Chapter III

Human rights violations

Alleged violations of human rights and international humanitarian law in a number of countries were examined in 2005 by the General Assembly, the Economic and Social Council, the Commission on Human Rights and its Subcommission on the Promotion and Protection of Human Rights, and by Special rapporteurs, special representatives of the Secretary-General and independent experts appointed to examine allegations.

General aspects

In accordance with a procedure established by Economic and Social Council resolution 1503 (XIV/III) (1503 procedure) [YUN 1970, p. 530] to deal with communications alleging denial or violation of human rights, the Working Group on Situations of the Commission on Human Rights, in closed meetings on 24 March and 1 April, examined human rights situations in Honduras, Kyrgyzstan and Uzbekistan, to decide whether or not to refer any of those situations to the Commission. The Commission decided to discontinue consideration of the situation on human rights in Honduras and to keep those in Kyrgyzstan and Uzbekistan under review. It appointed an independent expert to report to it on Uzbekistan, in accordance with the 1503 procedure and Council resolution 2000/3 [YUN 2000, p. 596]. Subsequently, Michèle Picard (France) was appointed independent expert.

(For information on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms, see p. 792.)

Africa

(For information on the human rights situation in Burundi, see p. 735; Chad, p. 736; the Democratic Republic of the Congo, p. 736; Liberia, p. 740; Sierra Leone, p. 742; and Somalia, p. 743.)

Sudan


Commission action. On 21 April [E/2005/23 (res. 2005/82)], the Commission on Human Rights condemned the continuing violation of human rights and international humanitarian law in the Sudan, including sexual violence against women and girls, the destruction of villages and widespread displacement and attacks against civilians by all parties, particularly the Janjaweed and other militias. Emphasizing the need to control, disarm and disband the militias and to bring those responsible for human rights violations to justice, the Commission also condemned violations of the N’Djamena Humanitarian Ceasefire Agreement [YUN 2004, p. 235] and their impact on humanitarian efforts. It called on all parties to observe the humanitarian ceasefire and grant safe and unhindered humanitarian access to the Darfur region and elsewhere in the country; cease all acts of violence and protect women and girls from sexual and other forms of violence; respect the rights of refugees and internally displaced persons (IDPs), including their right of voluntary return in safety and dignity; cooperate with relevant human rights bodies and mechanisms of the African Union (AU) and the United Nations; prevent the recruitment of children as soldiers and combatants; refrain from the use of landmines; and stop the abduction and murder of relief workers by armed groups. The Government of the Sudan was called upon to investigate human rights violations, bring the perpetrators to justice and end impunity for crimes committed in Darfur; enhance access to the courts for all victims of human rights violations; and strengthen the independence and impartiality of the judiciary. The Commission also called on the international community to expand support for
the AU’s efforts and activities aimed at bringing peace to the Sudan and to continue relief assistance to the affected population in Darfur. The High Commissioner was requested to increase and speed up the deployment of human rights monitors in Darfur to complement the mission in the Sudan and to increase technical assistance and advisory services to the Government, with a view to enhancing the national human rights capacity. The Commission appointed for one year, a special rapporteur on the situation of human rights in the Sudan, who, with the Secretary-General’s assistance, monitor the situation and submit an interim report to the General Assembly in 2005 and a report to the Commission in 2006.

On 25 July, the Economic and Social Council approved the Commission’s decision to establish the mandate of a Special Rapporteur, as well as its requests to the Special Rapporteur and the Secretary-General (decision 2005/280).

In July, Sima Samar (Afghanistan) was appointed as the Special Rapporteur.

**Note by Secretary-General.** By a 20 September note (A/60/356), the Secretary-General informed the General Assembly that the Special Rapporteur was scheduled to visit the Sudan in October (see below) and would, therefore, not be able to submit a written report, which the Commission had called for in resolution 2005/82 (see p. 883). She would, however, make an oral presentation.

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

**Reports of Special Rapporteur.** The Special Rapporteur, Ms. Samar, undertook her first visit to the Sudan (15-22 October) (E/CN.4/2006/111) to gather information on the human rights situation and on the Government’s action to promote and protect those rights. Among the issues of concern she addressed were: alleged violations of the rights to life and physical integrity; women’s rights and gender-based violence; physical abuse in State custody; the denial of fair trial standards and detention conditions; impunity, transitional justice and justice in Darfur; rebuilding the entire justice system; the death penalty; forced recruitment of children and forced relocations; economic, social and cultural rights; freedom of association, freedom of expression and the media; national security, power and practice; reconciliation and reparations in Darfur; and the efforts of the United Nations Mission in the Sudan to promote human rights.

The Special Rapporteur concluded that the framework for the protection and promotion of human rights had improved through the signing of the Comprehensive Peace Agreement between the north and the south (see p. 301), the establishment of the Government of National Unity and the Government of southern Sudan, and the adoption of the interim national constitution and the constitution of South Sudan, both of which guaranteed human rights and fundamental freedoms. However, despite the optimism generated by those positive developments, there was no significant improvement in the human rights situation. While peace talks progressed, the conflict in the Darfur region continued.

Effective action was not taken to disarm the Government-backed militia or Janjaweed, and none of the serious crimes committed during the 2004 conflict had been seriously investigated, nor were the perpetrators brought to justice. Immunities in place for security forces had not been repealed, the state of emergency laws were maintained in certain areas, and security agents continued to detain and torture persons suspected of crimes. Access to detention facilities was generally denied and new laws were introduced limiting freedoms of expression and association. Discrimination and the marginalization of groups persisted and basic human rights such as access to food, shelter, health care and education were not guaranteed, while humanitarian aid was looted or blocked from being delivered.

The Special Rapporteur recommended that all parties to the conflict respect international humanitarian and human rights law, particularly regarding the protection of civilians and the recruitment and use of child soldiers. The Government of National Unity should undertake, as a priority, a comprehensive law reform to ensure conformity with the interim national constitutions and international human rights law, focusing on legislation regulating the police, armed forces, the press, non-governmental organizations (NGOs) and criminal law. The Special Rapporteur proposed to the Government a series of other measures designed to strengthen the national justice system and to prevent and/or deter further human rights violations. Other recommendations called for a civilian police presence in all displaced persons’ camps and returnees’ villages and enjoined Member States and the international community to provide financial, logistical and other support to the AU Mission in the Sudan, and to the Government and people in creating a non-violent society that respected human dignity. Rebel groups were asked to prevent and punish human rights abuses and violations of international humanitarian law by their commanders and combatants.

The Special Rapporteur, in a 27 October oral report to the Third (Social, Humanitarian and Cultural) Committee (A/C.3/60/SR.26), highlighted several positive developments in the pol-
itical process in the Sudan, but noted that the implementation of the Comprehensive Peace Agreement was encountering serious delays, as the Commission established to monitor the process had not yet been set up. Also, national legislation had not been harmonized with the interim national constitution, which recognized international human rights standards. Thus, the people of the Sudan had seen little change in their everyday life since the formation of the Government of National Unity. Civilians were being harassed and killed in villages and camps for IDPs in all three regions of Darfur, where sexual violence was committed with impunity. Although the Government was addressing the issue, there had not been any tangible results. Pointing out that it was unclear whether the Government was truly committed to bringing the perpetrators of human rights violations to justice, the Special Rapporteur made a series of recommendations to the Sudanese authorities and the international community for the effective protection of human rights throughout that country, particularly regarding IDPs and women.

In response, the representative of the Sudan promised his country’s full cooperation with the Special Rapporteur, as confirmation of his country’s commitment to work through multilateral diplomatic channels for the protection and enhancement of human rights. The conflict in Darfur had adversely affected the humanitarian situation and caused suffering to the people there, but the Government was taking steps to alleviate the situation, including through the establishment of a special criminal court in Darfur (see p. 326) to try human rights violators and national committees to investigate cases of violence against women.

(For information on the visit to the Sudan by the Representative of the Secretary-General on internally displaced persons, see p. 809.)

Communications. The Sudan, in a follow-up to its 2004 communication announcing the establishment by its President of a Commission of Inquiry into alleged human rights violations by armed groups in Darfur [YUN 2004, p. 804], circulated, on 28 January, a summary of the Commission’s findings [E/CN.4/2005/G/1]. It also announced on 8 March, the subsequent creation of three committees on judicial investigation, damage assessment and administrative issues to address the implementation of the Commission’s recommendations [E/CN.4/2005/G/17].

On 1 March, the Government of the Sudan circulated its plan for disarming armed militias in the Darfur region [E/CN.4/2005/G/15], and, on 8 March, issued information concerning the subversive and criminal activities of rebel movements in that region [E/CN.4/2005/G/16].

Americas

(For information on the human rights situation in Haiti, see p. 740.)

Colombia

The Commission’s Chairperson, in a 22 April statement [E/2005/23], said the Commission was concerned about the situation of human rights and international humanitarian law in Colombia, particularly regarding vulnerable groups. It reported violations of the rights to life, personal integrity, freedom and security, due process, privacy and intimacy, as well as alleged breaches of the fundamental freedoms of movement, residence, opinion and expression.

Concerns were also expressed over problems relating to the justice system, including access to justice and judicial independence/impartiality; the role of unverified information from informants; breaches of international humanitarian law by security agents; and the increasing number of IDPs. In particular, the Commission condemned massacres and cruel violence in the country, especially the murder in February of eight members of the Community of Peace of San José de Apartadó (citizens who sought to separate themselves from the conflict), terrorism and other criminal attacks by illegally armed groups, the recruitment by those groups of a large number of children, kidnapping, violations of the rights of minorities and indigenous communities, and of women and girls.

The Commission, stressing its support for the Government’s efforts to establish the rule of law throughout the country, urged dialogue and negotiations between the Government and all illegally armed groups, emphasized the importance of truth, justice and reparation in a comprehensive peace strategy and requested the Government to ensure the investigation of complaints relating to forced disappearances. The Commission stressed the need to further address poverty, exclusion, social injustice and the gap in wealth distribution and called on the Government to ensure that the recommendations of the High Commissioner were implemented swiftly. The High Commissioner was asked to report in 2006.

Report of High Commissioner. The High Commissioner’s report on the 2005 human rights situation in Colombia, based on information
gathered by the Office of the High Commissioner for Human Rights in Colombia (OHCHR/ Bogotá) [E/CN.4/2006/9 & Corr. 1, 2], stated that OHCHR continued to cooperate with and assist the Government of Colombia to improve the protection and promotion of human rights, particularly through its contacts with State authorities, civil society organizations, NGOs, churches, the media and diplomatic representatives, and a May visit to that country by the High Commissioner. During the year, the Office undertook 300 observation missions and received 2,405 complaints, of which 1,789 were related to violations of human rights and/or breaches of international humanitarian law.

