

fidh

Fédération internationale des ligues des droits de l'Homme

ORGANISATION INTERNATIONALE NON GOUVERNEMENTALE AYANT STATUT CONSULTATIF AUPRES DES NATIONS UNIES, DE L'UNESCO,
DU CONSEIL DE L'EUROPE ET D'OBSERVATEUR AUPRES DE LA COMMISSION AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

International Federation
for Human Rights

Federación Internacional
de los Derechos Humanos

الغدرالية الدولية لحقوق الانسان

POSITION PAPER

61st Session of the Commission on Human Rights

March 14th – April 22nd 2005

FIDH

17, passage de la Main d'Or
F-75011 Paris – France
tel. +33 (0)1 43 55 25 18
fax. +33 (0)1 43 55 18 80
fidh@fidh.org
<http://www.fidh.org>

FIDH

Délégation Permanente auprès de l'ONU
15, Rue des Savoises,
CH-1205 Genève - Suisse
Tel : +4122 700 12 88
Fax : +4122 321 54 88
fidh.ge@worldcom.ch
amadelin@fidh.org, bquadranti@fidh.org
apomeon@fidh.org

TABLE OF CONTENTS

TABLE OF CONTENTS	2
INTRODUCTION	4
COUNTRY PRIORITIES	7
AFRICA	7
Burundi	7
Democratic Republic of Congo	7
Ivory Coast	8
Mauritania	9
Sudan/Darfur	10
Togo	11
Zimbabwe	12
ASIA AND MIDDLE EAST	13
Bangladesh	13
Bahrain	13
Egypt	14
Iraq	15
Iran	15
Lao People's Democratic Republic	16
Malaysia	17
Nepal	17
Occupied Palestinian Territories	18
Pakistan	19
People's Republic of China	19
Vietnam	20
EUROPE AND WESTERN COUNTRIES	22
Belarus	22
Russian Federation	22
United States of America	24
LATIN AMERICA	25
Colombia	25
Cuba	26
Guatemala	26
Haiti	27
THEMATIC PRIORITIES	28
Corporate Responsibility in relation to Human Rights	28
Death Penalty	28
Discrimination based on Work and Descent	29
Discrimination based on Sexual Orientation or Gender Identity	29
Economic, Social and Cultural Rights	30
Enforced Disappearances	30
Extreme Poverty	31
Protection of Human Rights and Fundamental Freedoms while Countering Terrorism	32

Human Rights Defenders.....	33
Indigenous People.....	34
Reparation for Victims of Violations of Human Rights and International Humanitarian Law	34
Impunity.....	35

INTRODUCTION

Returning to the protection mandate

« Faced with the multiplication of flagrant violations of Human rights and the impossibility to denounce them in countries, the only hopes of victims, their families, and of Human rights defenders are the condemnations and the pressures which can be exerted by the international community. The Commission, threatened, must be able to assume its central mission to achieve that purpose ».

Sidiki KABA, President of the FIDH

Only a few days away from the opening of the 61st session of the UN Commission on Human Rights, the International Federation for Human Rights (FIDH) publishes its position paper. FIDH calls upon States members of the Commission to better exercise the protection mandate assigned to this body, as required by Resolution 34/175 of the UN General Assembly. Therefore, FIDH calls for the adoption of resolutions on 21 countries, and also urges recommendations on 12 specific themes.

Guaranteeing its protection mandate

On the occasion of previous sessions of the Commission on Human rights, and lately at the last session of the Third Committee of the UN General Assembly, a campaign against item 9 - country resolutions - has been openly launched by a number of countries. They have been using the fallacious argument of « political selectivity » of country resolutions to tentatively –and successfully - eliminate their examination and adoption by the Commission.

