been implemented, and proposed new measures to the parties to the conflict, whom he urged to respect the rights of civilians; to the Burundian authorities, whom he requested to combat impunity, end arbitrary detention and torture, and continue with the reforms provided for by the Arusha Agreement [YUN 2000, p. 146]; and to the international community, which he urged to maintain humanitarian and development assistance to Burundi. The Assembly took note of the expert’s report on 16 December (decision 60/533).

A later report of the expert [E/CN.4/2006/109] provided information on his fourth visit to Burundi (4-5 October). While he continued to acknowledge positive developments in the political process, most notably the successful completion of elections, the expert reported a deplorable deterioration of the human rights situation, owing to the continuation of the armed conflict and related violence, of which civilians remained the main victims. The overall security situation remained fragile, and a weak judiciary and perceived climate of impunity continued to give rise to human rights violations, including of the rights to life; to liberty, security and inviolability of the person; and to freedom of movement and of the choice of one’s residence. In particular, alleged violations of the rights of women, children and other vulnerable groups continued. The expert urged the Government to implement urgent measures to strengthen the judicial system, combat impunity and bring perpetrators of human rights violations to justice. Troubled by reports of persisting sexual violence in the country, he called for swift and concrete government measures to combat the phenomenon. He also recommended action on issues relating to prisoners and encouraged the authorities to maintain efforts to establish institutions provided for in the Arusha Agreement, particularly those relating to human rights. Other recommendations were addressed to the international community to ensure better human rights protection and promotion in the country.

Cambodia

Commission action. On 20 April [res. 2005/77], the Commission welcomed Cambodia’s improvements in its human rights situation, while still ex-
pressing concern about continuing violations relating to the rule of law, the judiciary, human trafficking, violence against activists, impunity and corruption. Also welcoming the signing of a new memorandum of understanding between the Government and OHCHR on the implementation of a technical cooperation programme on human rights, the Commission encouraged efforts to improve further the country’s human rights situation, especially through the establishment of the rule of law and judicial reform. It invited the Secretary-General and the international community to continue to provide support and encouragement to the Government in improving democracy and protecting human rights, and requested the Secretary-General to report in 2006.

**Report of Special Representative.** Following the resignations of the former Special Representatives, Yash Ghai (Kenya) was appointed the new Special Representative of the Secretary-General for human rights in Cambodia. During his first visit to the country (28 November–3 December) [E/CN.4/2006/10], he accorded particular attention to its Constitution, the justice sector and the rule of law, and the status of fundamental freedoms. He found unfavourable circumstances for democratic participation in State affairs, as the Government’s frequent use of lawsuits to counter dissent and opposition made it hard for opposition-party politicians, trade unionists, journalists, civil society and human rights organizations to express their views. Consequently, well known public figures had been unable to return to the country or were in jail awaiting trial for such charges as defamation, disinformation and incitement. Although Cambodia’s Constitution incorporated international human rights instruments to which the country was a party, its provisions had been mostly disregarded and its safeguards weakened. The legal framework for effective rule of law was inadequate, as the country maintained the transitional code of criminal law and procedure adopted, for temporary purposes only, by the United Nations Transitional Authority in Cambodia, which operated between February 1992 [YUN 1992, p. 215] and September 1993 [YUN 1993, p. 371]. Against that background, there were indications of abuse of the law and pervasive impunity for politically or economically prominent persons. The way that Cambodia’s land and natural resources were managed also created a major problem, with the Government withholding information on those resources conceded to private companies and the military in the name of development. Such practices and other resource abuse had affected the livelihood of the rural poor harshly, particularly indigenous communities. The Representative addressed recommendations to the authorities, urging that priority be given to strengthening institutions central to upholding and implementing the Constitution and to strengthening the independence and functioning of the legal and judicial process. Other recommendations related to the need to: restore an environment conducive to public debate and the exercise of democratic rights, particularly regarding freedoms of expression, of association and of peaceful assembly; update the legal framework for the effective rule of law and repeal of provisions contradicting human rights; reinstate parliamentary immunity to opposition members and drop the charges against them; end impunity; and implement the land law and resolve land disputes fairly and in accordance with domestic and international laws.

**OHCHR/Cambodia**

**Report of Secretary-General.** A report of the Secretary-General [E/CN.4/2006/105] described the role and achievements of OHCHR/Cambodia in 2005 in assisting the Cambodian Government and people to promote and protect human rights. During the year, the Office continued to monitor the overall human rights situation, and responded to violations, giving first priority to the problems confronted by NGOs and human rights defenders in their work. The Office brought its concerns to the attention of the authorities and requested their intervention. It also continued to advocate for structural reform of key institutions to guarantee an independent and professional judiciary, and worked with the courts to help address deficiencies in justice delivery. It followed up on the 2004 recommendations of the Special Representative [YUN 2004, p. 675] on land concessions for economic purposes, responded to the problems arising in some concessions, and monitored the continuing award of land and other concessions of Cambodia’s natural resources. During the reporting period, OHCHR gave particular attention to the right to adequate housing (see p. 843), and to preventing forced evictions, especially in Phnom Penh. It also made efforts to help integrate and implement human rights standards in development policies and programmes.

**Chad**

**Commission action.** On 22 April [dec. 2005/138], the Commission asked OHCHR to expand its cooperation with the Government of Chad regarding the promotion and protection of human rights.

**Democratic Republic of the Congo**

**Commission action.** On 21 April [res. 2005/85], the Commission, expressing concern at persist-
ent reports of violations of human rights and international humanitarian law in the eastern part of the Democratic Republic of the Congo (DRC), particularly in North Kivu and South Kivu, northern Katanga and Ituri, condemned the impunity enjoyed by those responsible and decided to extend the mandate of the independent expert for one year. The expert was requested to submit a progress report to the General Assembly in 2005 and to report to the Commission in 2006. The Secretary-General was asked to provide advisory services to the DRC in the field of human rights.

On 25 July, the Economic and Social Council endorsed the Commission’s requests to the independent expert and the Secretary-General (decision 2005/282).

Reports of independent expert. By a 29 September note [A/60/395], the Secretary-General transmitted the expert’s report to the General Assembly, pursuant to Assembly resolution 59/207 [YUN 2004, p. 674] and Commission resolution 2005/85 (see p. 736). The report contained information on the expert’s visit to the DRC (16-27 August), particularly the capital city of Kinshasa, the sensitive region of Ituri and the region of Bunia, where he inspected the central prison and its holding cell. He consulted widely with Government officials, UN entities there and civil society organizations, focusing on alleged human rights violations and issues relating to justice, impunity and the electoral process. Thereafter, he observed that the human rights situation throughout the country remained a matter of concern, especially in some eastern regions and in northern Katanga, where militias and other armed groups were committing massive human rights violations with impunity. Massacres of civilians, pillage, mass rape of women and girls and summary executions, among other things, seriously undermined the Transitional Government’s efforts to improve the situation. The suppression of peaceful demonstrations in many parts of the country, the precarious situation of unpaid or underpaid public officials and the threats and harassment suffered by journalists and human rights defenders fomented unrest and jeopardized the prospects for peace in the country. Other major sources of concern included the lack of consensus in the joint management of the transition period, the steady deterioration of law and order in the Orientale province of Ituri following repeated attacks by armed militias, the lack of an independent judiciary, general insecurity and the trafficking and illegal exploitation of natural resources. The expert recommended that all the Congolese parties promote a culture of peace, tolerance and reconciliation among the population, and recognize the need also to foster a culture of dialogue and to reject violence and ethnic hatred. He addressed a number of other measures to the Government and the international community, and proposed to the Commission, the General Assembly, the Security Council and the Economic and Social Council, the establishment, by decision of the Security Council, of an international criminal tribunal for the DRC. Failing that, consideration should be given to setting up mixed criminal chambers within existing Congolese courts to hear cases of the crimes that had been committed.

A later report of the expert to the Commission [E/CN.4/2006/115] contained the same account of his visit to the DRC during the year.

General Assembly action

On 16 December [meeting 64], the General Assembly, on the recommendation of the Third Committee [A/60/509/Add.3], adopted resolution 60/170 by recorded vote (102-3-67) [agenda item 71 (c)].