According to the High Commissioner, the human rights situation in Colombia was marked by grave violations of civil and political rights and unresolved challenges affecting economic, social and cultural rights. Extrajudicial executions and enforced disappearances persisted with impunity, as did arbitrary detentions, torture and other cruel, inhuman or degrading treatment and attacks on the freedom of expression. While such violations were not a deliberate State policy, they were difficult to deal with, owing to the failure of the authorities to recognize them as violations and the inadequacy of remedial action. The related issue of poverty affecting over half of the Colombian population, particularly ethnic groups, women and children, reflected a high degree of inequity, especially regarding the enjoyment of the rights to education, health, employment and housing. Illegally armed groups, especially the Revolutionary Armed Forces of Colombia–People’s Army (FARC-EP) and the paramilitaries of the Autodefensas Unidas de Colombia (United Self-Defence Forces of Colombia) (AUC), continued to commit serious breaches of humanitarian rules, such as attacks on the civilian population. Most affected were vulnerable groups, including human rights defenders, displaced persons, trade unionists, ethnic minorities, journalists, leaders of political parties, conscientious objectors, detainees and local authorities. The situation was exacerbated by challenges relating to the demobilization of over 11,100 persons released by paramilitary groups since 2003. Not only was the legal framework for the demobilization exercise incompatible with international principles, it conferred certain benefits to most demobilized persons, including pardon, and did not adequately address the problem of the State’s responsibility in crimes committed by paramilitaries. In addition, there was no mechanism to ensure the dismantling of illegal structures, thereby enabling the paramilitaries to maintain their strong influence in many regions in the country.

While encouraging the national authorities to implement her previous recommendations, the High Commissioner addressed 26 additional proposals to the Government, the illegally armed groups operating in the country, operatives of Colombia’s internal justice system and human rights mechanisms, civil society representatives and the international community regarding prevention and protection measures, the internal armed conflict, the rule of law and impunity, economic and social policies, the promotion of a human rights culture and OHCHR’s advisory and technical cooperation services.

Communication. On 1 April [E/CN.4/2005/G/29], Colombia, in its observations on the content of the High Commissioner’s report, stated that the importance the Government attached to human rights in that country was reflected by its inclusion in the 2002-2006 national development plan adopted in 2003, as well as in the adoption of a specific Government policy containing nine guiding principles, the implementation of which was being coordinated by the Office of the Vice President. However, while the Government appreciated the fact that the High Commissioner’s report had acknowledged the progress made in guaranteeing human rights in Colombia, it did not accept a number of other observations contained therein.

(For information on a visit to Colombia by the Working Group on Enforced or Involuntary Disappearances, see p. 811.)

Cuba

Report of Personal Representative. In a report to the Commission [E/CN.4/2006/53], the High Commissioner’s Personal Representative, Christine Chanet (France), reviewed factors hindering the realization of human rights in Cuba, especially the impact of the economic, trade and financial embargo (see p. 394) on economic, social and cultural rights. She noted that the restrictions imposed by the embargo had deprived Cuba of vital access to medicines and related technology, food, chemical water-treatment and electricity and had led to the adoption by the Cuban authorities of repressive laws, under which some Cuban citizens were described as mercenaries and subject to punishment. The difficulties facing the population as a result of the embargo had been compounded since 2004 by the tightening of economic and financial restrictions imposed by the United States.

Despite positive efforts by the Government to maintain a sound health system, improve the
quality of education and literacy rates, combat discrimination against women and promote human rights, issues of concern remained, primarily about the continuing detention of some 80 persons, including journalists, writers, human rights defenders, politicians and opposition trade unionists arrested since March/April 2003. Annexed to the report was a list of those persons who remain imprisoned. Most of the victims had supported changing the electoral system and other legislative reforms. In 2005, more people were arrested and convicted for openly expressing dissenting political opinions and the Working Group on Arbitrary Detention (see p. 799) reported that 60 persons remained in arbitrary detention. The Personal Representative was alarmed at allegations of ill-treatment in detention facilities. Several prisoners had been on hunger strike and the European Union had issued an appeal in favour of three of the affected prisoners.

The Personal Representative recommended that the Cuban Government halt the prosecution of citizens exercising rights guaranteed under the Universal Declaration of Human Rights, adopted by the General Assembly in resolution 217 A (III) [YUN 1948-49, p. 553]; release detained persons who had not committed acts of violence against individuals or property; review laws which had led to criminal prosecutions of persons exercising their freedom of expression, demonstration, assembly and association; uphold, without exception, the moratorium on the application of the death penalty; reform the rules of criminal procedure; establish a standing independent body to receive complaints from persons whose rights had been allegedly violated; review the regulations relating to travel into and out of Cuba in order to guarantee the freedom of movement; authorize NGOs to enter Cuba; foster pluralism in respect of associations, trade unions, the media and political parties; and accede to the International Covenant on Civil and Political Rights and its Optional Protocols and to the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly in resolution 2200 A (XXI) [YUN 1966, pp. 425 & 481], as well as the former Covenant’s Second Optional Protocol, aimed at the abolition of the death penalty, adopted by Assembly resolution 44/128 [YUN 1989, p. 484].

Commission action. On 14 April [res. 2005/12], the Commission, by a recorded vote of 21 to 17, with 15 abstentions, invited the Personal Representative to report on the current situation of human rights in Cuba, as addressed in previous Commission resolutions.

A draft resolution [E/CN.4/2005/L.94/Rev.1], introduced in the Commission on 21 April, would have requested the United States to authorize an impartial and independent fact-finding mission by the Commission’s special procedures on the situation of detainees at the United States naval base in Guantánamo Bay, Cuba, as well as the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the question of torture and other cruel, inhuman and degrading treatment or punishment, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and the Special Rapporteur on the independence of judges and lawyers to visit the detention centres at the base. The resolution would have also requested the High Commissioner to report in 2006 on the situation of detainees there, based on the findings of the visits, which would have been conducted by the designated special procedures. By a recorded vote of 22 to 8, with 23 abstentions, taken at the request of the United States, the draft resolution was rejected.


Asia

(For information on the human rights situation in Afghanistan, see p. 733; Cambodia, p. 735; and Timor-Leste, p. 744.)

Democratic People’s Republic of Korea

Note by Secretariat. In response to a 2004 Commission request [YUN 2004, p. 807], a note by the Secretariat [E/CN.4/2005/92] described efforts to provide human rights advisory services to the Democratic People’s Republic of Korea (DPRK). In that context, OHCHR had explored ways of initiating technical cooperation with DPRK, but was yet to receive a response from the Government to its proposals on the subject.

In a 28 February response [E/CN.4/2005/G/13], DPRK stated that it rejected the 2004 Commission resolution [YUN 2004, p. 807] that had called for the provision of technical cooperation to DPRK in the area of human rights, adding that the resolution, which was initiated by the European Union, was
based on political motivations and had nothing to do with genuine promotion and protection of human rights.

**Reports of Special Rapporteur**. In a January report [E/CN.4/2005/34], the Special Rapporteur, Vitit Muntarbhorn (Thailand), summarized the situation of human rights in the DPRK, noting some constructive developments in recent decades as well as a variety of discrepancies and transgressions warranting immediate action. According to the Rapporteur, the country was party to four key human rights treaties and had submitted a number of reports to the relevant monitoring committees. It had occasionally allowed human rights mechanisms, such as the Committee on the Rights of the Child (see p. 731) and UN agencies, to assess the status of human rights in that country, as contained in a 2004 Commission resolution. Nonetheless, the situation of human rights in DPRK did not accord with international standards. The enjoyment of human rights was affected by the nature of the country’s leadership, with power concentrated absolutely at the top, by the continuing effects of the war (1950-1953) on the peninsula, the related demilitarization problems and the need for broad-based popular participation. Against that background, human rights challenges included the right to food and life. The food shortages of the mid-1990s, brought about by floods and drought, were compounded by power imbalances and inadequate response from the power structure. It had affected the country’s development and endangered many lives and livelihoods. According to several humanitarian agencies, there was a continuing need for food aid to help the population, some 6.4 million of whom, particularly women and children, had benefited to date.

Other challenges related to the realization of the rights to freedom of movement and protection of displaced persons; the highest attainable standard of health and education; self-determination/polytical participation, access to information, freedom of expression/belief/opinion, association and religion; and of specific persons/groups, including women and children.

The Special Rapporteur recommended that the Government abide by international human rights standards and reform laws and practices inconsistent with those standards; uphold human rights, democracy, peace, sustainable development and demilitarization; respect the rule of law, build the capacity of law enforcement bodies and reform the justice system; address the root causes of displacement, prevent persecution and victimization of those displaced; provide redress for transgressions, such as those relating to the abduction of foreign nationals; issue a national human rights action plan with public participation for law enforcement bodies; ensure that humanitarian assistance reached targeted groups; and seek assistance from OHCHR and other agencies for promoting and protecting human rights. Additional recommendations were addressed to the international community.

**Commission action**. On 14 April [res. 2005/11], by a recorded vote of 30 to 9, with 14 abstentions, the Commission expressed deep concern about continuing reports of systemic, widespread and grave violations of human rights in DPRK, its non-acceptance of the mandate of the Special Rapporteur on the situation of human rights in that country, as contained in a 2004 Commission resolution [YUN 2004, p. 807], and its failure to engage in technical cooperation activities with OHCHR. The Commission urged the Government to address those concerns in an open and constructive manner and requested the High Commissioner to continue to engage DPRK authorities in a comprehensive dialogue, with a view to establishing technical cooperation programmes in human rights, and to submit her findings and recommendations to the Commission in 2006. The Commission extended the Special Rapporteur’s mandate for a further year and requested him, with assistance from the Secretary-General, to continue efforts to establish direct contact with the Government and people of DPRK, to report on the human rights situation in that country and on the Government’s compliance with its obligations under international human rights instruments, and to submit his findings and recommendations to the General Assembly in 2005, and to the Commission in 2006. All relevant special rapporteurs and special representatives were also asked to examine alleged human rights violations in DPRK and to report thereon to the Commission in 2006.

On 25 July, the Economic and Social Council endorsed the Commission’s decision to extend the Special Rapporteur’s mandate and its request to him to submit reports (decision 2005/258).