FIDH reaffirms that CHR's primary mandate is to evaluate and take position on the situation of Human rights throughout the world. Item 9 is a necessary instrument for the fulfillment of this task. Faced with attacks which have recently become systematic, FIDH recalls the necessity and the urgency, for States composing the Commission, to respect the objectives that have been assigned to this institution:

- The public condemnation of Human rights violations are seriously feared by their authors. This can be easily measured with efforts deployed by targeted States to prevent such condemnations in the corridors of the Commission. Condemnation has a protecting deterrent effect when violators know they are being observed.
- Resolutions enable the public qualification of human rights violations by the UN body, a first step in a process leading to justice and the reparation of victims.
- Resolutions are requested by human rights defenders who, in the field, are the primary witnesses

of human rights violations, sometimes at the peril of their lives. The argument of excessive politicization does not hold in front of voices who only demand compliance with international human rights law.

“Reforms” are always justified when it is to reduce the alarming malfunctions characterizing a political organ such as the Commission on Human Rights. However, more than a new reform, it is political will that is lacking among the States composing the Commission, to allow it to carry out its mandate. FIDH fears that the new reform procedure aiming to further the credibility of the Commission, although necessary, is a new opportunity or pretext to reduce once again the Commission’s capacities to protect victims.

FIDH therefore calls upon member States of the Commission to respond to the calls addressed to them by Human rights defenders, to have the Commission focus on its protection mandate and within this framework, echo the emergency situations which are presented to them.

FIDH presents at this session of the Commission: 25 written interventions, a dozen oral interventions, and will organize or co-organize 15 public events. FIDH with member and affiliate organizations will actively participate during the 6 weeks of the session to bring forth its concerns. FIDH has also joined the Executive Board of the International Festival of Films on Human Rights that will be held from 11th to 19th March. In this context, on 13th March, the FIDH is co-organizing an afternoon event on the theme of immigration and violations of Human rights¹. The Festival with FIDH, HRW, and OMCT will hold on 30th March the Estates General on Human rights titled “To witness, denounce, and protect: the Commission on Human Rights faced with its responsibilities”.

The main priorities of FIDH are the following:

Country priorities:

Concerning Africa, FIDH requests that the Commission adopt a resolution on:

- the situation in Sudan (Darfour), in the Ivory Coast, in Togo and in Zimbabwe, requesting the installation of a monitoring mechanism in charge of reporting on the Human rights situation, and
- the situation in the Democratic Republic of Congo and in Burundi, requesting the renewal of the mandate of the Independent Expert on the Human rights situation.

Concerning the Americas, FIDH also requests that the Commission adopt a resolution on:

- the situation in Colombia directing the government to apply the recommendations of the Office of the High Commissioner of Human rights and to support the work of the Office of the United Nations,
- the situation in Cuba expressing their concerns with regard to the situation of Human rights in the country and directing the government to authorize the Representative of the High Commissioner of Human rights as well as other special mechanisms of the Commission to visit the country,
- the situation in Haiti requesting the renewal of the mandate of the Independent Expert on this country, and
- the situation in the United States of America requesting the government to invite Special Rapporteurs to the Commission, notably the Special Rapporteurs on torture and on the independence of judges and lawyers.

¹ The film « Citadelle Europe » directed by Gilles de Maistre will be presented

Concerning Europe and States of the CIS, FIDH requests that the Commission adopt a resolution on:

- the situation in Russia, particularly in Chechnya, requesting an international fact-finding mission on the situation of Human rights in this region reporting back to the Commission on Human rights as well as to the General Assembly of the United Nations, and
- the situation in Belarus renewing the mandate of the Special Rapporteur on this country.

Finally, concerning Asia and the Middle East, FIDH also requests that the Commission adopt a resolution on:

- the situation in the Palestinian Occupied Territories broadening the mandate of the High Commissioner for Human rights to include a monitoring and training mission,
- the situation in Iraq, Iran, and Nepal, requesting the creation of a monitoring mechanism in charge of reporting on the Human rights situation, and
- the situation in China and in Vietnam urging the authorities of these countries to address a permanent invitation to the special thematic procedures of the United Nations.