Situation of human rights in the Democratic Republic of the Congo

The General Assembly,
Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms, and the duty to fulfil the obligations they have undertaken under the various instruments in this field,
Noting that the Democratic Republic of the Congo is a party to several international and regional human rights instruments and to several instruments pertaining to international humanitarian law,
Underlining the importance of elections as the foundation for the longer-term restoration of peace and stability, national reconciliation, the rule of law and lasting promotion and protection of human rights in the Democratic Republic of the Congo,
Recalling its previous resolutions, as well as those of the Commission on Human Rights and the Security Council, on the situation in the Democratic Republic of the Congo,
1. Welcomes:
(a) The report of the independent expert on the situation of human rights in the Democratic Republic of the Congo of 29 September 2005, as well as his visit to the Democratic Republic of the Congo in August 2005;
(b) The strengthened mandate of the United Nations Organization Mission in the Democratic Republic of the Congo regarding the protection of civilians in accordance with Security Council resolution 1592(2005) of 30 March 2005, and expresses its support for the continued work of the Mission and the Special Representative of the Secretary-General for the Democratic Republic of the Congo;
(c) The work accomplished by the human rights field office in the Democratic Republic of the Congo, and encourages the office to pursue and enhance its cooperation with the relevant agencies of the United Nations and the United Nations Organization Mission...
in the Democratic Republic of the Congo in the fulfilment of its mandate;

(d) The measures taken in 2005 by the authorities of the Democratic Republic of the Congo to arrest and detain leaders of militia groups suspected of committing killings and other serious crimes against civilians;

(e) The substantial progress made by the transitional national Government and the Independent Electoral Commission, with the welcome assistance of the United Nations Organization Mission in the Democratic Republic of the Congo, towards the holding of elections before June 2006 as specified in the Global and All-Inclusive Agreement, in particular the registration of voters and the enthusiasm shown by the Congolese people to embrace a democratic future;

2. Takes note of the continuing investigation by the Office of the Prosecutor of the International Criminal Court, based upon the referral of the Democratic Republic of the Congo, into crimes allegedly committed in the territory of the Democratic Republic of the Congo since the entry into force of the Rome Statute of the International Criminal Court on 1 July 2002;

3. Requests the United Nations High Commissioner for Human Rights to ensure that consultations continue between the field office of the Office of the High Commissioner in the Democratic Republic of the Congo and the Secretary-General concerning the ways in which to assist the transitional Government of the Democratic Republic of the Congo in tackling the problem of impunity, and looks forward to the report of the High Commissioner to the Commission on Human Rights at its sixty-second session on those consultations and on possible options for putting an end to the impunity of the perpetrators of crimes committed before 1 July 2002;

4. Condemns:

(a) The ongoing violations of human rights and international humanitarian law, particularly in North Kivu and South Kivu, northern Katanga and other areas in the eastern part of the Democratic Republic of the Congo, including armed violence and reprisals against the civilian population and the recourse to sexual violence against women and children, including in situations where such practices are being used as a weapon of war;

(b) The killing of United Nations peacekeeping troops by militia groups in Ituri Province, eastern Democratic Republic of the Congo, in February 2005 and in June 2005;

(c) The killing of Pascal Kabungulu Kibembi, Executive Secretary of the human rights non-governmental organization Héritiers de la Justice on 31 July 2005 and the harassment of human rights defenders across the country, but particularly in the eastern Democratic Republic of the Congo;

(d) The continued illegal exploitation of natural resources in the eastern Democratic Republic of the Congo and killings and other serious crimes against civilians committed by groups linked to the mining and trading of those resources, as well as the linkage between the illegal exploitation of natural resources, illicit trade in such resources and the proliferation and trafficking of arms as one of the factors fuelling and exacerbating conflicts in the Democratic Republic of the Congo;

5. Urges all the parties, including non-signatories of the Global and All-Inclusive Agreement on the Transition, in the Democratic Republic of the Congo:

(a) To respect and further implement the Global and All-Inclusive Agreement and to cease immediately any action which impedes the consolidation of the sovereignty, unity and territorial integrity of the Democratic Republic of the Congo;

(b) To support the transitional Government and its institutions in order to allow for the re-establishment of political and economic stability and for the gradual reinforcement of State structures over the entire territory of the Democratic Republic of the Congo, in accordance with their obligations under the transitional Constitution and as per the text of the Constitution submitted for referendum in December 2005;

(c) To put an immediate end to the recruitment and use of child soldiers, which is contrary to international law and to the African Charter on the Rights and Welfare of the Child, with the understanding that, under the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, and in accordance with Security Council resolutions 1539(2004) of 22 April 2004 and 1642(2005) of 25 July 2005 on children and armed conflict, persons under the age of 18 are entitled to special protection, and to develop and implement without delay the action plans called for in Council resolutions 1539(2004) and 1642(2005);

(d) To take special measures to protect women and children from the appalling violence, including sexual violence, which continues to be prevalent throughout the country, in particular in the eastern part of the country, and to bring the perpetrators of such crimes to justice as soon as possible, and condemns in particular the widespread use of sexual violence as a means of warfare;

(e) To respect international humanitarian law, in particular the protection of civilians, and to ensure the safety, security and freedom of movement of all civilians and United Nations and associated personnel, and the unhindered access of humanitarian personnel to all of the affected population throughout the territory of the Democratic Republic of the Congo in accordance with Security Council resolutions 1265 (1999) of 17 September 1999 and 1296(2000) of 19 April 2000;

(f) To promote the full enjoyment of all human rights and to protect the safety, security and freedom of movement of all human rights defenders;

6. Calls upon the Government of National Unity and Transition to take specific measures:

(a) To complete the objectives of the transitional period as laid down in the Global and All-Inclusive Agreement, in particular the holding of free and transparent elections at all levels within the specified timetable, enabling the establishment of a democratic constitutional regime, and the formation of a restructured and fully integrated national army, and also the formation of an integrated and adequately resourced national police force, while ensuring that government institutions, including the army and police, are trained in human rights aspects of their work; and ensuring that both light and heavy weapons are being surrendered in the disarmament process;
(b) To strengthen the transitional institutions, in particular to set up effectively the Independent Electoral Commission, and to make more effective the institutions for the strengthening of democracy, namely, the Truth and Reconciliation Commission, the Human Rights Monitoring Centre and the Haute Autorité des Médias, and to re-establish stability and the rule of law over the entire territory of the Democratic Republic of the Congo, thereby returning peace and progress to its people;

(c) To comply fully with its obligations under international human rights instruments and, accordingly, to continue to cooperate with United Nations mechanisms for the protection of human rights and further strengthen its cooperation with the Office of the United Nations High Commissioner for Human Rights and the Human Rights Section of the United Nations Organization Mission in the Democratic Republic of the Congo;

(d) To put an end to impunity and to ensure, as it is duty-bound to do, that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice in accordance with applicable international procedural standards, and to carry out urgently a comprehensive reform of the judicial and prison system;

(e) To promote the full enjoyment of all human rights by women and children and to meet the special needs of women and girls in post-conflict reconstruction, as well as to ensure the full participation of women in all aspects of conflict resolution and peace processes, including peacekeeping, conflict management and peacebuilding, as a matter of priority, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security;

(f) To continue to cooperate fully with the International Criminal Court and with the International Criminal Tribunal for Rwanda, by ensuring that they have all necessary means with which to accomplish their tasks;

(g) To continue to uphold its commitment to abolishing the death penalty and not to impose it on juvenile offenders in line with its obligations assumed under the relevant provisions of the International Covenant on Civil and Political Rights and other human rights instruments;

(h) To prevent the use of the media to incite hatred or tensions among communities, while respecting freedom of expression and of the press, particularly during the electoral campaign;

(i) To ensure that human rights defenders are protected from abuses, threats and harassment;

(j) To accelerate its programme to demobilize, disarm and re-integrate former combatants, taking into account the special needs of women and children, including girls, associated with those combatants;

(k) To ensure the rights and well-being of internally displaced persons;

(l) To increase its efforts to eliminate corruption in the Democratic Republic of the Congo, which contributes to a general climate of impunity, and to take steps towards the setting up of an arrangement to strengthen support for good governance and transparent economic management, with the support of the International Committee in Support of the Transition, the United Nations Organization Mission in the Democratic Republic of the Congo, international financial institutions and donors;

7. Calls upon the Governments of countries in the region, including the Democratic Republic of the Congo:

(a) To contribute to preventing armed groups operating in the eastern Democratic Republic of the Congo from perpetrating killings and other serious crimes by tackling the illicit trade by those armed groups in illegally extracted natural resources as well as the linkage between the illegal exploitation of natural resources, illicit trade in such resources and the proliferation and trafficking of arms, including by preventing support for such armed groups, while fully respecting the sovereignty, unity and territorial integrity of the Democratic Republic of the Congo;

(b) To work with the United Nations Organization Mission in the Democratic Republic of the Congo to take urgent steps towards the disarmament and resettlement or repatriation of foreign armed groups, which remain a threat to regional peace and perpetrate killings and serious crimes against the civilian population of the Democratic Republic of the Congo;

(c) To support the transitional process in the Democratic Republic of the Congo and adhere fully to the Principles on Good-neighbourly Relations and Cooperation between the Democratic Republic of the Congo and Burundi, Rwanda and Uganda, signed in New York on 25 September 2003, to continue to work towards the successful implementation of the Joint Verification Mechanism, to work through the Tripartite Commission Plus One and to respect the principles of the Dar es Salaam Declaration of 20 November 2004, and welcomes steps taken in this regard to date;

(d) To peacefully repatriate members of the Forces démocratiques de libération du Rwanda returning to Rwanda, in accordance with the applicable norms of international law and with respect for human rights and fundamental freedoms, and to ensure the rights and well-being of returnees and refugee populations;

(e) To continue to cooperate with the International Criminal Court and with the International Criminal Tribunal for Rwanda, and, specifically in the case of the Democratic Republic of the Congo, to make swift progress towards passing legislation necessary for the International Criminal Court’s investigations in the Democratic Republic of the Congo to proceed smoothly;

8. Urges the Secretary-General to continue his work aimed at eliminating sexual exploitation and abuse committed by personnel serving the United Nations Organization Mission in the Democratic Republic of the Congo;

9. Encourages the international community:

(a) To continue to support the transitional process in the Democratic Republic of the Congo and its institutions and, in particular, to support the electoral process and to provide further assistance for the reform of the justice system;

(c) To continue to exert political pressure on concerned States and members of armed groups based in the eastern Democratic Republic of the Congo in order to limit their capacity for continued fund-raising, which contributes to ongoing killings and other serious crimes;

10. Decide to continue to examine the situation of human rights in the Democratic Republic of the Congo, and requests the independent expert on the situation of human rights in the Democratic Republic of the Congo to report to the General Assembly at its sixty-first session.