As requested in Commission resolution 2005/11 (see above), the Secretary-General, by a 29 August note [A/60/306], transmitted the Special Rapporteur’s updated report to the General Assembly, which further described the human rights situation in DPRK and his visits to Japan and Mongolia.
During his visit to Japan (24 February–4 March), the Special Rapporteur examined the impact on that country of the human rights situation in DPRK, particularly the reported abductions by that country of Japanese nationals. Japan claimed that 15 individuals had been abducted, five of whom had been released. DPRK claimed that eight of the remaining 10 persons had died; a claim contested by Japan, and the victim’s families in particular. Expressing concern over the issue, and recalling that the abduction of persons (“enforced disappearances”) was generally forbidden in national and international law, the Special Rapporteur called on DPRK to respond effectively and expeditiously to Japan’s claims that some of the abducted persons were still alive and should be returned to Japan immediately and safely; verify claims concerning the alleged deaths of abducted Japanese nationals and ascertain whether there had been additional abductions; respect and guarantee family unity/reunification; enable the victims of abductions and their families to access justice and seek redress; and resume dialogue with Japan to prevent further abductions.

In Mongolia (4–11 March), the Special Rapporteur also examined the consequences for that country of the human rights situation in DPRK, especially the displacement of people across the borders since 1999, seeking refuge from DPRK. Mongolia provided temporary shelter and treated them as humanitarian cases, without specifically calling them refugees, since they were in transit and later departed for long-term settlement in the Republic of Korea. Mongolia feared a mass influx of non-nationals into the country, particularly the potentially destabilizing effect, which had inevitably influenced the country’s policy-making and security concerns. The Special Rapporteur recommended that Mongolia should sustain its humanitarian policy and practice in sheltering those seeking refuge in the country and to continue to abide by international human rights and refugee law.

GENERAL ASSEMBLY ACTION

On 16 December (meeting 64), the General Assembly, on the recommendation of the Third Committee (A/60/509/Add.3 & Corr.1), adopted resolution 60/175 by recorded vote (88-21-60) [agenda item 71 (c)].

Situation of human rights in the Democratic People’s Republic of Korea

The General Assembly,

Reaffirming that States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Mindful that the Democratic People’s Republic of Korea is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,


Recalling in particular that, in its resolution 2005/II, the Commission on Human Rights urged the General Assembly to take up the question of the situation of human rights in the Democratic People’s Republic of Korea if the Government did not extend cooperation to the Special Rapporteur of the Commission on the situation of human rights in the Democratic People’s Republic of Korea and if no improvement of the situation of human rights in the country was observed,

Taking note of the report of the Special Rapporteur,

1. Expresses its serious concern at:
   (a) The refusal of the Government of the Democratic People’s Republic of Korea to recognize the mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic People’s Republic of Korea or to extend cooperation to him;
   (b) Continuing reports of systemic, widespread and grave violations of human rights in the Democratic People’s Republic of Korea, including:
      (i) Torture and other cruel, inhuman or degrading treatment or the death penalty;
      (ii) Sanctions imposed on citizens of the Democratic People’s Republic of Korea who have been repatriated from abroad, such as treating their departure as treason, leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty;
      (iii) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association, and on equal access to information and limitations imposed on every person who wishes to move freely within the country and travel abroad;
      (iv) Continuing violation of the human rights and fundamental freedoms of women, in particular the trafficking of women for the purpose of prostitution or forced marriage, forced abortions, and infanticide of children of repatriated mothers, including in police detention centres and camps;
      (v) Unresolved questions relating to the abduction of foreigners in the form of an enforced disappearance;

2. Expresses its concern that the Government of the Democratic People’s Republic of Korea has not engaged in technical cooperation activities with the United Nations High Commissioner for Human
Rights and her Office, despite efforts by the High Commissioner to engage in a dialogue with the authorities of the Democratic People’s Republic of Korea in this regard;

3. Expresses its deep concern at the precarious humanitarian situation in the country, in particular the prevalence of infant malnutrition, which still affects the physical and mental development of a significant proportion of children;

4. Urges the Government of the Democratic People’s Republic of Korea, in this regard, to ensure that humanitarian organizations, including non-governmental organizations and United Nations organizations, in particular the World Food Programme, have full, free, safe and unimpeded access to all parts of the Democratic People’s Republic of Korea so that they may ensure that humanitarian assistance is delivered impartially on the basis of need in accordance with humanitarian principles, this concern having been aggravated by the announcement by the authorities of the Democratic People’s Republic of Korea of their intention not to accept humanitarian assistance from January 2006;

5. Also urges the Government of the Democratic People’s Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard, to implement fully the measures set out in the above-mentioned resolutions of the Commission on Human Rights, in particular full cooperation with the Special Rapporteur.

RECORDED VOTE ON RESOLUTION 60/173:

In favour: Afghanistan, Albania, Andorra, Argentina, Austria, Azerbaijan, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Kazakstan; Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mexico, Micronesia, Monaco, Netherands, New Zealand, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Turkey, Ukraine, United Kingdom, United States, Uruguay.

Against: Belarus, China, Cuba, Democratic People’s Republic of Korea, Egypt, Gambia, Guinea, Indonesia, Iran, Laos People’s Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Russian Federation, Sudan, Syrian Arab Republic, Tajikistan, Turkmenistan, Uzbekistan, Venezuela, Viet Nam, Zimbabwe.

Abstaining: Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Colombia, Côte d’Ivoire, Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Ghana, Guyana, India, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Maldives, Mauritius, Morocco, Mozambique, Namibia, Nepal, Niger, Nigeria, Pakistan, Qatar, Republic of Korea, Rwanda, Saint Lucia, Senegal, Singapore, Somalia, South Africa, Sri Lanka, Suriname, Thailand, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Vanuatu, Yemen, Zambia.

Iran

By a May note [E/CN.4/2006/3], the Secretariat circulated a letter from Iran drawing the attention of the Bureau of the Commission to the request of the Transnational Radical Party, an NGO in consultative status with the Economic and Social Council, for the withdrawal as an official document, of its written statement [E/CN.4/2005/NGO/260] to the sixty-first session of the Commis-
The continuing harassment, intimidation and persecution of human rights defenders, non-governmental organizations, political opponents, religious, ethnic, linguistic or other minority groups, parliamentarians, students, clerics, academics and webloggers, including through undue restrictions on the freedoms of assembly, opinion and expression, the use of arbitrary arrest, targeted at both individuals and their family members, and the unjustified closure of newspapers and blocking of Internet sites, as well as the absence of many conditions necessary for free and fair elections, including by the arbitrary disqualification of large numbers of prospective candidates, including all women, during the presidential elections of June 2005;

The persistent failure to comply fully with international standards in the administration of justice and, in particular, the absence of due process of law, the refusal to provide fair and public hearings, the denial of the right to counsel and access to counsel by those detained, the use of national security laws to deny human rights, the harassment, intimidation and persecution of defence lawyers and legal defenders, the lack of respect for internationally recognized safeguards, inter alia, with respect to persons belonging to religious, ethnic or national minorities, officially recognized or otherwise, the application of arbitrary prison sentences, and the violation of the rights of detainees, including the systematic and arbitrary use of prolonged solitary confinement, the failure to provide proper medical care to those imprisoned and the arbitrary denial of contact between detainees and their family members;

The continuing use of torture and cruel, inhuman or degrading treatment or punishment such as flogging and amputations;

The continuing of public executions, including multiple public executions, and, on a large scale, other executions in the absence of respect for internationally recognized safeguards, and, in particular, deprives the execution of persons who were under the age of 18 at the time their offence was committed, contrary to the obligations of the Islamic Republic of Iran under article 37 of the Convention on the Rights of the Child and article 6 of the International Covenant on Civil and Political Rights and in spite of the announcement of a moratorium on juvenile executions;

The continuing violence and discrimination against women and girls in law and in practice, despite some minimal legislative improvements, and the refusal of the Guardian Council to take steps to address this systemic discrimination, noting in this context its rejection, in August 2003, of the proposal of the elected parliament to accede to the Convention on the Elimination of All Forms of Discrimination against Women;

The continuing discrimination, and other human rights violations against persons belonging to ethnic and religious minorities, recognized or otherwise, including Arabs, Kurds, Baluchis, Christians, Jews and Sunni Muslims, the escalation and increased frequency of discrimination and other human rights violations against the Baha’is, including cases of arbitrary arrest and detention, the denial of freedom of religion or of publicly carrying out communal affairs, the disregard of property rights, the destruction of sites of religious importance, the suspension of social, educational and community-related activities and the denial of access to higher education, employment, pensions, adequate housing and other benefits and recent violent crackdowns on Kurds;

3. Calls upon the Government of the Islamic Republic of Iran:

(a) To ensure full respect for the rights to freedom of assembly, opinion and expression, and the right to take part in the conduct of public affairs in accordance with its obligations under the International Covenant on Civil and Political Rights and, in particular, to end the harassment, intimidation and persecution of political opponents and human rights defenders, including by releasing persons imprisoned arbitrarily or on the basis of their political views;

(b) To ensure full respect for the right to due process of law, including the right to counsel and access to counsel by those detained, in criminal justice proceedings and, in particular, to ensure a fair and public hearing by a competent, independent and impartial tribunal established by law, to end harassment, intimidation and persecution of defence lawyers and legal defenders and to ensure equality before the law and the equal protection of the law without any discrimination in all instances, including for members of religious, ethnic, linguistic or other minority groups, officially recognized or otherwise;

(c) To eliminate, in law and in practice, the use of torture and other cruel, inhuman or degrading treatment or punishment, such as amputations and flogging, to end impunity for violations of human rights that constitute crimes by bringing the perpetrators to justice in accordance with international standards and, as proposed by the elected Iranian parliament, to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(d) To abolish public executions and other executions carried out in the absence of respect for internationally recognized safeguards, in particular, as called for by the Committee on the Rights of the Child in its report of January 2005, executions of persons who, at the time of their offence, were under the age of 18, and to uphold the moratorium on executions by stoning and to introduce this moratorium as law as a first step towards the abolition of this punishment;

(e) To eliminate, in law and in practice, all forms of discrimination and violence against women and girls, and, as proposed by the elected Iranian parliament,
accede to the Convention on the Elimination of All Forms of Discrimination against Women; 

(9) To eliminate, in law and in practice, all forms of discrimination based on religious, ethnic or linguistic grounds, and other human rights violations against persons belonging to minorities, including Arabs, Kurds, Baluchis, Christians, Jews, Sunni Muslims and the Baha’i, and to address this matter in an open manner, with the full participation of the minorities themselves, to otherwise ensure full respect for the right to freedom of thought, conscience, religion or belief of all persons, and to implement the 1996 report of the Special Rapporteur of the Commission on Human Rights on religious intolerance, which recommended ways in which the Islamic Republic of Iran could emancipate the Baha’i community; 

4. Encourages the thematic mechanisms of the Commission on Human Rights, inter alia, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Representative of the Secretary-General on the situation of human rights defenders and the Working Group on Enforced or Involuntary Disappearances, to visit or otherwise continue their work to improve the situation of human rights in the Islamic Republic of Iran, and urges the Government of the Islamic Republic of Iran to cooperate with these special mechanisms and to illustrate how their subsequent recommendations have been addressed, including recommendations of special procedures that have visited the country in the past twelve months; 

5. Decides to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-first session, under the item entitled “Human rights questions”, in the light of additional elements provided by the Commission on Human Rights.