Thematic priorities:

FIDH supports 12 thematic priorities for the 61st session of the CHR. Amongst them, FIDH requires the establishment of three specific mechanisms:

- a personal representative of the UN Secretary-General on business and human rights, to advise the consultations of member States on this topic,
- the broadening of the mandate of the Independent Expert on the protection of Human rights within the context of the fight against terrorism, to enable him or her to monitor country situations, and
- a mechanism to monitor discriminations based on work and descent (often related to the cast system).

Lastly, within the framework of the Observatory for the protection of Human rights defenders (a joint FIDH/OMCT program), FIDH calls for the condemnation of the deterioration of the human rights situation in Bahrain, Bangladesh, Belarus, Brazil, China, Colombia, Democratic Republic of the Congo, Guatemala, Iran, Mauritania, Nepal, Pakistan, the Russian Federation, Rwanda, Tunisia and Zimbabwe.

FIDH is also awaiting action from the Commission on: death penalty, discriminations on grounds of sexual orientation and gender identity, the issue of the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural rights, the follow-up to the elaboration of an internationally legally binding instrument for the prevention of enforced disappearances, extreme poverty, the protection of indigenous peoples, the right to reparation, and the fight against impunity.

COUNTRY PRIORITIES

AFRICA

Burundi

Press Release(English) [An opportunity for the prosecutor to fight impunity...](#) Sept. 2004

LIGUE BURUNDAISE DES DROITS DE L'HOMME (ITEKA) <http://www.ligue-iteka.bi/>

FIDH calls upon the Commission on Human Rights to express its deepest concern at the Human rights situation in Burundi, and in particular,

call for the setting-up an international inquiry commission in accordance with the Arusha Agreements;
condemn human rights violations, and in particular the massacre that took place in Gatumba;
renew the mandate of the Independent Expert on Burundi;

Request national authorities to:

- adopt immediately the legal framework necessary for holding presidential elections i.e. a Constitution, electoral and communal laws pursuant to the Arusha Peace Agreements;
- accelerate the demobilization, disarmament process and rehabilitation of former combatants;
- launch proceedings against all authors of violations of human rights and international humanitarian law, in accordance with regional and international provisions for the protection of human rights;
- set up an independent Truth and Reconciliation Commission;
- incorporate into domestic law the Rome Statute on the International Criminal Court, including the definition of international crimes, general principles of international criminal law and principles for the cooperation between the ICC and national authorities;
- issue a declaration of acceptance of Article 34(6) of the Additional Protocol to the African Charter of Human and Peoples' Rights creating the African Court of Human and Peoples' Rights thus enabling individuals and NGOs to bring a complaint directly to the Court.

Democratic Republic of Congo

Report : [DRC - Justice is overlooked by the Transition](#) June 2004

Press releases on DRC : http://www.fidh.org/rubrique.php3?id_rubrique=74

ASSOCIATION AFRICAINE DES DROITS DE L'HOMME (ASADHO)

GROUPE LOTUS

LIGUE DES ELECTEURS

FIDH calls upon the Commission on Human rights to adopt a resolution on the Human rights situation in the Democratic Republic of the Congo which will, *inter alia*,

- renew the mandate of the Independent expert on the Human rights situation in DRC;

Call upon the authorities of DRC:

- to adopt a law of implementation of the Rome Statute;
- to install the independence of the Judiciary;
- to enable the full exercise of the freedoms of expression and information, of the freedom of association and the full implementation of the 1998 UN Declaration on the protection of Human rights defenders;
- to organize in the briefest delays free and fair, democratic and transparent elections;

Call upon the UN Security Council:

- to reinforce the mandate of the MONUC for the protection of the civilians;
- to adopt targeted measures and sanctions against the persons and institutions named by the report of the Panel on the arms embargo in DRC;
- to strengthen the role of the MONUC and of the African Union in the application of the program on the Disarmament, Repatriation, Reinstallation and Reinsertion of all the active armed groups in the Eastern part of DRC;
- to call for the respect of the integrity and sovereignty of the DRC by its neighboring countries, notably Rwanda, Uganda and Burundi.