Haiti

Commission action. On 21 April [E/2005/23], the Commission Chairperson, in a statement concerning technical cooperation and the situation of human rights in Haiti, stated that the Commission welcomed the efforts of the Haitian transitional authorities to protect and promote human rights and encouraged continued international support for those efforts. It noted with concern the difficulties in the functioning of the judicial system arising from pretrial detention and encouraged the authorities to continue efforts to expedite justice. The Commission welcomed the authorities’ agreement to the opening of an OHCHR office in the country, and invited the independent expert to continue his mission and report thereon in 2006.

On 25 July, the Economic and Social Council approved the Commission’s request to the independent expert [dec. 2005/17].


He found that, despite gradual improvement in the provinces, the situation in the capital was increasingly disturbing, owing in particular to a daily increase in kidnapping incidents. The situation concerning children’s rights had deteriorated due to growing poverty and violence, illustrated by the fact that some 2,500 children lived on the streets in the capital and that the country’s armed factions recruited children. In addition, up to 47 per cent of sexual assaults involved minors, school enrolment rate was low in the most disadvantaged districts and some 200,000 children, including orphans, were infected by the HIV virus. The situation of women was also worrisome, with up to 85 per cent of cases of interpersonal violence involving them, particularly regarding increasing reports of rape. Efforts to secure women’s rights had involved the launching of a national plan to combat violence against them, which resulted in an obligation for doctors to issue medical certificates in cases of injuries that might be linked to sexual assault, the criminalization of rape and the progressive lifting of the taboo on the voluntary termination of pregnancy.

Also of concern were mass expulsions of people of Haitian origin from the Dominican Republic under conditions that violated their rights, as well as the mass deportation through processes that lacked a legal basis, particularly from the United States, of convicted Haitians who had served their sentences. The justice system was undermined by a number of other problems, including damage to judicial facilities, abuse of extended pretrial detention and interference with the judiciary by the executive arm of government, illustrated by the alleged dismissal (reportedly misrepresented as retirements) of five judges from the Court of Cassation. The expert recommended that priority be given to efforts to combat insecurity and poverty, which had been the major cause of the violence experienced by the poorest. He also proposed measures to improve the justice system, advance women’s rights, improve such electoral processes as voter registration, reform the land register, and develop stand-alone, small-scale water supply projects.

Liberia


Report of independent expert. The independent expert on the human rights situation in Liberia, Charlotte Abaka (Ghana), visited the country (25 September–6 October) [E/CN.4/2006/114] and found that progress had been made, including improvements in the security situation, which enhanced the freedom of movement and facilitated the conduct of national elections. Other positive developments included the enhancement of laws to improve the functioning of national institutions concerned with human rights, such as the Truth and Reconciliation Commission Act and the Act establishing the Independent National Commission on Human Rights; Liberia’s recent ratification of several international human rights treaties; the resettlement of 39,851 refugees and over 221,828 internally displaced persons (IDPs); and efforts to improve the justice system, particularly as a result of the creation of a Case Flow Management Committee, which helped reduce prison congestion in some counties. Despite those encouraging developments, the expert noted that human rights violations had continued, and a major concern was that two of the country’s five main rubber plantations were being controlled by former...
combatants, and the line between State and corporate responsibility for the human rights concerns on those plantations was blurred. Although the Transitional Government was making efforts to secure women’s rights, including the development of a draft law on rape, women continued to suffer increasing incidents of rape, domestic violence, harmful traditional practices, ritual killings and trial by ordeal. Also of major concern were egregious violations of children’s rights owing to variations in the legal definition of a child and the consequent lack of formal recognition of children’s special needs, a high incidence of sexual assault against them, and the prevalence of illegal, privately run orphanages, among other reasons. The problem was compounded by the fact that those violations attracted only slight attention from the justice system, which was hampered by poor court management and corruption. The expert also noted shortcomings regarding the realization of the rights to an adequate standard of living, fair remuneration and regular payment of wages, to physical and mental health, and to education. She addressed recommendations to the Liberian authorities to better address human rights, including the establishment of such national institutions as the Truth and Reconciliation Committee, a National Human Rights Council, a judicial council and a law reform commission, as well as measures against corruption and on the need to review salaries for government officials and expedite action in giving effect to the international treaties it had ratified. She recommended that the Security Council strengthen and extend the current human rights mandate of the United Nations Mission in Liberia (UNMIL) (see p. 256) and that OHCHR, Governments and the international community support UNMIL and reform efforts in Liberia.

Nepal

Reports of OHCHR. In response to a request contained in the 2004 statement of the Commission’s Chairperson (YUN 2004, p. 676), OHCHR submitted a January report (E/CN.4/2005/14) on the human rights situation in Nepal. The report provided an overview of the deteriorating human rights situation in the country, characterized by widespread systematic violations, particularly among the civilian population and resulting from increased military activity on both sides of the ongoing conflict between the Communist Party Nepal–Maoist (CPN) and the Government. Grave violations allegedly committed by the former included mass abductions, particularly of children, executions, torture and disappearances. In addition, there were reports of frequent blockades, enforced through terror, including the use of landmines, which created considerable social and economic hardship among the poor population. Government forces reportedly committed similar violations, and in the past year, there had been increasing reports of threats and reprisals against human rights defenders from both sides. The report also highlighted OHCHR activities in the country, which included advice and assistance to the National Human Rights Commission and to the Government on human rights commitments. The report also recommended that the UNMIL and reform efforts in Nepal by the United Nations and the international community.

Commission action. On 20 April (res. 2005/78), the Commission, condemning the human rights violations of the Communist Party Nepal–Maoist (CPN), urged the Government to take measures to prevent and end those violations; begin a national political dialogue to restore peace; assist IDPs; safeguard judicial remedies; support the National Human Rights Commission of Nepal; and request the technical assistance of the United Nations and the international community in planning local elections. It requested the High Commissioner to establish an office in Nepal, in accordance with an 11 April Agreement with the Government, in order to assist the authorities in developing policies to promote and protect human rights, to monitor the situation of human rights in the country and report to the General Assembly in 2005, and to the Commission in 2006.

On 25 July, the Economic and Social Council endorsed the Commission’s requests to the High Commissioner (decision 2005/277).

Report of High Commissioner. By a September note (A/60/359), the Secretary-General transmitted a report of the High Commissioner regarding the human rights situation and OHCHR activities in Nepal, including technical cooperation, submitted in response to Commission resolution 2005/78 (see above). The report described the political, legal and human rights situation in the country and examined the trend regarding respect for international human rights and humanitarian law, including by State authorities, the Communist Party Nepal–Maoist (CPN), vigilante elements and other groups. It considered, in particular, the status of democratic rights rela-
tive to arbitrary detention, freedom of movement and fair trial, and to the freedom of assembly, of expression and of association. The report determined that long-standing human rights concerns, including economic impoverishment, social inequities and discrimination, were among the root causes of the crisis in the country, and under the circumstances, the rights to food and to adequate water and other economic, social and cultural rights were all at risk. Particular issues of concern included the practice of caste and ethnic discrimination, mainly against the Dalits, who were relegated to the lowest caste, and which was also inflicted on the over 60 different indigenous communities in the country. Gender discrimination and human trafficking, affecting mostly women and girls, were also critical problems. Other groups of concern were IDPs compelled by human rights problems to flee their homes; children, who were abducted by the Communist Party Nepal–Maoist (CPN) as combatants, human shields or servants; and human rights defenders vulnerable to arrests and travel restrictions.

OHCHR, which had been active in Nepal since 2003 to assist with human rights issues, enhanced its presence in the country during the year with the establishment of an office there, following an April agreement with the Government. Thereafter, it presented Member States with a plan for the new office, comprising some 50 international staff, including UN volunteers and national professional and support staff. The office was mandated to advise the Resident Coordinator and the Country Team on human rights protection and capacity-building, and to coordinate human rights activities. To that end, an inter-agency human rights protection working group had been established, and would, in turn, establish subgroups on the protection of children and IDPs and on other priority human rights protection issues. During the year, the office received and investigated reports of ongoing violations by both parties to the conflict, particularly regarding extra-judicial executions, disappearances, arbitrary arrest and detention, and torture, and also addressed the question of accountability for violations by military personnel and of responsibility for the protection of the civilian population. In other developments, OHCHR reviewed the appointment of new commissioners to the National Human Rights Council after a controversial amendment to the procedure for such appointments, assessed how the development might impact the work of that body, and made recommendations for future assistance.

On 16 December, the General Assembly took note of the High Commissioner’s report (decision 60/533).