RECORDED VOTE ON RESOLUTION 60/171:

In favour: Afghanistan, Antigua and Barbuda, Bahamas, Barbados, Benin, Bhutan, Brazil, Burkina Faso, Burundi, Cameroon, Cape Verde, Colombia, Côte d’Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Ghana, Guinea-Bissau, Guyana, Iraq, Jamaica, Kenya, Lao People’s Democratic Republic, Lesotho, Mali, Mauritius, Mongolia, Mozambique, Namibia, Nepal, Nigeria, Panama, Philippines, Republic of Korea, Rwanda, Singapore, Suriname, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, Zambia.

Abstaining: Angola, Antigua and Barbuda, Bahamas, Barbados, Benin, Bhutan, Brazil, Burkina Faso, Burundi, Cameroon, Cape Verde, Colombia, Côte d’Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Ghana, Guinea-Bissau, Guyana, Iraq, Jamaica, Kenya, Lao People’s Democratic Republic, Lesotho, Mali, Mauritius, Mongolia, Mozambique, Namibia, Nepal, Nigeria, Panama, Philippines, Republic of Korea.

Against: Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Botswana, Brunei Darussalam, China, Cuba, Democratic People’s Republic of Korea, Djibouti, Egypt, Gambia, Guinea, India, Indonesia, Iran, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, Myanmar, Niger, Oman, Pakistan, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Somalia, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Turkmenistan, Uzbekistan, Venezuela, Viet Nam, Yemen, Zimbabwe.

Abstaining: Angola, Antigua and Barbuda, Bahamas, Barbados, Benin, Bhutan, Brazil, Burkina Faso, Burundi, Cameroon, Cape Verde, Colombia, Côte d’Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Ghana, Guinea-Bissau, Guyana, Iraq, Jamaica, Kenya, Lao People’s Democratic Republic, Lesotho, Mali, Mauritius, Mongolia, Mozambique, Namibia, Nepal, Nigeria, Panama, Philippines, Republic of Korea, Rwanda, Singapore, Suriname, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, Zambia.

Myanmar

Commission action. On 14 April [res. 2005/10], the Commission, while acknowledging encouraging developments in Myanmar, including the Government’s release of some 19,906 prisoners, its establishment of a committee for the prevention of the recruitment of under-age soldiers, its ratification of several human rights instruments, its negotiation of a ceasefire agreement with the Karen National Union (KNU) and cooperation with humanitarian agencies, expressed grave concern at the systematic violation of human rights in the country. The Commission called on the Government to end those violations; lift all restraints on peaceful political activity by all persons; restore democracy and respect the results of the 1990 elections by releasing unconditionally, members of political parties and all political prisoners; ensure that future elections were conducted according to international standards for free and fair elections and that the National Convention included all political parties and major ethnic nationalities not represented by a political party; initiate an independent inquiry, with international cooperation, into the Depayin incident of 30 May 2005 [YUN 2005, p. 829], as called for in General Assembly resolution 58/247 [YUN 2005, p. 820]; restore the independence of the judiciary; consider becoming party to all relevant international human rights and humanitarian law instruments; and establish a national human rights commission to promote and protect human rights.

The Government was further called upon to pursue, through dialogue and peaceful means, the end of conflict with all ethnic groups in Myanmar, cooperate with the Special Envoy of the Secretary-General for Myanmar and with the Special Rapporteur to bring about the country’s transition to civilian rule, and to eradicate the practice of forced labour by all Government organs. The Commission extended the Special Rapporteur’s mandate for a further year and asked him, with assistance from the Secretary-General, to report to the Assembly in 2005 and to the Commission in 2006, and to integrate a gender perspective in his work.

On 25 July, the Economic and Social Council endorsed the Commission’s decision to extend the Special Rapporteur’s mandate and its request to him to submit reports (decision 2005/257).

Reports of Secretary-General. In response to Assembly resolution 59/263 [YUN 2004, p. 812], the Secretary-General submitted a March report...
had an obligation to ensure that its people derived the same benefits of economic, social and political development as elsewhere in the region and underscored the UN system’s parallel commitment to invest in the country’s long-term future, by enhancing the scale and scope of its social and humanitarian engagement with the people and communities.

In October [A/60/422 & Corr.1], the Secretary-General further reported on his good offices efforts and those of his Special Envoy, aimed at facilitating national reconciliation and democratization in Myanmar. The report reiterated the shortcomings of the National Convention, which continued to exclude representatives from many political parties, including NLD, and failed to adhere to the Assembly’s recommendations. The Secretary-General, therefore, called on the Myanmar authorities to make the reform efforts more inclusive and credible when the National Convention resumed later in the year and during subsequent phases of the road map process, including those for drafting the constitution and organizing a national referendum. The Secretary-General recalled that Daw Aung San Suu Kyi had expressed her readiness to cooperate with the Government for the good of the people, as had the representatives of ethnic nationality political parties. He promised to mobilize international assistance to support Myanmar’s authorities, if progress occurred.

On 24 October [A/C.3/60/2], Myanmar stated that the Secretary-General’s report contained factual errors and went beyond the parameters mandated by Assembly resolution 59/263. Myanmar claimed that the main thrust of the report seemed to question the National Convention process, the first important step of the seven-point political road map for transition to democracy.

On 7 November [A/60/422/Add.1], the Secretary-General clarified the issues raised by Myanmar.

**Reports of Special Rapporteur.** In response to Commission resolution 2005/10 and Economic and Social Council decision 2005/257 (see p. 892), the Secretary-General, by an August note [A/60/221], transmitted the interim report of Special Rapporteur Paulo Sérgio Pinheiro (Brazil) on the human rights situation in Myanmar, based on information he had received up to 22 July. The Special Rapporteur regretted that the situation regarding the exercise of fundamental rights and freedoms in Myanmar had not substantially changed, as many people continued to be harassed, arrested, tried and sentenced to prison for the peaceful exercise of basic civil and political rights and freedoms. Despite the wel-
come release in July of 249 political prisoners, there reportedly remained over 1,100 others, including monks, lawyers, teachers, journalists, farmers, politicians, student leaders, writers and poets. The Special Rapporteur was concerned at ongoing allegations of pervasive and systematic torture and ill-treatment of persons in pre-trial detention, the denial to detainees of access to their relatives, legal professionals and others, and the application of the 1975 State Protection Law permitting the Home Minister to detain without charge or trial anyone believed to constitute “a danger to the State”. Among those detained under the law was Daw Aung San Suu Kyi, who had been under house arrest for over nine of the past 16 years, and her virtual solitary confinement and lack of access to her NLD colleagues ran counter to the spirit of national reconciliation. The situation regarding economic, social and cultural rights and the rights of ethnic minorities raised similar concerns. The humanitarian situation also remained dire, as the ongoing conflict between Government forces and non-State groups, combined with grave human rights violations, continued to result in mass population displacements.

The Special Rapporteur recommended that the Government demonstrate its commitment to implement political and constitutional reforms by guaranteeing: the full and effective participation of all political actors, including NLD, political parties and ethnic leaders, in a meaningful and substantive dialogue; the release of NLD General Secretary Daw Aung San Suu Kyi and other political prisoners; the protection and promotion of civil and political rights and that State institutions receive and investigate all complaints of human rights abuses; and the prosecution of those responsible in accordance with international standards. The Government should initiate fundamental reforms, with the assistance of the international community and multilateral organizations, so that Myanmar could successfully integrate into international financial and economic structures. In that context, policy initiatives which could be launched simultaneously during the transition process could include civil service reform, environmental protection, reform of the education sector and the judiciary, and the establishment of social safety nets for the most vulnerable groups, including the poor, women, youth, the elderly and persons with disabilities. As a matter of priority, however, the Government should ratify core international human rights instruments.

On 16 December, the General Assembly took note of the interim report of the Special Rapporteur (decision 60/533). In a later report [E/CN.4/2006/34], the Special Rapporteur stated that the National Convention reconvened in December, but had made no progress towards genuine democratic reform and the situation regarding the exercise of fundamental human rights and freedoms remained grave. The intimidation, harassment, arbitrary arrest and imprisonment of civilians for peacefully exercising their civil and political rights and freedoms continued and the activities of political parties remained severely repressed by government agents. On 27 November, the Government issued a new executive order prolonging the detention of Daw Aung San Suu Kyi for a further six months and the number of political prisoners reached an estimated 1,144 persons. The socioeconomic and humanitarian situation in the country had also further deteriorated.

The Special Rapporteur observed that the human rights concerns in the country were largely the same as those he had highlighted six years ago and regretted that early indications of the Government’s willingness to address those problems had disappeared. He stated that his previous recommendations remained valid, and their implementation was even more essential, given the stagnation of the transition process, the lack of progress towards national reconciliation and the deteriorating humanitarian situation. He was convinced that progress in resolving the ethnic conflict in Myanmar might not be possible or sustainable without tangible political reform. The ongoing armed conflict in several ethnic minority areas continued to underpin the most grave human rights abuses in the country, to exacerbate its humanitarian decline and to inhibit socio-economic development. Without an inclusive reform process, such challenges could not be addressed by the Government’s current road map process.

GENERAL ASSEMBLY ACTION

On 23 December [meeting 60], the General Assembly, on the recommendation of the Third Committee [A/60/509/Add.3 & Corr.1], adopted resolution 60/233 without vote [agenda item 71 (c)].