Ivory Coast

Press Release (English) [FIDH calls the Security Council to refer the situation in Côte d'Ivoire to the International Criminal Court](#) Nov. 2004

Press Release (English) [Peace must be based on justice](#) Aug. 2004

LIGUE IVOIRIENNE DES DROITS DE L'HOMME (LIDO)

MOUVEMENT IVOIRIEN DES DROITS DE L'HOMME (MIDH)

FIDH calls upon the Commission on Human Rights to adopt a resolution on the situation of Human Rights in Ivory Coast which will *inter alia*:

- set up a monitoring mechanism on the situation of human rights in Côte d'Ivoire with the mandate of following up on the recommendations of international bodies, commissions and mechanisms;
- urge Ivorian authorities to invite all thematic mechanisms of the Commission;

Call upon the parties to the conflict to:

- ensure a quick return to peace and the reunification of the country in strict compliance with the Linas Marcoussis and Accra III Agreements;
- set-up a democratic electoral process, in accordance with the provisions of Article 25 of the International Covenant on Civil and Political Rights, in particular through the respect of freedom of expression and equal access to media for all political parties;
- waive the resort to and use of force as a means to settle disputes;
- enforce disarmament, demobilization and rehabilitation of combatants without delay or subject to condition;
- strictly comply with the embargo decided by the Security Council and stop re-arming;

- protect civilian populations and condemn atrocities which are committed by their forces;
- bring before a court and judge, in accordance with applicable provisions of the international conventions for the protection of human rights, those suspected of having perpetrated grave violations of human rights and international humanitarian law;

Call upon the International Community to:

- strictly conform to the resolutions adopted by the Security Council, in particular Resolution 1572 of 15 November 2004 concerning the embargo on the sale of weapons to all parties to the conflict;
- support mediation endeavors undertaken by President Thabo Mbeki in order to restart the peace process, within the mandate of the African Union;
- support the set up of a democratic electoral process consistent with the provisions of Article 25 of the International Covenant on Civil and Political Rights;

Call upon the Prosecutor of the International Criminal Court to:

- open an inquiry on the situation prevailing in Côte d'Ivoire on the basis of the *ad hoc* acceptance of jurisdiction by the Ivorian authorities on 1 October 2003 made pursuant to Article 12 of the Rome Statute.

Mauritania

Press Release(English) [Conviction of the former Mauritanian President and of 8 members of his board](#) Dec. 2003

Press Release (French) [Verdict dans l'affaire des putschistes](#) Feb. 2005

Press Release (French) [Détenue arbitraire de sept femmes membres du Collectif des familles de détenus !](#) Nov 2004

ASSOCIATION MAURITANIENNE DES DROITS DE L'HOMME (AMDH)

FIDH and Association Mauritanienne des Droits de l'Homme call upon the Commission on Human Rights to express its deepest concern at the Human rights situation in Mauritania, urging the Mauritanian authorities to:

- respect, in all circumstances, the right to a fair trial, in accordance with the provisions of international provisions for the protection of human rights;
- immediately release any person arbitrarily arrested or detained and, in conformity with Article 9.5 of the ICCPR, grant reparation to the victims of such acts;
- immediately carry out impartial investigations on all allegation of torture or bad treatment against prisoners and bring to justice those accused of such acts;
- invite the Working Group on arbitrary detention, Special Rapporteur on torture and the Special Representative of the Secretary General on human rights defenders;
- ratify the International Covenant on Civil and Political Rights and its Additional Protocols;
- conform with provisions of the Declaration on Human Rights Defenders, adopted by the United Nations General Assembly on 9 December 1998;
- ratify the Protocol creating the African Court of Human and Peoples' Rights and make the declaration under Article 34.6 of the Protocol allowing victims and NGOs to bring a complaint directly before the Court; sign and ratify the Statute of the International Criminal Court;
- implement, as soon as possible, the recommendations made by the Committee for the Elimination of

Racial Discrimination of August 2004 (CERD/C/65/CO/5).