Sierra Leone

Reports of High Commissioner. In response to a 2004 Commission request [YUN 2004, p. 676], the High Commissioner submitted a February report [E/CN.4/2005/113] on the situation of human rights in Sierra Leone. The report examined human rights challenges relating to the right to life and security of the person, amputees and war-wounded, children’s welfare, gender-based violence and women’s rights, refugees, returnees and IDPs. It also analysed the human rights activities of the United Nations Mission in Sierra Leone (UNAMSIL) (see p. 276) and other UN entities in the country, including OHCHR, and considered developments concerning transitional justice. The High Commissioner observed that there had been a continuing consolidation of progress in the field of human rights in Sierra Leone, and developments in that regard included the submission by the Truth and Reconciliation Commission of recommendations, some of which, by statute, were binding on the Government; trials in process by the Special Court for Sierra Leone; increased compliance by law enforcement officers with the rule of law; and relative improvements in detention conditions. Despite that progress, violations persisted, including of the right to life. In that regard, reports of unresolved killings involved women, who also suffered unfavourable traditional and cultural practices and sexual exploitation, as well as children, many of whom had been abducted as child soldiers, maimed, and subjected to forced labour, sexual slavery and child trafficking. The situation of amputees and war-wounded also highlighted human rights challenges in Sierra Leone, as many of them had been compelled to become city beggars owing to the Government’s failure to address their needs, particularly regarding adequate housing, among other things. Additional shortcomings in the field of economic, social and cultural rights threatening the hard-won peace included a high level of youth unemployment, limited possibility for education and skills training, poor health facilities, high levels of corruption, and continuing discrimination against women. Those issues needed to be addressed to ensure the long-term sustainability of the progress made. In particular, greater efforts should be made to achieve the Millennium Development Goals (MDGs) [YUN 2000, p. 51].

In an August note [A/60/549], the Secretary-General transmitted the High Commissioner’s report on assistance to Sierra Leone in the field of human rights, submitted in response to Commission resolution 2005/76 (see p. 743). After examining the human rights situation in the country, the High Commissioner, noting pro-
progress towards achieving the benchmarks set for UNAMISIL by year’s end, stated that the peace remained fragile owing to a number of human rights concerns. She observed that the critical issues of marginalization and exclusion at the root of the conflict were yet to be addressed and that sufficient efforts were not being made to protect women and children from violations. Other problems included widespread corruption, a weak judiciary and impunity. Overall, however, the poor state of the economy constituted the largest potential threat to peace, stability and the continuous enjoyment of human rights and fundamental freedoms under the rule of law. The High Commissioner recommended that the human rights situation in the country continue to be closely monitored, investigated and documented, with the human rights components of UNAMISIL and the United Nations Mission in Liberia (UNMIL) undertaking more public reporting on individual responsibilities for violations and other issues of concern. Further recommendations concerned the need for continuing training and capacity-building in the area of human rights; the establishment of a national human rights commission; reform of the justice system and of relevant laws, as well as the ratification and implementation of international instruments, in order to ensure respect for human rights and fundamental freedoms, particularly regarding women’s and children’s rights. It was also vital to maintain a strong human rights presence in Sierra Leone after the termination of UNAMISIL, to support the national authorities in addressing human rights issues.

On 16 December, the General Assembly took note of the High Commissioner’s report (decision 60/533).

Commission action. On 20 April [res. 2005/76], the Commission, welcoming progress achieved in the field of human rights in Sierra Leone, expressed concern at developments that could threaten that progress, including the return of ex-combatants, increasing reports of child trafficking and the plight of amputees and mutilated victims of the conflict in the country. It urged the Government to continue to promote and protect human rights, accord priority attention to the needs of mutilated victims and further strengthen its judicial system. The Commission asked the High Commissioner and the international community to assist the Government in strengthening its capacity to review and update national legislation, particularly relating to women, children and vulnerable groups. The High Commissioner was further asked to report to the General Assembly in 2005, and to the Commission in 2006.

On 25 July, the Economic and Social Council endorsed the Commission’s request to the High Commissioner (decision 2005/276).

Somalia

Commission action. On 21 April [res. 2005/83], the Commission, welcoming the newly established transitional institutions in Somalia among important steps towards a durable solution to the conflict there, condemned the ongoing and widespread human rights violations, the forced recruitment of children for use in the armed conflict and those who obstructed the peace process by persisting with confrontation and violence, including hostage-taking, abduction and murder. It called on the Transitional Federal Government to establish a national commission on human rights to promote and protect rights, combat impunity, bring perpetrators to justice, and integrate human rights standards into national institutions. The High Commissioner was asked to provide for the translation into Somali language and subsequent dissemination within the country of international human rights treaties and the Commission’s current resolution, while the transnational federal institutions were requested to cooperate with the Commission’s mechanisms, particularly its special procedures. The Commission decided to extend the mandate of the independent expert on the situation of human rights in Somalia for a further year and requested him to report to the Commission in 2006.

On 25 July, the Economic and Social Council endorsed the Commission’s requests to the independent expert (decision 2005/281).

Report of independent expert. In response to a 2004 Commission request [YUN 2004, p. 672], the independent expert on the situation of human rights in Somalia, Ghaniim Alnajjar (Kuwait), submitted a March report [E/CN.4/2005/17] covering the period from December 2004 to February 2005, during which he undertook a mission to the country, including visits to Puntland (31 January–2 February) and Somaliland (3-5 February). He observed some optimism towards resolving the border conflict between those two regions, with the authorities undertaking infrastructure projects and NGOs maintaining efforts to address local human rights issues. In Somaliland, where he helped negotiate the release of a 17 year-old girl sentenced to five years’ incarceration for alleged espionage and lying about her clan identity, the expert found a number of other causes for concern, including an increase in police brutality, an alarming trend in juvenile suicides, the forced return of refugees and reports...
of threats to human rights defenders and journalists, to freedom of association and opinion. In Puntland, large-scale illegal fishing by foreign trawlers, complicated by recent droughts, floods and the long-term effects of a ban on livestock infringed on the economic and social rights of the population. In other parts of Somalia, the right to life continued to be violated extensively, owing to continuing insecurity and violence, particularly in the south and most notably in the capital city Mogadishu, where unremitting inter-clan fighting continued in many districts.

The expert noted that the greatest threat to security in Somalia was weapons proliferation, owing mainly to large-scale violations of the arms embargo. Notable violations related to increasing incidents of hostage-taking, which affected the freedom of the press; economic, social and cultural rights; prison conditions; the rights of minorities, including women and children; the rule of law; and the rights of refugees and IDPs. The expert recommended that the Somali authorities accord particular attention to children’s and women’s rights and establish independent institutions to promote and protect human rights. He also proposed that UN bodies study the possibility of establishing an independent organization to protect the endangered Somali coastline and that the Secretary-General and the Security Council establish a committee of independent experts to examine allegations of past violations and related crimes against humanity committed in Somalia. OHCHR should deploy a senior human rights officer to Nairobi, with the possibility of moving to Mogadishu at a later stage, charged with traveling frequently to Somalia to document violations, undertaking human rights advocacy duties and providing expertise when requested.

**Timor-Leste**

Report of High Commissioner. In response to a request contained in a 2004 statement of the Commission’s Chairperson (YUN 2004, p. 677), the High Commissioner reported on technical cooperation in the field of human rights in Timor-Leste (E/CN.4/2005/15). The report summarized the activities of OHCHR and of the Human Rights Unit of the United Nations Mission of Support in East Timor (UNMISET) (see p. 439), which were working together to implement a two-year technical cooperation project with the Government of Timor-Leste. It also discussed other technical assistance activities in the field of capacity-building regarding the justice system, the prisons, strengthening the legislative framework for police operations, monitoring alleged human rights violations by the defence forces of Timor-Leste, the role of a Provedor (ombudsperson with administrative oversight and the task of promoting and protecting human rights), intolerance, access to international human rights instruments, and support to NGOs and other civil society organizations in promoting human rights. In addition, the report examined issues relevant to transitional justice in the country, as well as the human rights situation of vulnerable groups, including women, children, refugees, illegal immigrants and religious minorities. The report noted that, although considerable progress had been made in addressing the human rights situation in Timor-Leste, significant challenges remained. Notable achievements included the fact that the Commission for Reception, Truth and Reconciliation, charged with conducting community reconciliation hearings, successfully completed its work, and that the law establishing a national human rights institution and the office of the Provedor and Justice had been promulgated. On the negative side, however, the post of Provedor was yet to be filled and alleged human rights violations had increased, particularly against women, children and refugees. Also, accountability mechanisms were unclear and inadequate, and the justice system remained weak. In efforts to address some of those problems, OHCHR and the Human Rights Unit of UNMISET had provided human rights training to law enforcement and prison officials, and to civil society and NGOs. Continuing technical assistance was being provided to the Commission for Reception, Truth and Reconciliation, and a technical advisor on human rights treaty reporting had been appointed to assist the Government in preparing its reports under international human rights instruments to which the country was a party. Nonetheless, there was a need for further technical assistance and advisory services to strengthen State institutions and civil society capacities for promoting and protecting human rights, and to ensure their sustainability after the scheduled withdrawal of UNMISET within the year. To that end, the High Commissioner recommended that the international community provide adequate resources to fund the continuation of a technical cooperation programme between OHCHR and the Government. She also addressed a series of recommendations to the Government for improving the human rights situation in the country, including through the expeditious appointment of the Provedor, effective independent monitoring of detention conditions, tackling police misconduct and violations, providing more legal assistance to women and strengthening their access to justice, and expediting the process of reuniting separated children with their families.
Human rights education

World Programme for Human Rights Education


Note by Secretary-General. By a 2 March note [A/59/365/Rev.1], the Secretary-General transmitted, for adoption by the General Assembly, a revised draft plan of action for the first phase (2005-2007) of the World Programme, prepared by OHCHR, in consultation with UNESCO and based on comments received from Member States, in accordance with General Assembly resolution 59/113 [YUN 2004, p. 678]. The revised draft, annexed to the note, addressed issues relating to the context and definition of human rights education. It also considered specific issues concerning the first phase, the implementation strategy at the national level, coordination of implementation efforts, international cooperation and support, and evaluation.