Situation of human rights in Myanmar

The General Assembly,
Guided by the Charter of the United Nations and the Universal Declaration of Human Rights, and recalling the International Covenants on Human Rights and other relevant human rights instruments,
Reaffirming that all Member States 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 international instruments in this field,
Reaffirming also its previous resolutions on the situation of human rights in Myanmar, the most recent of
which is resolution 59/263 of 23 December 2004, those of
the Commission on Human Rights, the most recent of
which is resolution 2005/10 of 14 April 2005, and the
conclusions of the International Labour Confer-
ence of 4 June 2005,

Bearing in mind Security Council resolution 1325
(2000) of 31 October 2000 on women and peace
and security, resolutions 1265(1999) of 17 September 1999
and 1296(2000) of 19 April 2000 on the protection of
civilians in armed conflict and resolution 1612(2005)
of 26 July 2005 on children in armed conflict, and the
report of the Secretary-General on children and
armed conflict,

Recognizing that good governance, democracy, the
rule of law and respect for human rights are essential
to achieving sustainable development and economic
growth, and affirming that the establishment of a genu-
ine democratic government in Myanmar is essential
for the realization of all human rights and fundamen-
tal freedoms,

Affirming that the will of the people is the basis of
the authority of government and that the will of
the people of Myanmar was clearly expressed in the elec-
tions held in 1990,

1. Welcomes:

(a) The reports of the Special Rapporteur of the
Commission on Human Rights on the situation of hu-
man rights in Myanmar and the reports of the
Secretary-General;

(b) The personal engagement and statements of the
Secretary-General with regard to the situation of
Myanmar;

(c) The efforts of the United Nations and other in-
ternational humanitarian organizations to deliver ur-
gently needed humanitarian assistance to the most
vulnerable people in Myanmar;

(d) The release by the Government of Myanmar of
two hundred and forty-nine political prisoners on 6
July 2005, while noting that over one thousand, one
hundred political prisoners remain incarcerated;

(e) The establishment by the Government of a com-
mittee for the prevention of military recruitment of
underage soldiers and the adoption in November 2004
of an outline plan of action to address the issues of un-
derage recruitment and child soldiers;

(f) The ratification by Myanmar on 30 March 2004
of the United Nations Convention against Trans-
national Organized Crime and two of the Protocols
thereto, namely, the Protocol to Prevent, Suppress and
Punish Trafficking in Persons, Especially Women and
Children, and the Protocol against the Smuggling of
Migrants by Land, Sea and Air, and the enactment by
Myanmar on 13 September 2005 of an Anti-trafficking
in Persons Law drawn up in accordance with the Con-
vention;

2. Expresses grave concern at:

(a) The ongoing systematic violation of the human
rights, including civil, political, economic, social and
cultural rights, of the people of Myanmar, including
violations of the right to an adequate standard of liv-
ing, discrimination and violations suffered by persons
belonging to ethnic nationalities, women and children,
especially in non-ceasefire areas, including but not
limited to extrajudicial killings, rape and other forms
of sexual violence persistently carried out by members
of the armed forces, continuing use of torture, deaths
in custody, political arrests and continuing imprison-
ment and other detentions; forced relocation; forced
labour, including child labour; trafficking in persons;
denial of freedom of assembly, association, expression
and movement; wide disrespect for the rule of law,
continuing recruitment and use of child soldiers, use
of landmines, and the confiscation of arable land,
crops, livestock and other possessions;

(b) The extension of the house arrest of the General
Secretary of the National League for Democracy, Aung
San Suu Kyi, and her deputy, Tin Oo, and the persist-
ent denial of their human rights and fundamental
freedoms, including freedom of movement and associ-
ation, as well as the continuing detention, particularly
incommunicado detention, of other senior leaders of
the League and of the leadership of other political
parties or ethnic nationalities, particularly the deten-
tion of Khun Huu Oo and Sai Nyunt Lwin, Chairman
and General Secretary, respectively, of the Shan Na-
tionalities League for Democracy, and Sao Hso Ten,
Chairman of the Shan State Peace Council;

(c) The consistent harassment of members of the
National League for Democracy and other politicians,
and the fact that no full and independent inquiry, with
international cooperation, into the attack perpetrated
near Depayin on 30 May 2003 has been initiated, de-
spite the decision taken thereon by the General Assem-
bly in its resolution 58/247 of 25 December 2003;

(d) The absence of a substantive and structured dia-
logue with Aung San Suu Kyi and the National League
for Democracy, and some representative ethnic groups,
that facilitates national reconciliation, coupled with
continuing restrictions placed on the League and other
political parties, which have prevented them from par-
ticipating in the National Convention, including the
continued closure of the regional offices of the
League;

(e) The renewed attacks by military forces on cease-
fire groups in violation of ceasefire agreements, and
the subsequent and continuing violations of human
rights, and the deterioration of the enjoyment of hu-
man rights by the affected populations;

(f) The continuing denial of the freedom of human
rights defenders to pursue their legitimate activities;

(g) The situation of the large number of internally
displaced persons and the flow of refugees to neigh-
bouring countries, and recalls in this context the obli-
gations of Myanmar under international law;

(b) The fact that the Government of Myanmar, as
noted by the 2005 International Labour Conference,
has still not implemented the recommendations of the
International Labour Organization Commission of In-
quiry, has yet to demonstrate its stated determination
to eliminate forced labour and take the necessary
measures to comply with the International Labour Or-
ganization Convention concerning Forced or Compul-
sory Labour, 1930 (Convention No. 29), and has yet to
demonstrate commitment at the highest level to a sub-
stantive policy dialogue that can address the forced
labour problem;

(i) The fact that the Special Envoy of the Secretary-
General for Myanmar and the Special Rapporteur of
the Commission on Human Rights on the situation of
human rights in Myanmar have been unable to visit the
country for almost two years, despite repeated re-
quests;
(j) The imposition of various travel restrictions on United Nations and other international organizations undertaking to enable access for the delivery of humanitarian assistance to all parts of Myanmar, and notes the related withdrawal of the Global Fund to Fight AIDS, Tuberculosis and Malaria;

3. Strongly calls upon the Government of Myanmar:

(a) To end the systematic violations of human rights in Myanmar and to ensure full respect for all human rights and fundamental freedoms;

(b) To end impunity and to investigate and bring to justice any perpetrators of human rights violations, including members of the military and other government agents in all circumstances;

(c) To consider as a matter of high priority becoming a party to all instruments of international human rights law and international humanitarian law, and to ensure that existing legal obligations are implemented;

(d) To promote the full enjoyment of all human rights and allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

(e) To put an immediate end to the recruitment and use of child soldiers and to extend full cooperation to relevant international organizations in order to ensure the demobilization of child soldiers, their return home and their rehabilitation in accordance with Security Council resolutions 1539(2004) of 22 April 2004 and 1612(2005), and stresses the need for the Government of Myanmar to maintain close dialogue with the United Nations Children’s Fund and to cooperate with the Special Representative of the Secretary-General for Children and Armed Conflict in accordance with Council resolutions 1539(2004) and 1612(2005);

(f) To end widespread rape and other forms of sexual violence persistently carried out by members of the armed forces, in particular against women belonging to ethnic nationalities, and to investigate and bring to justice any perpetrators in order to end impunity for those acts;

(g) To end the systematic forced displacement of persons and other causes of refugee flows to neighbouring countries, to provide the necessary protection and assistance to internally displaced persons, in cooperation with the international community, and to respect the right of refugees to voluntary, safe and dignified return monitored by appropriate international agencies in accordance with international law, including applicable international humanitarian law;

(h) To release all political prisoners immediately and unconditionally, including National League for Democracy leaders Aung San Suu Kyi and Tin Oo, and Shan Nationalities League for Democracy leader Khun Htoo Oo and other Shan leaders, and to allow their full participation in an inclusive and credible process of national reconciliation;

(i) To lift all restraints on peaceful political activity of all persons, including former political prisoners, by; inter alia, guaranteeing freedom of association and freedom of expression, including freedom of the media, and to ensure unhindered access to information for the people of Myanmar and to desist from arresting and punishing persons for their peaceful political activities;

(j) To urgently resolve the serious issues identified by the very High-level Team and the International Labour Conference, including to give clear assurances that no action will be taken against persons lodging complaints of forced labour, to resolve outstanding allegations of forced labour, to issue the necessary visas to allow a strengthening of the International Labour Organization presence in Myanmar, and to respect the freedom of movement of the Liaison Officer ad interim;

(k) To cooperate fully with the Special Envoy and the Special Rapporteur in order to bring Myanmar towards a transition to civilian rule, and to ensure that they are both granted full, free and unimpeded access to Myanmar and that no person cooperating with the Special Envoy, the Special Rapporteur or any international organization is subjected to any form of intimidation, harassment or punishment, and to review as a matter of urgency the cases of those currently undergoing punishment in this regard;

(l) Without further delay, to cooperate fully with the Special Rapporteur to facilitate an independent international investigation of continuing reports of sexual violence and other abuse of civilians carried out by members of the armed forces in Shan, Karen, Mon and other states;

(m) To ensure immediately safe and unhindered access to all parts of Myanmar for the United Nations and international humanitarian organizations and to cooperate fully with those organizations so as to ensure that humanitarian assistance is delivered in accordance with humanitarian principles and reaches the most vulnerable groups of the population in accordance with international law, including applicable international humanitarian law;

(n) To ensure that discipline in prisons does not constitute torture or cruel, inhuman or degrading treatment or punishment, and that conditions of detention otherwise meet international standards, and to include the possibility of visiting any detainee, including Aung San Suu Kyi;

(o) To ensure that government forces do not engage in food and land requisition or the destruction of villages;

(p) To continue to take action to fight the HIV/AIDS epidemic;

4. Calls upon the Government of Myanmar:

(a) To ensure that the remainder of the National Convention, in particular the subsequent constitution-drafting exercise, becomes genuinely inclusive, through the unhindered participation of all political parties and representatives of ethnic nationalities;

(b) To ensure that the proposals tabled at the National Convention for the chapters of the draft constitution are consistent with the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments;

(c) To create the conditions for the free operation of existing and new political parties, in advance of the referendum and elections envisaged under the seven-step road map, and to ensure that all eligible citizens are registered to vote in any future referendum and elections and that these are conducted according to international standards with the full participation of all political parties;
(d) To pursue through dialogue and peaceful means the immediate suspension and permanent end of conflict with all ethnic groups in Myanmar, including by ensuring that the constitution-drafting process responds to the concerns of the ethnic nationalities, including the ceasefire groups attending the National Convention, and respects their rights, so as to increase the likelihood that the ceasefires will lead to lasting political settlements and peace;

(e) To fulfill its obligations to restore the independence of the judiciary and due process of law, and to take further steps to reform the system of the administration of justice;

5. Requests the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and the people of Myanmar, including all relevant parties to the national reconciliation process in Myanmar, and to offer technical assistance to the Government in this regard;

(b) To give all necessary assistance to enable his Special Envoy and the Special Rapporteur to discharge their mandate fully and effectively;

(c) To report to the General Assembly at its sixty-first session and to the Commission on Human Rights at its sixty-second session on the progress made in the implementation of the present resolution;

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

Turkmenistan

Report of Secretary-General. In response to General Assembly resolution 59/206 [YUN 2004, p. 831], the Secretary-General submitted a September report on the situation of human rights in Turkmenistan [A/60/367]. The report described efforts to implement resolution 59/206, including the development of constructive dialogue between Turkmenistan and OHCHR on technical cooperation for the preparation of reports to human rights treaty bodies and the implementation of international human rights standards; the related activities of the Commission’s special procedures; and the status of Turkmenistan’s reporting to treaty bodies and efforts to implement their recommendations.