Sudan/Darfur

FIDH Report (English) [Sudan: one step forward, many steps back](#), May 2004

Press Release (French) [Darfour : l'exigence de justice](#)

Press Release (English) [The FIDH calls on the Security Council to refer the matter to the ICC](#), Feb. 2005

SUDAN ORGANISATION AGAINST TORTURE : <http://www.soatsudan.org/>

FIDH and Sudan Organization Against Torture call upon the UN Commission on Human Rights to adopt a resolution on the situation in Darfur, which will, *inter alia*,

- strongly condemn the massive and repeated violations of human rights and international humanitarian law committed in the Darfur region;
- urge for an increase of the number of the African Union troops deployed in Darfur and expand the mandate of the African Union peacekeeping forces to include a clear and specific obligation to ensure the protection of civilians;
- urge the UN Security Council to refer the situation in Darfur to the Prosecutor of the International Criminal Court;
- appoint a Special mechanism to monitor and report upon the human rights situation prevailing in Darfur;

Urge the international community to:

- continue to exert pressure on all parties in the conflict to reach to a political peace settlement, particularly building on the basis of the November 2004 Agreements;
- take measures to ensure that parties to the conflict respect the November 2004 Agreements, and adopt effective punitive measures against any party which fails to comply;
- provide the necessary support to all international agencies and humanitarian organizations in order to ensure immediate, full, safe and unhindered access to the people affected in Darfur and facilitate delivery of humanitarian assistance to these people;
- work towards creating conditions of safety permitting civilians to return safely to their homes of origin;

Urge all parties to the conflict to:

- bring about an immediate and definitive end to the hostilities;
- pursue negotiations in order to reach a political peace process;
- strictly respect the ceasefire agreement concluded in April, the Abuja Protocols signed on 9th November 2004 and their obligations;
- condemn all violations of human rights and international humanitarian law committed by their own troops and launch judicial procedures against alleged authors, in accordance with international human rights provisions;

Urge the government of Sudan to:

- immediately stop all attacks against civilians in Darfur and put an end to the grave violations of human rights;

- investigate war crimes and crimes against humanity and bring all perpetrators to justice;
- take all necessary measures to ensure the physical and psychological rehabilitation of all victims of human rights abuses in the region and ensure access to justice for all;
- immediately disarm armed militias in accordance with UN Security Council resolution 1564 and stop all support to them, including the provision of supplies;
- guarantee the respect of fundamental standards of international humanitarian law and human rights instruments to which it is bound, particularly its obligation to protect civilian populations.

Togo

Press Release(French) [Répression arbitraire des manifestations du 12 février:les témoins pris pour cibles](#) Feb. 2005

Press Release (English) [The consultations between the European Union and Togo...](#) April 2004

Press Release (English) http://www.fidh.org/article.php3?id_article=93 June 2003

LIGUE TOGOLAISE DES DROIS DE L'HOMME : <http://www.letogolais.com/article.html?nid=1200>

FIDH, in conjunction with a coalition of NGOs², call on the Human Rights Commission to adopt a resolution on the Human rights situation in Togo which will *inter alia*:

- condemn the coup and arbitrary amendments made to the Constitution, and demanding a return to Constitutional rule;
- call for a return to normal transition protocol in accordance with the Togolese Constitution and the prompt organization of free, transparent and pluralist elections;
- appoint a Special Rapporteur to lead an enquiry into the human rights situation in Togo and to report to the next session of the Human Rights Commission;
- **Call upon the Togolese authorities to:**
- invite the Working Group on Arbitrary Detention, the Special Rapporteur on Torture, and the Special Representative of the Secretary-General on Human Rights Defenders;
- ratify the international and regional instruments on the protection of human rights and the struggle against impunity;
- create an independent body to harmonise effectively international instruments ratified by Togo with national legislation, to oversee the submission of initial and periodic reports to the Treaty bodies and ensure that the recommendations and conclusions made therein regarding Togo are implemented;
- make a declaration under article 34.6 of the Additional Protocol to establish the African Court of Human and Peoples' Rights to enable Togolese nationals and non-governmental organizations to use this instrument immediately in the struggle against impunity;
- immediately launch impartial investigations into all cases of suspicious death of detainees and allegations of torture; pursue through the courts all who have engaged in torture and to act according to the stipulations of the Convention Against Torture to which Togo is party; provide adequate reparation to victims of torture and their families, and to put into place official programmes for reparation, rehabilitation and readaptation of victims; undertake immediate reforms necessary to improve the prison conditions;