Commission action. On 20 April [res. 2005/61], the Commission, welcoming the High Commissioner’s report (see above), encouraged the Assembly to adopt the revised plan of action for the first phase (2005-2007) of the Programme. It asked OHCHR and UNESCO to disseminate it widely once adopted, and States to implement it. The High Commissioner and UN system bodies were asked to promote and assist in the national implementation of the plan, and the High Commissioner was further asked to report in 2006.

GENERAL ASSEMBLY ACTION

On 14 July [meeting 115], the General Assembly adopted resolution 59/113 B [draft A/59/L.65 & Add.1] without vote [agenda item 105 (b)].

World Programme for Human Rights Education

The General Assembly,
Recalling the relevant resolutions adopted by the General Assembly and the Commission on Human Rights concerning the United Nations Decade for Human Rights Education, 1995-2004,

Convinced that human rights education is a long-term and lifelong process through which everyone learns tolerance and respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Believing that human rights education is essential to the realization of human rights and fundamental freedoms and contributes significantly to promoting equality, preventing conflict and human rights violations and enhancing participation and democratic processes, with a view to developing societies in which all human beings are valued and respected,

Welcoming the proclamation by the General Assembly on 10 December 2004 of the World Programme for Human Rights Education, structured in consecutive phases, which began on 1 January 2005,

1. Adopts the revised draft plan of action for the first phase (2005-2007) of the World Programme for Human Rights Education, which focuses on primary and secondary school systems;

2. Encourages all States to develop initiatives within the World Programme and, in particular, to implement, within their capabilities, the plan of action;

3. Requests the Office of the United Nations High Commissioner for Human Rights, in close cooperation with the United Nations Educational, Scientific and Cultural Organization, to promote the national implementation of the plan of action, provide relevant technical assistance when requested and coordinate related international efforts;

4. Appeals to relevant organs, bodies or agencies of the United Nations system, as well as all other international and regional intergovernmental and non-governmental organizations, within their respective mandates, to promote and technically assist, when requested, the national implementation of the plan of action;

5. Calls upon all existing national human rights institutions to assist in the implementation of human rights education programmes consistent with the plan of action;


Subcommission action. On 11 August [res. 2005/26], the Subcommission recommended that human rights treaty bodies, when examining reports of States parties, devote attention to human rights education, particularly in the framework of the World Programme for Human Rights Education, and that the item be included in the agenda of the annual meeting of the persons chairing the treaty bodies, to enable them to make recommendations on how human rights education could contribute to national capacity-building, aimed at strengthening national human rights protection mechanisms.
**Children and a culture of peace**

**Report of UNESCO Director-General.** In response to General Assembly resolutions 59/142 [YUN 2004, p. 1102] and 59/143 [ibid., p. 679] on the promotion of religious and cultural understanding, harmony and cooperation, and on the International Decade for a Culture of Peace and Non-violence for the Children of the World (2001-2010), proclaimed in 1998 [YUN 1998, p. 639], the Secretary-General transmitted a report [A/60/279] of the UNESCO Director-General on a midterm review of the Decade. The report analysed work undertaken by the UN system, civil society organizations and UNESCO during the past five years. At the national level, UNESCO National Commissions had coordinated culture of peace activities, and 26 of them, representing all regions, had responded to questionnaires on actions taken, progress achieved and remaining challenges. Action in fostering the culture was taken mainly through education programmes, the promotion of sustainable economic and social development, the promotion of respect for human rights and equality between men and women, support for democratic participation, advancement of understanding, tolerance and solidarity, support for participatory communication and free flow of information and knowledge, and promotion of international peace and solidarity. Respondents reported progress in terms of increased children’s access to schools, owing to the improved awareness of parents of the need for basic education; improved health-care services and infrastructure; enhanced involvement of governmental institutions in relevant activities; better participation of citizens in electoral processes; and increased participation of women in decision-making at the local and national levels. A change in mentalities and behaviour was observed in some countries in post-conflict situations, where violence decreased markedly and ex-combatants experienced better integration into civilian society. At the global level, progress included increased civil society awareness of issues relating to a culture of peace and of peaceful conflict resolution. Major obstacles to further progress were political instability and the complexity of violence, exacerbated by a lack of interest and of political support from national and international authorities and the mass media. Other obstacles included the lack of human and financial resources, poverty, male-female inequality in access to education, HIV/AIDS, unemployment, illiteracy, traditional religious beliefs and the lack of political will. Additional reports on the activities undertaken, the progress made and integral problems in promoting the culture were provided by 36 NGOs that had also responded to the questionnaires. In the light of the obstacles highlighted, respondents advocated the development of national and regional plans of action, the creation of national and international coordination mechanisms, better monitoring of the activities carried out by various actors and better information-sharing and communication on issues pertaining to the Decade at all levels. Also needed were better training in conflict resolution and the development of appropriate methodologies of intervention on issues relating to a culture of peace and human rights and better communication and information mechanisms at the national level.

**To maintain visibility and momentum between the midpoint and the completion of the Decade,** the report proposed that a global framework be promoted to integrate the various objectives of the Declaration and Programme of Action on a Culture of Peace, which should launch national, regional or international events to demonstrate the Decade’s objectives, and, among other things, mobilize the requisite resources for those activities. Annexed to the report was a summary of the views of some 700 civil society organizations from over 100 countries, which had responded to the questionnaires regarding the progress made and obstacles towards a culture of peace and non-violence during the first half of the Decade.

**GENERAL ASSEMBLY ACTION**

On 20 October [meeting 36], the General Assembly adopted resolution 60/3 [draft A/60/L.5 & Add.1] without vote [agenda item 43].

**International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010**

The General Assembly,

Bearing in mind the Charter of the United Nations, including the purposes and principles contained therein, and especially the dedication to saving succeeding generations from the scourge of war,

Recalling the Constitution of the United Nations Educational, Scientific and Cultural Organization, which states that, “since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed”,


Reaffirming the Declaration and Programme of Action on a Culture of Peace, recognizing that they serve, inter alia, as the basis for the observance of the Decade, and convinced that the effective and successful observance of the Decade throughout the world will
promote a culture of peace and non-violence that benefits humanity, in particular future generations,

Recalling the United Nations Millennium Declaration, which calls for the active promotion of a culture of peace,

Taking note of Commission on Human Rights resolution 2000/06 of 26 April 2000, entitled “Towards a culture of peace”,

Taking note also of the report of the Secretary-General on the International Decade for a Culture of Peace and Non-Violence for the Children of the World, including paragraph 28 thereof, which indicates that each of the ten years of the Decade will be marked with a different priority theme related to the Programme of Action,

Noting the relevance of the World Summit on Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002, the International Conference on Financing for Development, held in Monterrey, Mexico, from 18 to 22 March 2002, the special session of the General Assembly on children, held in New York from 8 to 10 May 2002, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, and the United Nations Decade for Human Rights Education, 1995-2004, for the International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010, as well as the need to implement, as appropriate, the relevant decisions agreed upon therein,

Recognizing that all efforts made by the United Nations system in general and the international community at large for peacekeeping, peacebuilding, the prevention of conflicts, disarmament, sustainable development, the promotion of human dignity and human rights, democracy, the rule of law, good governance and gender equality at the national and international levels contribute greatly to the culture of peace,

Noting that its resolution 57/337 of 3 July 2003 on the prevention of armed conflict could contribute to the further promotion of a culture of peace,

Taking into account the “Manifesto 2000” initiative of the United Nations Educational, Scientific and Cultural Organization promoting a culture of peace, which has so far received over seventy-five million signatures of endorsement throughout the world,

Taking note with appreciation of the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on the implementation of resolution 2002/143,

Taking note of the 2005 World Summit Outcome adopted at the High-level Plenary Meeting of the General Assembly,

1. Reiterates that the objective of the International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010, is to strengthen further the global movement for a culture of peace following the observance of the International Year for the Culture of Peace in 2000;

2. Invites Member States to continue to place greater emphasis on and expand their activities promoting a culture of peace and non-violence, in particular during the Decade, at the national, regional and international levels and to ensure that peace and non-violence are fostered at all levels;

3. Commends the United Nations Educational, Scientific and Cultural Organization for recognizing the promotion of a culture of peace as the expression of its fundamental mandate, and encourages it, as the lead agency for the Decade, to strengthen further the activities it has undertaken for promoting a culture of peace, including the dissemination of the Declaration and Programme of Action on a Culture of Peace and related materials in various languages across the world;

4. Also commends the relevant United Nations bodies, in particular the United Nations Children’s Fund, the United Nations Development Fund for Women and the University for Peace, for their activities in further promoting a culture of peace and non-violence, including the promotion of peace education and activities related to specific areas identified in the Programme of Action on a Culture of Peace, and encourages them to continue and further strengthen and expand their efforts;

5. Encourages the appropriate authorities to provide education, in children’s schools, that includes lessons in mutual understanding, tolerance, active citizenship, human rights and the promotion of a culture of peace;