The Secretary-General concluded that, although the country had made some progress in addressing outstanding problems, the reported continuation of serious human rights violations indicated a lack of overall improvement in the human rights situation there. He encouraged the Government to continue to submit reports to UN treaty bodies, to maintain dialogue with the Committee on the Elimination of Racial Discrimination and to implement the recommendations made by those bodies. It should extend invitations to the Commission’s thematic special mechanisms interested in visiting that country and to continue cooperation with OHCHR.

Communication. In an 11 April note to OHCHR [E/UN.A/2005/G/35], Turkmenistan described recent measures taken by the Government to improve human rights and to strengthen cooperation with international organizations.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 64], the General Assembly, on the recommendation of the Third Committee [A/60/509/Add.3 & Corr.1], adopted resolution 60/172 by recorded vote (71-35-60) [agenda item 71 (e)].

Situation of human rights in Turkmenistan

The General Assembly,

Reaffirming that all States Members of the United Nations have the obligation to promote and protect human rights and fundamental freedoms and the duty to fulfill the obligations that they have undertaken under the various international instruments in this field,


Noting the conclusion of the first needs-assessment mission of the Office of the United Nations High Commissioner for Human Rights to Turkmenistan in March 2004 and the ongoing consultations to finalize a possible technical cooperation project,

Noting with appreciation that the Government of Turkmenistan has received the Chairman-in-Office and the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe,

Welcoming the report of the Secretary-General of 20 September 2005, which concludes that, while the Government of Turkmenistan has made some progress in addressing human rights issues and has shown readiness to cooperate with the international community, there was a lack of overall improvement in addressing serious human rights violations,

Reaffirming that improving security and the fight against terrorism should be conducted in accordance with international law, in particular international human rights, humanitarian and refugee law, and democratic principles,

1. Welcomes:

(a) The fact that additional minority religious groups have been allowed to worship for the first time as a result of the removal of a legal impediment to the full realization of the right to freedom of thought, conscience, religion or belief, but notes that serious violations of these freedoms continue;

(b) The release in April 2005 of four Jehovah’s Witnesses who had made conscientious objections to undertaking military service;

(c) The lifting of criminal penalties for the activities of non-registered non-governmental organizations in November 2004, while nevertheless noting that difficulties in the registration process for non-governmental organizations and private organizations continue and that other significant restrictions continue to hinder their activities;
(d) The submission, within the past year, of the national report under the International Convention on the Elimination of All Forms of Racial Discrimination to the Committee on the Elimination of Racial Discrimination, as well as the reports due under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, while encouraging the Government of Turkmenistan to comply with its outstanding reporting obligations to the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee against Torture;

(e) The demonstrated readiness of the Government of Turkmenistan to discuss human rights matters with interested third parties on an ad hoc basis and to agree on the desirability of continuing dialogue and practical cooperation;

(f) The statements made by the President of Turkmenistan in April 2005 on democratic reforms, and urges that those reforms be truly democratic, in line with established international norms;

(g) The accession by Turkmenistan to the following United Nations protocols and conventions, and urges the Government of Turkmenistan to implement its obligations under these instruments:

(i) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

(ii) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;


(h) The public statements of the President of Turkmenistan recommending the abolition of the practice of removing children from school for the cotton harvest and reinstating a local governor for the use of child labour in the fields, as well as a law passed on 1 February 2005 prohibiting the employment of minors under the age of 15 and stipulating that no form of child labour should interfere with a child’s education, and calls upon the Government of Turkmenistan to ensure that the law is fully implemented;

(i) The decision of the Government of Turkmenistan to grant citizenship or permanent resident status to more than sixteen thousand refugees, who had fled Tajikistan between 1992 and 1999 and whose naturalization under the Turkmen Nationality Law had been advocated for many years by the United Nations High Commissioner for Refugees;

(j) The abolition of exit visas as a requirement for leaving the country;

2. *Expresses its grave concern* at the continuing and serious human rights violations occurring in Turkmenistan, in particular:

(a) The persistence of a governmental policy based on the repression of all political opposition activities;

(b) The continuing abuse of the legal system through arbitrary detentions, imprisonment and surveillance of persons who try to exercise their freedom of expression, assembly and association, and harassment of their families;

(c) The poor conditions in prisons in Turkmenistan and credible reports of ongoing torture and mistreatment of detainees;

(d) The failure of the Government of Turkmenistan to grant access to detainees to the International Committee of the Red Cross, according to the usual terms of the Committee, as well as to international monitors;

(e) The complete control of the media by the Government of Turkmenistan, its censorship of all newspapers and access to the Internet and intolerance of independent criticism of government policy, as well as further restrictions on the freedom of expression and opinion, including shutting down of the last remaining Russian-language radio station, Radio Mayak, even if satellite television is permitted and widely used, harassing of local correspondents and collaborators of Radio Liberty and prohibition of all contact between local journalists and foreigners without the express consent of the Government;

(f) Continuing restrictions on the exercise of the freedom of thought, conscience, religion or belief, including the use of registration procedures as a means to limit the right to freedom of thought, conscience and religion of members of certain religious communities;

(g) Continuing discrimination by the Government of Turkmenistan against ethnic Russian, Uzbek and other minorities, inter alia, in the fields of education and employment and access to media, despite assurances by the Government that it will stop this discrimination, taking note in this regard of the concluding observations of the Committee on the Elimination of Racial Discrimination of August 2005;

(h) Forced displacement of its citizens, including a disproportionate displacement of ethnic minorities;

(i) Continuing restrictions on the exercise of the right of peaceful assembly, including increased constraints faced by civil society organizations, such as the slow progress in the registration of non-governmental organizations under the procedures set out in the law of 2003 on public associations;

(j) The continuing failure of the Government of Turkmenistan to respond to the criticisms identified in the report of the Rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe with regard to the investigation, trial and detention procedures following the reported assassination attempt against the President of Turkmenistan in November 2002, as well as the failure of the Turkmen authorities to allow appropriate independent bodies, family members and lawyers access to those convicted, or to provide any kind of evidence to dispel rumours that some of those convicted have died in detention;

(k) Arbitrary or unlawful interference with individuals’ privacy, family, home or correspondence and violations of the freedom to leave one’s country;

(l) Reported instances of hate speech against national and ethnic minorities, including statements attributed to high-ranking government officials and public figures supporting an approach to Turkmen ethnic purity, as noted in the concluding observations
of the Committee on the Elimination of Racial Discrimination of August 2005;

3. Urges the Government of Turkmenistan:

(a) To ensure full respect for all human rights and fundamental freedoms and, in this regard, to implement fully the measures set out in General Assembly resolutions 58/194 and 59/206 and Commission on Human Rights resolutions 2003/11 and 2004/12;

(b) To work closely with the Office of the United Nations High Commissioner for Human Rights with regard to the areas of concern and to cooperate fully with all the mechanisms of the Commission on Human Rights, in particular to consider favourably requests made by a number of special rapporteurs of the Commission to visit the country referred to in the report of the Secretary-General, and with all the relevant United Nations treaty bodies;

(c) To implement fully the recommendations outlined in the report of the Rapporteur of the Moscow M Group of the Organization for Security and Co-operation in Europe and to work constructively with the various institutions of the Organization, and to facilitate further visits of the Organization’s Chairman-in-Office as well as his Personal Envoy for participating States in Central Asia, and of the Organization’s High Commissioner on National Minorities;

(d) To follow through on the presentation of the Government of Turkmenistan to the Committee on Human Rights in April 2004 and the meetings of the Government of Turkmenistan with the International Committee of the Red Cross in 2005 by finalizing an agreement allowing the Committee to visit Turkmen prisons with full and repeated access to all places of detention in accordance with the usual modalities for that organization, and by providing international monitors, lawyers and relatives with full and repeated access to all those in detention, including those convicted of involvement in the coup attempt of 25 November 2002;

(e) To respect the right of everyone to freedom of thought, conscience, religion or belief, whether a member of a religious group or not, and to cease the harassment, detention and persecution of members of religious minorities, whether registered or unregistered;

(f) To bring laws and practices governing registration of public associations, including non-governmental organizations, into line with the standards of the Organization for Security and Co-operation in Europe and to enable non-governmental organizations, particularly human rights organizations, and other civil society actors, including independent media, to carry out their activities without hindrance;

(g) To submit reports to the United Nations treaty bodies to which it has assumed a reporting obligation and to give due regard to the recommendations and concluding observations of those treaty bodies, the most recent being the recommendations and concluding observations of the Committee on the Elimination of Racial Discrimination;

(h) To fulfill its responsibility to ensure that those responsible for human rights violations are brought to justice;

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

Uzbekistan

According to a report of the High Commissioner [E/CN.4/2006/119], the outbreak of demonstrations in the Andijan city of Uzbekistan between 12 and 14 May, resulted in the deaths of over 176 people and caused some 500 survivors to flee to Kyrgyzstan. In the absence of a positive response from Uzbekistan to the call from the High Commissioner and the Secretary-General for an international investigation, OHCHR dispatched a mission to Kyrgyzstan from 13 to 21 June to collect information on the causes and circumstances of the incidents as a preparatory step to a possible independent international investigation into those events. Following extensive meetings and interviews with some of the eyewitnesses in Kyrgyzstan, the mission concluded that there was strong, consistent and credible testimony that grave violations of human rights, mostly of the right to life, were committed by Uzbek military and security forces, and that the incident resulted in mass killing. The demonstration at Babur Square was a public expression of discontent relating to the trial of 23 businessmen whose arrest had created financial and personal hardship to the population in and around Andijan, and while the demonstration might have constituted a serious threat to law and order, the armed forces appeared not to have taken any measures to protect life and did not warn people against gathering at the square.