² ACAT-France, Agir ensemble pour les droits de l'Homme, Franciscans International, FIDH, FIACAT, Secours-Catholique – Caritas France, Survie

- respect all principles in the United Nations Declaration of 1998 on Human Rights Defenders;
- guarantee all fundamental freedoms of expression and information, in accordance with the provisions set out in the International Covenant on Civil and Political Rights;
- Ratify the Statute of the International Criminal Court.

Zimbabwe

Background:

FIDH Open letter (English) [Open Letter to Mr Robert Mugabe, President of the Republic of Zimbabwe](#), Aug. 2004
FIDH Report (English) *Zimbabwe shrinks away economic*, June 2004
ZIMBABWE HUMAN RIGHTS ASSOCIATION (ZIMRIGHTS)

FIDH calls upon the Commission on Human Rights to adopt a resolution on the Human rights situation in Zimbabwe, urging the Zimbabwean authorities to, *inter alia*:

- guarantee the physical and psychological integrity of human rights defenders;
- put an end to all forms of harassment, arrests and arbitrary detentions and threats against human rights defenders;
- repeal the law on non-governmental organizations, which is contrary to fundamental freedoms protected in regional and international human rights conventions;
- revise the "Criminal Law Codification and Reform Act" so that the law is conform with international provisions on freedoms of information and expression;
- strictly conform to the provisions of the United Nations Declaration on defenders, adopted in 1998, and the International Covenant on Civil and Political Rights;
- ratify the Convention against Torture and other sanctions and inhuman and degrading treatments, as well as the additional Protocol to the Convention against Torture;
- pursue and judge the authors of acts of torture, in conformity with the provisions of international instruments for the protection of human rights;
- ratify the additional Protocol to the African Charter on Human and Peoples' Rights bringing forth the creation of the African Court on Human and Peoples' Rights, also giving authorization to NGOs and individuals to bring a complaint directly to the Court by making a declaration under Article 34 of the Protocol;
- invite the Working Group on arbitrary detention, the Special Rapporteur on torture and the Special Representative of the Secretary General on human rights defenders.

ASIA AND MIDDLE EAST

Bangladesh

FIDH open letter [Open Letter to Mrs. Begum Khalida Zia, Prime Minister of Bangladesh](#) June 2004

ODHIKAR <http://www.odhikar.org/>

FIDH calls upon the Commission on Human Rights to express its deepest concern on the situation of human rights in Bangladesh, calling upon the government:

- to put an end to the impunity of human rights violators, be they officials, members of the Rapid Action Battalion or non-state actors;
- to enquire into all allegations of torture and make sure that those responsible are held accountable and brought to justice;
- to reduce the number of crimes entailing capital punishment as a first step towards the adoption of a moratorium and the eventual abolition of capital punishment;
- to provide proper assistance to the Rohingyas, who are refugees on its territory and to ensure their security in the camps;
- to duly establish the National Human Rights Commission as foreseen in the 1999 legislation;
- to cooperate with the UN Treaty bodies, and in particular submit initial state reports to CAT, HRC and CESCR;
- to fully implement the recommendations addressed to the authorities of Bangladesh by the UN Special Rapporteur on the Right to food, by the Committee on the Rights of the Child, the CEDAW and the Committee on the Elimination of Racial Discrimination;
- to extend a standing invitation to the Thematic Special Procedures of the United Nations Commission on Human Rights;
- to ratify the Statute of the International Criminal Court.