6. Commends civil society, including non-governmental organizations and young people, for their activities in further promoting a culture of peace and non-violence, including through their campaign to raise awareness on a culture of peace, and takes note of the progress achieved by more than seven hundred organizations in more than one hundred countries;

7. Encourages civil society, including non-governmental organizations, to further strengthen its efforts in furtherance of the objectives of the Decade, inter alia, by adopting its own programme of activities to complement the initiatives of Member States, the organizations of the United Nations system and other international and regional organizations;

8. Encourages the involvement of the mass media in education for a culture of peace and non-violence, with particular regard to children and young people, including through the planned expansion of the Culture of Peace News Network as a global network of Internet sites in many languages;

9. Welcomes the efforts made by the United Nations Educational, Scientific and Cultural Organization to continue the communication and networking arrangements established during the International Year for providing an instant update of developments related to the observance of the Decade;

10. Invites Member States to observe 21 September each year as the International Day of Peace, as a day of global ceasefire and non-violence, in accordance with resolution 55/282 of 7 September 2001;

11. Invites Member States, as well as civil society, including non-governmental organizations, to continue providing information to the Secretary-General on the observance of the Decade and the activities undertaken to promote a culture of peace and non-violence;

12. Appreciates the participation of Member States in the day of plenary meetings to review progress made in the implementation of the Declaration and Programme of Action on a Culture of Peace and the observance of the Decade at its midpoint;

13. Requests the Secretary-General to explore enhancing mechanisms for the implementation of the
Declaration and Programme of Action on a Culture of Peace;

14. Also requests the Secretary-General to submit to the General Assembly at its sixty-first session a report on the implementation of the present resolution;

15. Decides to include in the provisional agenda of its sixty-first session the item entitled “Culture of peace”.

**National institutions and regional arrangements**

**National institutions for human rights promotion and protection**

**Commission action.** On 20 April [res. 2005/74], the Commission, affirming the important role of national human rights institutions to protect and promote the rights of particularly vulnerable groups, welcomed the decision of a growing number of States to establish such institutions, consistent with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), adopted in General Assembly resolution 48/134 [YUN 1993, p. 899]. Further welcoming the strengthening of cooperation among those institutions, including through the International Coordinating Committee of National Institutions for the promotion and protection of human rights (for which OHCHR served as secretariat), the Commission asked the Secretary-General to assist the Committee’s meetings and to report in 2006 on the process it used to accredit national institutions in compliance with the Paris Principles, and to ensure that the process was strengthened with periodic review. The Secretary-General was further asked to report, also in 2006, on the implementation of the Commission’s resolution. In accordance with the recommendations contained in the Secretary-General’s 2004 report [YUN 2004, p. 681], the Commission asked its Chairperson to finalize by 2006, the modalities for national institutions to participate in the work of the Commission and its subsidiary bodies, and for continuing the practice of issuing documents from those institutions under their own symbol numbers.

**Reports of Secretary-General.** In response to a 2004 Commission request [YUN 2004, p. 680], the Secretary-General, in a January report [E/CN.4/2005/107], discussed ways to enhance the participation of national human rights institutions in the Commission’s work, with the objective of outlining a possible means of strengthening the status of those institutions in international fora, in order to feed national human rights challenges and experiences into the international agenda and to provide for effective follow-up at the national level of related recommendations. Against that background, the report provided a historical overview of calls within the Commission for enhancing the participation of national institutions and described their work, noting that their involvement in the Commission’s work had grown over the years. Nonetheless, their status and the nature of their participation had yet to be formally defined. Issues of particular concern related to their accreditation by the International Coordinating Committee and their compliance with the Paris Principles. The Secretary-General recommended that strengthening the accreditation procedures of the Committee be accorded priority, and the Commission might wish to request that a report be submitted to it on action taken to that effect by the Committee. He also recommended that national institutions be permitted to address substantive issues under various items on the Commission’s agenda other than the items relating to national institutions and regional arrangements, as that would enrich the information provided to the Commission and assist it in making informed decisions. There was also scope for a continued engagement with national institutions through the Subcommission, working groups and various Commission mechanisms, which could help strengthen the Commission’s work. The Commission might wish to put in place a consultative process with OHCHR and the International Coordinating Committee to further explore ways in enhancing the participation of national institutions in that regard.

A later report of the Secretary-General [E/CN.4/2005/108], covering January to December 2005, contained information on the activities undertaken by OHCHR to establish and strengthen national institutions, measures taken by Governments and national institutions in that regard, and cooperation between those institutions and international mechanisms to promote and protect human rights.

During the reporting period, at the request of Governments, OHCHR provided advice and information on activities and issues which might assist national institutions in Afghanistan, Angola, Belgium, Burkina Faso, Burundi, Cameroon, Chile, China, Colombia, the Comoros, the Congo, Côte d’Ivoire, the Democratic Republic of the Congo, Djibouti, El Salvador, Finland, Iraq, Italy, Jordan, the province of Kosovo (Serbia and Montenegro), Lesotho, Liberia, Maldives, Mauritania, Nepal, the Niger, Norway, Pakistan, Qatar, Saudi Arabia, Serbia and Montenegro, Sierra Leone, Sri Lanka, the Sudan, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, the United Kingdom and Uruguay.
national institutions of Afghanistan, Mongolia, Nepal, the Occupied Palestinian Territory, including East Jerusalem, Rwanda and Zambia benefited from the support programmes provided by the National Institutions Unit of OHCHR’s Capacity-Building and Field Operations Branch, often in collaboration with the United Nations Development Programme (UNDP) and UN missions. During its 2005 session (Geneva, 14-15 April), the International Coordinating Committee discussed a paper on early warning mechanisms and agreed to establish a working group with at least one representative from each region to follow up on the commitments made at the Seventh International Conference of National Human Rights Institutions [YUN 2004, p. 681], based on feedback from a questionnaire provided by OHCHR. Support was given to regional initiatives, including the International Conference on National Institutions in the Arab Region (Cairo, Egypt, 6-8 March) (see p. 752), the international seminar on illicit trafficking of migrants and smuggling (Campeche, Mexico, 10-11 March), the fourth annual meeting of the Network of National Institutions of the Americas (12 April), the Asia Pacific Regional Training Programme on Human Rights Investigations (Tagaytay City, the Philippines, 18-22 April), a meeting of the Coordinating Committee of African National Institutions (12 April), the Tenth annual meeting of the Asia Pacific Forum (Ulaanbaatar, Mongolia, 24-26 August), the thirteenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region (Beijing, China, 30 August–2 September), a regional workshop on national human rights institutions and the right to education (Copan, Honduras, 21-23 September), the first congress of the Association francophone des comissions nationales des droits de l’homme on economic, social and cultural rights (Montreal, Canada, 29 September-1 October) and the fifth Conference of African National Institutions (Abuja, Nigeria, 8-10 December). In Europe, OHCHR participated in meetings of the European Coordinating Group of National Human Rights Institutions (Paris, 16 February; Geneva, 12 April) and met with the Commission nationale consultative des droits de l’homme (Paris 6-7 June) to help define a common strategy in establishing and strengthening national human rights institutions in Europe and Central Asia. OHCHR also assisted UN operations in Burundi, Kosovo (Serbia and Montenegro), Liberia, Sierra Leone and the Sudan in addressing issues relating to national human rights institutions and undertook or participated in several national and regional activities to support related initiatives. In November, OHCHR launched the Economic, Social and Cultural Rights: Handbook for National Human Rights Institutions, No. 12 in the Professional Training Series, focusing on the role of those institutions in promoting and protecting economic, social and cultural rights. It also provided support for the International Round Table on National Institutions and the Implementation of Economic, Social and Cultural Rights (New Delhi, India, 29 November–1 December), which adopted the New Delhi Concluding Statement, annexed to the report. Various other initiatives of national institutions supported during the year by OHCHR related to migration, gender, rights of persons with disabilities, indigenous peoples, minorities, HIV/AIDS prevention and related discrimination, the prevention of conflict and of torture, and the Paris Principles.

**GENERAL ASSEMBLY ACTION**

On 16 December [meeting 64], the General Assembly, on the recommendation of the Third Committee [A/60/509/Add.2], adopted resolution 60/154 without vote [agenda item 71 (b)].