The mission recommended the prompt establishment of an international commission of inquiry to investigate the alleged violations, to establish the facts and circumstances and, to the
extent possible, prosecute those responsible. In
the light of conflicting information on the death
toll, such an inquiry should also establish what
happened to the bodies of those killed, trace
those who had disappeared and ensure that sur-
vivors were reunited with their families. The
Government of Uzbekistan should ensure ade-
quate compensation for the families of the vic-
tims and for those whose property was destroyed
during those incidents.

Given the consistent pattern of human rights
violations in Uzbekistan, the international com-
munity should consider appointing a country-
based special rapporteur or independent expert,
with the mandate to report on progress in imple-
menting international human rights norms and
in ensuring the rule of law in the country.

In December, the General Assembly called on
the Government of Uzbekistan to implement
promptly the recommendations contained in the
mission’s report, most notably with respect to
granting permission for the establishment of an
international commission of inquiry into the
events in Andijan (see resolution 60/174 below).

Communication. By a 2 August communica-
tion [A/59/890], Uzbekistan circulated a decree of
its President on the abolition of the death penalty.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 64], the General As-
sembly, on the recommendation of the Third
Committee [A/60/509/Add.3 & Corr.1], adopted res-
olution 60/174 by recorded vote (74-39-56) [agenda
item 71 (c)].

Situation of human rights in Uzbekistan
The General Assembly,
Reaffirming that all States Members of the United
Nations have an obligation to promote and protect hu-
man rights and fundamental freedoms, and the duty
to fulfil the obligations they have undertaken under
the various international instruments in this field,
Mindful that Uzbekistan is a party to the Interna-
tional Covenant on Civil and Political Rights, the Con-
vention against Torture and Other Cruel, Inhuman or
Degrading Treatment or Punishment, the Interna-
tional Covenant on Economic, Social and Cultural
Rights, the International Convention on the Elimina-
tion of All Forms of Racial Discrimination, the Con-
vention on the Elimination of All Forms of Discrimina-
tion against Women and the Convention on the Rights
of the Child,
Deeply concerned by the events that occurred in
Andijan in May 2005 and the subsequent response of the
Uzbek authorities,
1. Welcomes:
(a) The high-level talks of the Government of
Uzbekistan with the Secretary General of the Organi-
zation for Security and Cooperation in Europe and
with the Special Representative of the European
Union for Central Asia, and hopes that a real, con-
structive dialogue on human rights issues will be held
soon;
(b) The steps, albeit limited, taken to date to imple-
mement the National Action Plan on Torture and the rec-
ommendations of the Special Rapporteur of the Com-
mission on Human Rights on torture and other cruel,
inhuman or degrading treatment or punishment, in-
cluding the definition of torture by the Supreme
Court in accordance with the Convention against Tor-
ture and Other Cruel, Inhuman or Degrading Treat-
ment or Punishment, and the amendment of the Crim-
nal Code to include torture as a punishable crime;
(c) The statement made by the President of Uzbekistan on 28 January 2005 in which he expressed,
inter alia, the intention to provide for true indepen-
dence of the judiciary, and calls upon the Government
of Uzbekistan to take steps to allow for its practical in-
dependence, as outlined by the President;
(d) The decree of the President of Uzbekistan on
1 August 2005 that the death penalty shall be abolished
in Uzbekistan as from 1 January 2008;
2. Expresses its grave concern at the continuing and serious human rights violations occurring in
Uzbekistan, in particular:
(a) Eyewitness reports of indiscriminate and dispro-
portionate force used by government troops to quell
demonstrations in Andijan in May 2005 resulting in
the death of many civilians;
(b) The pressure applied to prevent citizens of
Uzbekistan with refugee status granted by the Office
of the United Nations High Commissioner for Refu-
gees from travelling to a third country;
(c) Reports of arbitrary arrest and detention, in-
cluding of eyewitnesses to the events in Andijan;
(d) Prevention of the functioning of independent
media and the intolerance of any form of dissent ex-
pressed therein, and increasing restrictions on free-
dom of expression, particularly harassment, beatings,
attacks and threats made against journalists and civil
society activists attempting to document and publicize
information on the events in Andijan;
(e) Continuing refusal to permit the registration of
opposition political parties, and their consequent in-
ability to participate in the electoral process;
(f) A continuing pattern of discrimination, harass-
ment and prosecution with regard to the exercise of
freedom of thought, conscience and religion;
(g) Serious constraints on, and harassment and de-
tention of, the members of non-governmental organi-
izations and civil society, including human rights de-
fenders;
3. Deeply regrets the decision of the Government of
Uzbekistan to reject both the repeated calls of the
United Nations High Commissioner for Human
Rights for the establishment of an independent com-
mmission of inquiry into the events that occurred in
Andijan on 13 May 2005 and the request of the Special
Rapporteur of the Commission on Human Rights on
extrajudicial, summary or arbitrary executions to visit
Uzbekistan soon afterwards;
4. Strongly calls upon the Government of Uzbek-
istan:
(a) To implement fully without any delay the rec-
ommendations contained in the report of the mission
of the Office of the United Nations High Commis-
sioner for Human Rights to Kyrgyzstan from 13 to 21 June 2005, most notably with respect to granting permission for the establishment of an international commission of inquiry into the events in Andijan;

(b) To accede to the 195 Convention relating to the Status of Refugees and its 1967 Protocol;

(c) To put an end to the harassment and detention of eyewitnesses to the events in Andijan;

(d) To ensure readily accessible and fair trials;

(e) To ensure full respect for all human rights and fundamental freedoms and, in this regard, to implement fully the recommendations of the independent expert on the situation of human rights in Uzbekistan appointed under the confidential 1503 procedure at the sixtieth session of the Commission on Human Rights and to extend full cooperation to the newly appointed independent expert;

(f) To permit the full freedom of practising religion;

(g) To implement fully the recommendations contained in the report of the Special Rapporteur of the Commission on Human Rights on the question of torture during his visit to Uzbekistan from 24 November to 6 December 2002;

(h) To work closely with the Office of the United Nations High Commissioner for Human Rights with regard to the areas of concern and to cooperate fully with all the mechanisms of the Commission on Human Rights and all the relevant United Nations treaty bodies;

(i) To allow the representatives of the International Committee of the Red Cross unimpeded access to persons detained, in accordance with its working procedures;

(j) To implement fully the commitments undertaken within the framework of the Organization for Security and Cooperation in Europe and to cooperate with the institutions of the Organization;

(k) To register independent opposition political parties and allow them to participate in the electoral process;

(l) To lift restrictions on the activities of civil society, including non-governmental organizations;

(m) To protect journalists, including those who write articles opposing government policy, in line with past appeals by the President for journalists to be more critical, and the functioning of independent media outlets, including, as the case may be, licensing and accreditation;

(n) To take legislative, judicial, administrative and other appropriate measures to actively protect human rights defenders against any violence, threats and other forms of harassment, and to withdraw all measures that restrict their freedom of action, assembly and speech or that hinder them in carrying out their legitimate activities according to the Declaration on the Right and Responsibility of Individuals, Groups and Organisations of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

(o) To place no restrictions on diplomats and representatives of the United Nations, the Organization for Security and Cooperation in Europe and other international bodies in respect of their travel to Uzbekistan;

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

RECORDED VOTE ON RESOLUTION 60/174:

In favour: Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritania, Mexico, Micronesia, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Palau, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, United Kingdom, United States, Uruguay, Vanuatu.

Against: Afghanistan, Azerbaijan, Bahrain, Bangladesh, Belarus, Botswana, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Egypt, Gambia, India, Indonesia, Iran, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, Myanmar, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sudan, Syrian Arab Republic, Tajikistan, Turkmenistan, United Arab Emirates, Uzbekistan, Venezuela, Viet Nam, Yemen, Zimbabwe.


Europe

Belarus

Commission action. By a recorded vote of 23 to 22, with 7 abstentions, the Commission rejected a motion by the Russian Federation that the Commission take no decision on a draft resolution introduced in the Commission on 14 April [E/2005/23].

On the same day, the Commission, by a recorded vote of 23 to 16, with 14 abstentions, adopted a draft resolution [res. 2005/15], by which it expressed concern that Belarus Government officials were implicated in the forced disappearance and/or summary execution of three political opponents and a journalist; at findings that the 2004 parliamentary elections had fallen significantly short of commitments made under the Organization of Security and Cooperation in Europe (OSCE); at the grave situation of the independent media in Belarus; at reports that the Government was enforcing excessive legal requirements and requesting substantial monetary sums for the registration and operation of NGOs; at reports on the Government's level of observance of international conventions relating to freedom of association and related rights to organize and to collective bargaining; at persistent reports of harassment and closure of NGOs, na-
tional minority organizations, independent media outlets, opposition political parties, independent trade unions and religious organizations and the harassment of individuals engaged in democratic activities; at the continuing pressure exerted by the Government on academic institutions; at its failure to cooperate with the Commission’s mechanisms; at the politically motivated prosecution of a leading opposition figure; and at the continuing reports of arbitrary arrest and detention. The Commission urged the Government to address those concerns.

The Commission extended the Special Rapporteur’s mandate for a further year and asked him to continue efforts, with the Secretary-General’s assistance, to establish direct contact with the Government and people of Belarus and to report in 2006.

On 25 July, the Economic and Social Council endorsed the Commission’s decision to extend the Special Rapporteur’s mandate (decision 2005/259).

Report of Special Rapporteur. The Special Rapporteur, Adrian Severin (Romania), submitted a report [E/CN.4/2006/36] on the human rights situation in Belarus, based on the findings of his missions to Estonia, Latvia, Lithuania and Poland, and discussions and consultations in Geneva, Strasbourg (France) and Brussels. The Special Rapporteur, noting the refusal of the Belarus Government to cooperate with him, stated that all efforts made to engage in constructive dialogue were futile.

Belarus, by obstructing United Nations special procedures from fulfilling their mandates, violated its obligations, as a Member State of the Organization, and as party to international human rights instruments to which it had adhered. The Government had not considered any of the Special Rapporteur’s previous recommendations, nor those of other special procedures. The breach of social, economic and cultural rights in that country was a matter of concern, since an oligarchy, formed by managers of the former Soviet industrial-military-agricultural complex, had generated a political superstructure headed by the President, which preserved an obsolete command economy that was surviving only within a context of political oppression and social hardship. Workers’ rights were violated and there were considerable imbalances between employment, wages and the provision of basic services, and between rural and urban settlements. The regime suppressed or brought under its control every independent civil or economic initiative, and the President reportedly disposed personally of a shadow budget that was larger than the State budget, without any civic or political oversight, while the regime kept people quiet by meeting their basic needs from extra-economic resources. The regime had reinforced its authoritarian character and was rapidly turning into a dictatorship with clear totalitarian inclinations.