Bahrain

Press Release (English) [Head of the Bahrain Centre for Human Rights in Detention](#) Sept. 2004

Press Release (English) [Open letter to the Amir Shaikh Hamad Essa Bin Al-Khalifa](#) Aug. 2000

BAHRAIN HUMAN RIGHTS SOCIETY (BHRS): <http://bh.rs.org/arabic/index.php>

FIDH calls upon the Commission on Human Rights to express its deepest concern on the Human Rights situation in Bahrain urging the Bahraini authorities :

- to take the necessary steps to guarantee freedom of association and expression, by the rehabilitation of the Bahrain Centre on Human Rights and the reform the Societies law of 1989 in order to conform with the Declaration on Human Rights Defenders adopted by the UN General Assembly on 9 December 1998, in particular article 1, which states that “everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental

freedoms at the national and international levels,” and article 5(b), stating that “everyone has the right, individually and in association with others, at the national and international levels to form, join and participate in non-governmental organizations, associations or groups”;

- to take effective legislative, judicial and administrative measures to implement the provisions of the CERD, according to the articles 2, 3 and 4 of the Convention;
- to establish special mechanisms to monitor the application of non-discrimination guarantees laid down in the law, according to the articles 4, 5 and 6 of the Convention, which requires the establishment of ad hoc mechanisms to receive complaints, to carry out investigations and to implement consequent decisions;
- to establish a National Human Rights Commission for monitoring the fulfillment of the State party's obligations;
- to ratify the International Covenant on Civil and Political Rights of 1966;
- to respect foreigners' economic and social rights, giving effect to articles 198 and 302 bis of the Criminal Code and bring to justice those “sponsors” who all too often break the rules and abuse the scheme;
- to safeguard women's rights, allowing them high-ranking posts;
- to stop any kind of discrimination and harassment on the basis of sexual orientation or gender identity, in conformity with the provisions of the Bahraini Constitution;
- to adapt the Bahraini domestic law to the international standards, stated by the conventions ratified by the government.

Egypt

EGYPTIAN ORGANISATION FOR HUMAN RIGHTS: <http://www.eohr.org/>

FIDH calls upon the Commission on Human Rights to express its deepest concern at the human rights situation prevailing in Egypt, urging the Egyptian authorities to *inter alia*:

- to repeal the Declaration of State of Emergency and laws adopted in pursuance of this declaration;
- to abolish the use of exceptional jurisdictions and ensure the existence of an independent judiciary;
- to act in conformity with the Universal Declaration of Human Rights, the international human rights instruments ratified by Egypt and, in particular, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which was ratified by Egypt in 1986 and incorporated into Egyptian law under Article 151 of the Constitution which requires Egypt to adopt measures for prevention and implement recommendations adopted by UN Treaty Monitoring Bodies;
- to invite the Special Rapporteur on Torture;
- to stop all kinds of discrimination and harassment made on the basis of sexual orientation or gender identity;
- to duly investigate all cases of disappearances, bring to justice and condemn all perpetrators and adopt specific laws on the crime of enforced disappearances in order to make participation to or incitement of enforced disappearance a criminal act, in conformity with the United Nations General Assembly Declaration of 1992;
- to adopt a moratorium on capital punishment and ratify the second optional protocol to the ICCPR,

with the objective of abolishing death penalty;

- to stop random and massive arrests, among others in the scope of “counter-terrorism” campaigns, which violate the right to personal security, as granted by Article 41 of the Egyptian Constitution;
- to ratify Articles 21 and 22 of the CAT and amend Article 126 of the Criminal Code to bring it in line with the CAT. Individuals must also be given the right to bring cases directly before criminal courts in the event of attacks on personal liberty and deprivation of life, or crimes described in Article 126 of the Criminal Code. This Article punishes those who use torture in order to extract confessions from suspects. In the same vein, civilians must be empowered to bring prosecutions under Articles 280 and 282 which prohibit illegal arrest.