**National institutions for the promotion and protection of human rights**

**The General Assembly,**

Recalling its resolutions and those of the Commission on Human Rights concerning national institutions for the promotion and protection of human rights, Welcoming the rapidly growing interest throughout the world in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights, Convincing of the important role that such national institutions play and will continue to play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms, Recognizing that the United Nations has played an important role and should continue to play a more important role in assisting the development of national institutions, Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1995, which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and their role in remedying human rights violations, in disseminating information on human rights and in education in human rights, Recalling also the Beijing Declaration and Platform for Action, in which Governments were urged to create or strengthen independent national institutions for the protection and promotion of human rights, including the human rights of women, Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with same emphasis,
Bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds, and that all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,

Recalling the programme of action adopted by national institutions, at their meeting held in Vienna in June 1993 during the World Conference on Human Rights, for the promotion and protection of human rights, in which it was recommended that United Nations activities and programmes be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

Noting the valuable role played and contributions made by national institutions in United Nations meetings dealing with human rights and the importance of their continued appropriate participation,

Welcoming the strengthening in all regions of regional cooperation among national human rights institutions and between national human rights institutions and other regional human rights forums,

Noting with appreciation the existence of the regional human rights networks in Europe, and the continuing work of the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia Pacific Forum of National Human Rights Institutions and the Coordinating Committee of African National Human Rights Institutions,

Welcoming the strengthening of international cooperation among national human rights institutions, including through the International Coordinating Committee of National Institutions,

1. Welcomes the report of the Secretary-General;

2. Reaffirms the importance of the development of effective, independent and pluralistic national institutions for the promotion and protection of human rights, in keeping with the principles relating to the status of national institutions for the promotion and protection of human rights (“the Paris Principles”), contained in the annex to resolution 48/134 of 20 December 1993;

3. Reiterates the continued importance of the Paris Principles, recognizes the value of further strengthening their application, where appropriate, and encourages States, national institutions and other interested parties to consider ways to achieve this;

4. Recognizes that, in accordance with the Vienna Declaration and Programme of Action, it is the right of each State to choose the framework for national institutions that is best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards;

5. Also recognizes that national institutions have a crucial role to play in promoting and ensuring the indivisibility and interdependence of all human rights, and calls upon States to ensure that all human rights are appropriately reflected in the mandate of their national human rights institutions when established;

6. Encourages Member States to establish effective, independent and pluralistic national institutions or, where they already exist, to strengthen them for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action;

7. Welcomes the growing number of States establishing or considering the establishment of national institutions for the promotion and protection of human rights;

8. Encourages national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

9. Notes with satisfaction the efforts of those States that have provided their national institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

10. Requests the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions as part of the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights;

11. Urges the Secretary-General to continue to assist Member States for assistance in the establishment and strengthening of national human rights institutions, in view of the expanded activities relating to national institutions, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national human rights institutions, and invites Governments to contribute additional funds to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights for that purpose;

12. Commends the high priority given by the Office of the United Nations High Commissioner for Human Rights to work on national institutions, encourages the High Commissioner, in view of the expanded activities related to national institutions, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national human rights institutions, and invites Governments to contribute additional funds to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights for that purpose;

13. Welcomes the establishment of a national institutions website as an important vehicle for the delivery of information to national institutions and also the launch of a database of comparative analysis of procedures and methods of complaint-handling by national human rights institutions;

14. Notes with appreciation the increasingly active and important role of the International Coordinating Committee of National Institutions, in close cooperation with the Office of the United Nations High Commissioner for Human Rights, in assisting Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

15. Also notes with appreciation the holding of regular meetings of the International Coordinating Committee of National Institutions and the arrangements for the participation of national human rights institutions in the annual sessions of the Commission on Human Rights;

16. Requests the Secretary-General to continue to provide the necessary assistance for holding meetings of the International Coordinating Committee of National Institutions during the sessions of the Commission on Human Rights, in cooperation with the Office of the United Nations High Commissioner for Human Rights;

17. Welcomes the continuation of the practice of national institutions convening regional meetings in some
regions, and its initiation in others, and encourages national institutions, in cooperation with the United Nations High Commissioner for Human Rights, to organize similar events with Governments and non-governmental organizations in their own regions;

18. Requests the Secretary-General to continue to provide, including from the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for holding international and regional meetings of national institutions;

19. Recognizes the important and constructive role that civil society can play, in cooperation with national institutions, for better promotion and protection of human rights;

20. Expresses its appreciation to those Governments that have contributed additional resources for the purpose of the establishment and strengthening of national human rights institutions;

21. Encourages all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of national institutions;

22. Encourages all United Nations entities, funds and agencies to work in close cooperation with national institutions in the promotion and protection of human rights, and in this regard welcomes efforts made through the action 2 initiative of the Secretary-General;

23. Requests the Secretary-General to report to the General Assembly at its sixty-second session on the implementation of the present resolution.

Regional arrangements

Commission action. On 20 April [res. 2005/73], the Commission, welcoming the progress made in establishing regional and subregional arrangements for promoting and protecting human rights, requested OHCHR to pay special attention to the most appropriate ways of assisting countries. The Secretary-General was asked to include in his 2006 report to the General Assembly information on progress made in reinforcing information sharing and collaboration between UN organs and regional organizations since the adoption of the Vienna Declaration and Programme of Action by the 1993 World Conference [YUN 1993, p. 908]. The Secretary-General was further asked to report to the Commission in 2007.

Report of Secretary-General. In response to a 2003 Commission request [YUN 2003, p. 683], the Secretary-General submitted a report [E/CN.4/2005/104] focusing on the regional strategies of OHCHR and the most significant developments since 2003. During the reporting period, OHCHR systematically pursued regional and subregional approaches to human rights promotion, through a variety of complementary means and methods, including by concluding cooperative agreements with UN agencies and regional institutions, undertaking joint regional projects, sponsoring or organizing consultations and dialogues, and out-posting regional and subregional representatives.

In Africa, OHCHR focused on a subregional approach in East, Central, Southern and West Africa, where consultations and dialogues on priority issues had continued with various sectors of African society producing tangible results and providing guidance to Governments, regional organizations and NGOs, and better links to the New Partnership for Africa’s Development (NEPAD) (see p. 1003), the African Union and other subregional groups. In particular, OHCHR continued to support the African Union’s efforts to strengthen its human rights system and to ensure subregional representation to enhance national and subregional human rights capacities. In the Arab region, OHCHR had developed cooperative projects with several countries in the area and had identified key issues of common concern, including human rights awareness-raising, civil society networking and training, and the need to translate human rights materials into Arabic. A joint regional project with UNDP on those issues was under way. In cooperation with regional organizations and UN Country Teams, the OHCHR Beirut-based Regional Office for the Arab Region continued to undertake activities to enable OHCHR to strengthen partnerships outside the UN system and to respond better to the human rights needs and priorities of the regional States, particularly with regard to the issues of mainstreaming human rights in development programmes and strengthening civil society organizations through capacity-building, training and participation in national and regional activities. In follow-up to the adoption of the Arab Charter on Human Rights [YUN 2004, p. 681], OHCHR planned to develop a broader technical cooperation programme, in collaboration with the League of Arab States, and intended to enhance its human rights capacities. In Asia and the Pacific, OHCHR had undertaken numerous activities that helped reinforce regional cooperation for promoting and protecting human rights in four priority areas, including national human rights action plans; national human rights institutions; human rights education; and strategies for the realization of economic, social and cultural rights and the right to development. Consultations continued with Governments, aimed at the possible establishment of regional human rights arrangements. The Bangkok-based OHCHR Regional Representative, primarily charged to facilitate exchange of information and experiences in the region, maintained efforts to help the UN system and civil society assist Governments to better protect human rights. A project on “Human rights approach to development—lessons
learned", initiated by the Representative’s Office, was expected to be concluded during the year. In the context of the Asia-Pacific framework, consultations were also held with governments, supported by national human rights institutions and civil society organizations, which were aimed at the possible establishment of regional arrangements.

In Europe, Central Asia and the Caucasus, OHCHR further intensified its cooperation with regional organizations, including the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE) and the European Union. Its activities in that regard reflected the contents of the UN human rights programme, as highlighted in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights [YUN 1993, p. 908]. OHCHR maintained efforts to consolidate subregional approaches by establishing programmes for Central Asia and South-East Europe, and by conducting planning activities for the Caucasus. That approach, intended to complement the work of UN agencies, regional organizations and other international actors in the region, focused on key human rights gaps not covered by the mandates of those organizations. The implementation of a four-year regional human rights project, which OHCHR had initiated in Central Asian States (Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan) in 2004 [YUN 2004, p. 682], continued, aimed at raising public understanding of human rights.

In Latin America and the Caribbean, OHCHR continued to support the establishment and strengthening of the Network of National Human Rights Institutions of the Americas, particularly its meetings and seminars on specific issues, including the rights of indigenous peoples, the rights of persons with disabilities and the prevention of torture. Such meetings enabled the exchange of experiences and best practices among national human rights institutions in the region, and also helped strengthen cooperation among them.

Conference. During the year, OHCHR, in cooperation with Egypt’s National Council for Human Rights, UN/GA and the League of Arab States, organized a regional conference on human rights institutions in the Arab world (Cairo, Egypt, 6-8 March) (see p. 749) [E/CN.4/2005/G/34], which discussed, among other things, ways of promoting respect for human rights in the region. The conference adopted the Cairo Declaration, by which the participants, including delegations from 17 Arab States, emphasized the importance of promoting and protecting human rights. They affirmed the special value of the role of national human rights institutions and encouraged regional States that had not done so to establish such institutions. They also stressed the need for inter-Arab cooperation on human rights and called on Arab Governments to speed up the process for ratifying and implementing the Arab Charter on Human Rights and other international human rights instruments. The Conference also adopted a number of recommendations designed to strengthen human rights in the region.