Emphasizing that the conclusions and recommendations contained in his 2004 report [YUN 2004, p. 815] remained valid, the Special Rapporteur urged the Government to give a clear sign of its readiness to cease human rights violations and to bring perpetrators to justice. He further recommended that the Commission request OHCHR to establish a group of legal experts to analyse the responsibility of senior Government officials in the disappearance or murder of public persons, political opponents and journalists and to make proposals for their prosecution. Also, the Secretary-General should investigate the apparent involvement of senior Government officials in international organized crime and illegal arms sales, monitor the international financial cash flows of Belarus, and, if necessary, freeze the foreign bank accounts of those involved in illicit trafficking, and prosecute criminals. In order to continue to raise international awareness of the situation of human rights in Belarus, the Special Rapporteur recommended that the Commission extend his mandate and enlarge its scope and means. Other recommendations were addressed to the Belarusian political opposition and civil society, the international community, Member States and regional organizations, particularly the Council of Europe and OSCE.

Communications. On 24 March, Belarus, referring to the Special Rapporteur’s report (see above), submitted information on its contribution to strengthening international security, arms control and disarmament [E/CN.4/2005/G/27], and on social and economic developments in that country, based on the reports of international organizations [E/CN.4/2005/G/28].

Cyprus

Commission action. On 14 April [dec. 2005/103], the Commission retained the item on Cyprus on its agenda, with the understanding that previous resolutions would continue to remain operative, including its request to the Secretary-General to report on their implementation. (See also p. 491.)

Note by Secretary-General. In response to a 2004 Commission request [YUN 2004, p. 816], the Secretary-General transmitted an OHCHR report [E/CN.4/2006/8 & Corr.1], which provided an overview of human rights issues in Cyprus covering the period up to 23 December 2005. Human rights concerns were rooted in the persisting divi-
sion of the island, which affected the freedom of movement, property rights, the freedom of religion and the right to education, among other rights.

Limitations to the freedom of movement, owing notably to identity checks at crossing points, particularly affected the military zones in the northern part of the island. The crossing points had also given rise to other problems, including criminal activities, such as smuggling, drug and human trafficking and illegal immigration. Other issues of concern pertained to the question of missing persons, which the Security Council, in resolution 1642(2005) (see p. 496), asked the parties to assess and address with urgency and seriousness.

Regarding economic rights, the gap in the standards of living between the two parts of the island persisted. The report, emphasizing that the continuing de facto partition of the island constituted a major obstacle to the enjoyment of human rights, concluded that the situation would greatly benefit from a comprehensive settlement of the Cyprus problem.

### Middle East

#### Lebanon

On 14 April [dec. 2005/102], the Commission deferred to its 2006 session consideration of a draft resolution on the human rights situation of Lebanese detainees in Israel.

(For information on a visit to Lebanon by the Special Rapporteur on trafficking in persons, especially women and children, see p. 854.)

#### Territories occupied by Israel

During 2005, the question of human rights violations in the territories occupied by Israel as a result of the 1967 hostilities in the Middle East was again considered by the Commission on Human Rights. Political and other aspects were considered by the General Assembly, its Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (Committee on Israeli Practices) and other bodies (see PART ONE, Chapter VI).

### Reports of Secretary-General

In response to a 2004 Commission request [YUN 2004, p. 877], the Secretary-General reported that he had brought the Commission’s resolution on the occupied Syrian Golan to the attention of all Governments, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations [E/CN.4/2005/26]. It was also communicated to the Committee on Israeli Practices, the Committee on the Exercise of the Inalienable Rights of the Palestinian People (Committee on Palestinian Rights) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

The Secretary-General, in a further report [E/CN.4/2005/27], also submitted in response to a 2004 Commission request [YUN 2004, p. 877], said he had brought the Commission’s resolution on the violation of human rights in the occupied Arab territories to the attention of the Government of Israel and all other Governments, relevant UN bodies, specialized agencies, regional intergovernmental organizations and international humanitarian organizations, the Committee on Israeli Practices, the Committee on Palestinian Rights and UNRWA. He received no reply from Israel.

A note of the Secretary-General [E/CN.4/2005/28] listed all General Assembly reports issued since 23 April 2004 on the situation of the population living in the occupied Arab territories.

### Commission action

On 14 April [res. 2005/6], the Commission, by a recorded vote of 39 to 2, with 12 abstentions, expressed concern at the continuing Israeli settlement and related activities, in violation of international law, which had changed the physical character and demographic composition of the occupied territories, including East Jerusalem and the occupied Syrian Golan. It also expressed concern at the new construction plan announced by Israel on 18 April (see p. 509).

Taking note of the resumption of dialogue between the parties, the Commission urged them to seize the opportunity offered by the current political context to give renewed impetus to the peace process and to implement the 2003 road map aimed at a comprehensive settlement [YUN 2003, p. 464], endorsed by the Security Council in resolution 1515(2003) [ibid., p. 483]. The Commission asked Israel to implement measures, including the confiscation of arms and enforcement of criminal sanctions, to prevent violence by Israeli settlers and to guarantee the safety and protection of Palestinians. It further demanded that Israel comply with its legal obligations set out in the 2004 advisory opinion of the International Court of Justice (ICJ) [YUN 2004, p. 465] and implement the recommendations regarding settlements contained in the High Commissioner’s report on her 2000 visit to the region [YUN 2000, p. 776].
Also, on 14 April [res. 2005/7], by a recorded vote of 29 to 10, with 14 abstentions, the Commission condemned Israel’s continuing violations of the human rights of the Palestinian people in the Occupied Palestinian Territory and called on Member States to fulfil their obligations under international human rights and humanitarian law to ensure that Israel ceased killing, targeting, arresting and harassing Palestinians, particularly women and children. The High Commissioner was asked to address the issue of Palestinian pregnant women giving birth at Israeli checkpoints owing to Israel’s denial of access to hospitals, with a view to ending that inhumane practice, and to report thereon to the General Assembly in 2005 and to the Commission in 2006. The Commission further requested the High Commissioner to demand the immediate release of Palestinian detainees, including women, children and the sick, investigate reported cases of torture, harassment or ill-treatment and bring to justice Israeli officers involved in the abuse of detainees.

Israel was asked to comply with its obligations under international law, as mentioned in the ICJ advisory opinion and as demanded in relevant General Assembly resolutions, to cease construction of the wall in the Occupied Palestinian Territory, dismantle the structure and make reparations for damage caused due to its construction.

The Special Rapporteur was asked to report to the General Assembly in 2005 and to the Commission in 2006.

On the same date [res. 2005/8], by a recorded vote of 32 to 2, with 19 abstentions, the Commission called on Israel to comply with UN resolutions on the Syrian Golan and demanded that it rescind its decision to impose its laws, jurisdiction and administration on the occupied territory. It also called on Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the area and from imposing Israeli citizenship and identity cards on the Syrian citizens of the Syrian Golan and to cease its repressive measures against them. The Secretary-General was requested to bring the Commission’s resolution to the attention of all Governments, UN organs, specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to widely publicize it and to report in 2006.

Reports of Special Rapporteur. A report of Special Rapporteur John Dugard (South Africa) [E/CN.4/2005/29] focused on Israel’s military incursions into the Gaza Strip, the demolition of houses, violations of human rights and humanitarian law arising from the wall it was construct-
hand over the control of five cities to the Palestinian Authority.

Despite those developments and reforms, however, the main violations of human rights and humanitarian law in the Occupied Palestinian Territory had not been addressed, including settlements, checkpoints and roadblocks, the situation in Gaza and the continued incarceration of over 7,000 Palestinians. The Special Rapporteur concluded that there was still hope for both Israel and Palestine, and that if the ceasefire was to hold, the Palestinian Authority would have to exercise control over militant groups responsible for violence against IDF and settlers within Palestine and for suicide bombings within Israel. It was equally important that Israel kept its part of the bargain. In that regard, it was not sufficient for Israel merely to cease its military activity against Palestinians, but it also had to address the causes of Palestinian militancy. In the longer term, the questions of the return of refugees, the status of Jerusalem and the occupation had to be confronted, but in the short term, Israel needed to address the release of prisoners, the abandonment of checkpoints, the dismantling of the wall and the evacuation of all settlements in Palestinian territory. If it failed to do so, it would forfeit an opportunity for peace that might not arise again.

In a 29 March communication [E/CN.4/2005/G/30], Israel transmitted its response to the aforementioned reports of the Special Rapporteur.

An August note of the Secretary-General [A/60/271] transmitted a further report of the Special Rapporteur, based on his visit to the Occupied Palestinian Territory (Gaza and the West Bank, 26 June–3 July). The report focused on Israel’s decision to withdraw Jewish settlers and troops from Gaza, its continuing construction of the wall in Palestinian territory, the expansion of settlements and the de-Palestinization of Jerusalem.

The report noted that Israel’s withdrawal from Gaza would result in the decolonization of Palestinian territory, but would not end the occupation owing to its continuing control of Gaza’s borders. In addition, Israel had ignored ICJ’s advisory opinion that the construction of the wall was contrary to international law and should be dismantled, and was planning to expand Jewish settlements in the West Bank and parts of Jerusalem. The report also drew attention to the impact of the wall on the welfare of Palestinians, cutting thousands of them off their agricultural lands and forcing them to gradually leave land and homes they had occupied for generations.

Highlighting what he considered to be principal violations of human rights in the Occupied Palestinian Territory, the Special Rapporteur pointed out that the wall and settlements seriously undermined the Palestinian people’s fundamental right to self-determination, upon which all other rights depended. Other key rights that continued to be violated included the freedom of the person, the freedom of movement, women’s rights, economic and social rights and the right to a clean environment. He said that only a resolution to the conflict, which would end the Israeli occupation of the Occupied Palestinian Territory, the construction of the wall, the expansion of settlements and the de-Palestinization of Jerusalem, would restore hope for respect for human rights.

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

(For information on a visit to the Occupied Palestinian Territory by the Special Representative of the Secretary-General on human rights defenders, see p. 718.)

Report of High Commissioner. In response to Commission resolution 2005/7 (see p. 904), the High Commissioner submitted a 31 August report [A/60/324] containing information from three UN entities on the issue of Palestinian pregnant women giving birth at Israeli checkpoints.