Africa

In September [A/60/353], the Secretary-General submitted a report on the Subregional Centre for Human Rights and Democracy in Central Africa, based in Yaoundé, Cameroon. On 27 January, the Centre, in collaboration with civil society organizations, launched in Cameroon’s police stations the United Nations campaign for the dissemination of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [YUN 1984, p. 815, GA res. 39/46]. As part of its training activities, the Centre helped organize seminars on human rights and indigenous women in Central Africa (Yaoundé, Cameroon, 3 February) and on the role of civil society in the implementation of the Durban Declaration and Programme of Action adopted at the 2001 World Conference on racism [YUN 2001, p. 615] (Yaoundé, Cameroon, July). It collaborated with the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the Rwandan Government to organize for civil society representatives from the Economic Community of Central African States (ECCAS) a capacity-building workshop (Rwanda, 27-29 June) on the role of civil society in the fight against discrimination and stigmatization of people living with HIV/AIDS, which ended with the adoption of a declaration and code of conduct and the establishment of a network of activists on the disease in that subregion. It also partnered with the UN Resident Coordinator in Equatorial Guinea to organize a two-day working session (Malabo, Equatorial Guinea, June) on follow-up to human rights training projects it had designed for the country, scheduled to be implemented during 2005 and 2006. Under the Centre’s internship programme, the fourteenth group of interns comprising lawyers and human rights activists with outstanding records, drawn from Burundi, the Congo, the Democratic Republic of the Congo, Kenya, Germany and the United States, completed their training, bringing to 42 the total number of such interns trained by the Centre. The Centre also undertook a variety of other activities in support of peace processes, conflict prevention and early warning projects, and elec-
toral processes. In addition, it disseminated information on human rights through its publications, continued to provide advice and technical assistance to ECCAS and collaborated with UN agencies to support efforts to promote and protect human rights in the Central African subregion. The report concluded that OHCHR, through the Centre, had helped increase recognition of the need to uphold and promote human rights and democratic principles by various stakeholders in the subregion. Given increasing regular requests to the Centre for technical assistance, additional funds should be envisaged to enable it to respond effectively.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 64], the General Assembly, on the recommendation of the Third Committee [A/60/509/Add.2], adopted resolution 60/151 without vote [agenda item 71 (b)].

Subregional Centre for Human Rights and Democracy in Central Africa

The General Assembly,
Recalling its resolution 55/105 of 4 December 2000 concerning regional arrangements for the promotion and protection of human rights,
Recalling also its resolution 59/183 of 20 December 2004 on the Subregional Centre for Human Rights and Democracy in Central Africa,
Recalling that the World Conference on Human Rights recommended that more resources be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,
Recalling also the report of the High Commissioner,
Taking note of the holding of the twenty-second ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa in Brazzaville from 14 to 18 March 2005,
Taking note also of the report of the Secretary-General,
Welcoming the 2005 World Summit Outcome, in particular the conclusion therein to double the regular budget of the Office of the High Commissioner over the next five years,
1. Welcomes the activities of the Subregional Centre for Human Rights and Democracy in Central Africa at Yaoundé;
2. Notes with satisfaction the support provided for the establishment of the Centre by the host country;
3. Requests the Secretary-General and the United Nations High Commissioner for Human Rights to provide additional funds and human resources to enable the Centre to respond positively and effectively to the growing needs in the promotion and protection of human rights and in developing a culture of democracy in the Central African subregion;
4. Requests the Secretary-General to submit to the General Assembly at its sixty-first session a report on the implementation of the present resolution.

Asia and the Pacific

Note by Secretariat. A January note of the Secretariat [E/CN.4/2005/105] informed the Commission that the thirteenth Annual Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region, initially scheduled to take place in February, had been postponed due to the effects of the December 2004 tsunami on many of the participating countries. The Secretary-General, who had been requested in a 2004 Commission resolution [YUN 2004, p. 684] to report in 2005 on the workshop’s outcome, would submit the requested report at the conclusion of the workshop.

Commission action. On 20 April [res. 2005/71], the Commission requested the Secretary-General to submit a report in 2006 containing the conclusions of the thirteenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region and information on the progress made in implementing its current resolution.

Report of Secretary-General. In December [E/CN.4/2006/100], the Secretary-General reported on the outcomes of the thirteenth Annual Workshop on Regional Cooperation in the Asian and Pacific Region (Beijing, China, 30 August–2 September), which reviewed the four pillars under the Framework of Regional Technical Cooperation Programme for Asia and the Pacific (Tehran Framework), adopted in 1998 [YUN 1998, p. 641], future directions for the Framework and recent regional and subregional human rights initiatives. In addition, the Workshop held an in-depth thematic discussion on human rights and human trafficking, in accordance with the conclusions of the twelfth Workshop [YUN 2004, p. 684] and also discussed progress achieved since then, reviewed three intersessional regional and subregional workshops, and examined the report of the ninth annual meeting of the Asia-Pacific Forum (Seoul, Republic of Korea, 14–17 September). The Workshop adopted conclusions addressing needs and challenges relating to the implementation of national human rights plans of action and capacity-building; human rights education; national human rights institutions; the realization of the right to development and of economic, social and cultural rights; and human rights and human trafficking.

In a later addendum [E/CN.4/2006/100/Add.1], the Secretary-General reported on the conclusions and recommendations of the Expert Meet-
and their protection, contained in international human rights instruments, rights and should reinforce universal human rights, as fundamental role in promoting and protecting human ment, political and social, including the right to development and Programme of Action of 1993, and the universal human rights institutions and civil society, and addressed a series of recommendations to Governments and the United Nations. The report also outlined the conclusions of the 2004 sub-regional workshop for judges and lawyers on the justiciability of economic, social and cultural rights in South-East Asia [YUN 2004, p. 682].

South West Asia and the Arab region

On 16 December [meeting 64], the General Assembly, on the recommendation of the Third Committee [A/60/509/Add.2], adopted resolution 60/153 without vote [agenda item 71 (b)].

Establishment of a United Nations human rights training and documentation centre for South-West Asia and the Arab region

The General Assembly,

Guided by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling the Vienna Declaration and Programme of Action of 1993, which reiterated the need to consider the possibility of establishing regional and sub-regional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling also its resolutions 32/127 of 16 December 1977, 51/102 of 12 December 1996 and all its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling further Commission on Human Rights resolution 1993/31 of 9 March 1993 and all its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling the report of the Secretary-General on regional arrangements for the promotion and protection of human rights,

Reaffirming its endorsement of the Vienna Declaration and Programme of Action of 1993, and the universality, indivisibility, interdependence and interrelatedness of all human rights, economic, civil, cultural, political and social, including the right to development,

Reaffirming also that regional cooperation plays a fundamental role in promoting and protecting human rights and should reinforce universal human rights, as contained in international human rights instruments, and their protection,

Committed to enhancing subregional, regional and international cooperation to promote universal respect for and observance of human rights and fundamental freedoms, in conformity with international obligations,

Convinced that cooperation between the United Nations and regional initiatives in the field of human rights continues to be both substantive and supportive and that possibilities exist for increased cooperation,


Recognizing that human rights education can play a crucial role in enhancing respect for human rights and fundamental freedoms and can contribute to the promotion of human rights, the achievement of a culture of peace, in particular the teaching of the practice of non-violence, and respect for the rule of law,

Noting the endorsement and the support expressed by the Council of the League of Arab States and the member States of the Gulf Cooperation Council and in the Brasilia Declaration adopted at the South American and Arab Countries Summit for the initiative of the State of Qatar to host a United Nations centre for human rights for South-West Asia and the Arab region,

Noting also Commission on Human Rights resolutions 2005/71 and 2005/73 of 20 April 2005 welcoming the offer by the Government of Qatar to host a United Nations centre for human rights for South-West Asia and the Arab region,

Noting further the support expressed at the thirteenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region, held in Beijing from 30 August to 2 September 2005, for the initiative of the State of Qatar to host a United Nations centre for human rights for South-West Asia and the Arab region,

Mindful of the vastness of and the diversity within South-West Asia and the Arab region,

1. Takes note with satisfaction of the continuing cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights in the further strengthening of the existing regional arrangements and regional machineries for the promotion and protection of human rights, in particular through technical cooperation which is aimed at national capacity-building, public information and education, with a view to exchanging information and experience in the field of human rights;

2. Welcomes the initiative of the Government of Qatar to host a United Nations human rights training and documentation centre for South-West Asia and the Arab region, which will be under the supervision of the Office of the High Commissioner, with the mandate to undertake training and documentation activities according to international human rights standards and to support such efforts within the region by Governments, United Nations agencies and pro-
grammes, national human rights institutions and non-governmental organizations;

3. Requests the Secretary-General and the Office of the High Commissioner to give their support to the establishment of a United Nations human rights training and documentation centre for South-West Asia and the Arab region, to conclude an agreement with the host country regarding its establishment and to make available resources for the establishment of the centre;

4. Requests the Secretary-General to submit to the General Assembly at its sixty-first session a report on the implementation of the present resolution;

5. Decides to consider the question further at its sixty-first session.

Cooperation with human rights bodies

Report of Secretary-General. A report of the Secretary-General [E/CN.4/2005/31] described situations in which persons or NGO members had allegedly suffered intimidation or reprisals for having cooperated with UN human rights bodies regarding human rights violations.

Commission action. On 14 April [res. 2005/9], the Commission urged Governments to refrain from intimidating persons who sought to cooperate or had cooperated with representatives of UN human rights bodies; persons who availed themselves of UN procedures and who had provided legal assistance to them for that purpose; those who submitted communications under procedures established by human rights instruments; and relatives of victims of human rights violations. It requested representatives of UN human rights bodies to help prevent such intimidation and to include in their reports allegations of intimidation or reprisals and of hampering access to UN human rights procedures, and an account of the action they had taken. The Secretary-General was asked to draw the attention of UN human rights treaty bodies to the Commission’s resolution and to report in 2006.