Iraq

[FIDH press release, "The FIDH condemns the complicit silence of the International community and calls for an international inquiry into war crimes in Iraq" \(April 2004\);](#)

[FIDH press release, "No to the restoration of the death penalty" \(August 2004\)](#)

[FIDH Open letter to President G. W Bush, \(May 2004\)](#)

IRAQI NETWORK FOR HUMAN RIGHTS CULTURE AND DEVELOPMENT (INHRCD)

FIDH calls upon the Commission on Human Rights to adopt a resolution on the human rights situation in Iraq which, *inter alia*:

- condemn deliberate targeting against civilians;
- urge the Iraqi authorities to prevent attacks against the civilian population ; urge all parties to ensure effective respect of the right to life , physical integrity and security in accordance with international human rights law and international humanitarian law and to investigate and sanction the actors of such violations of human rights;
- urge the Iraqi authorities to ensure the right to a fair trial for the accused and the right to access for victims to the Iraqi Special Tribunal;
- urge the Iraqi Government to ratify the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Rome Statute of the International Criminal Court;
- appoint a special rapporteur on the Human rights situation in Iraq.

Iran

Press Release (French) [L'ONU s'inquiète d'un rapport sur les droits des enfants en Iran](#) Jan. 2005

Press Release (French) [Un marchandage inadmissible...](#) Nov. 2004

LIGUE IRANIENNE DE DEDENSE DES DROITS DE L'HOMME (LDDHI) / DEFENDERS OF HUMAN RIGHTS CENTER (DHRC)

FIDH and the *Ligue de défense des droits de l'Homme en Iran* call upon the Commission on Human Rights to adopt a resolution on the Human Rights situation in Iran, appointing a Special Rapporteur on Iran and asking the authorities to:

- immediately and unconditionally free all prisoners of opinion;
- implement the recommendations from the WGAD, the Special Rapporteur on migrants, on freedom of expression and on violence against women, as well as concluding observations from Treaty bodies;
- abolish domestic provisions which are discriminatory against women;
- put an end to the discrimination against minorities, including religious minorities;
- abolish corporal punishments;
- ensure that the death penalty is only carried out for the most serious crimes and is never applied to juvenile offenders, and adopt a moratorium on executions as a first step towards abolition;
- ratify CAT, CEDAW and the Statute of the ICC, without reservations contrary to their object and purpose;
- submit its periodic reports under the ICCPR and the ICESCR.

Lao People's Democratic Republic

Press Release (English) [Situation of the Religious and Ethnic Minorities in the Lao People's Democratic Republic](#) Jan. 2005

Press Release (English) [A UN body expresses concern regarding women rights in Laos](#) Feb. 2005

MOUVEMENT LAO POUR LES DROITS DE L'HOMME <http://www.mldh-lao.org/>

FIDH and MLDH call upon the Commission of Human Rights to express its deepest concern at the Human rights situation in Democratic People's Republic of Laos, urging the authorities to:

- immediately free without conditions all prisoners of opinion and conscience;
- remove all restrictions to the freedoms of expression, association and assembly, in legislation and in practice;
- put an end to the repression exercised against ethnic and religious minorities in Laos, in particular the "hunt" on Lao-Hmong populations in the Saysombom jungle, of Bolikamsay and of Luangprabang;
- investigate the violations of human rights of the minorities and to put an end to the impunity of those responsible for such violations;
- guarantee just and equitable conditions of re-installation; conform to the promises made to displaced populations, notably in the context of the eradication project of opium crops in Laos; consult the populations concerned in the decision-making;
- pursue those responsible for drug trafficking and prostitution networks, and to put in place programs to re-insert women victims of sexual exploitation or human trafficking;
- follow a voluntary policy to increase the representation rate of women in directing bodies, in a democratic context, by associating persons other than only members of "the union of Lao women";
- put in place awareness raising campaigns on AIDS in cities and in the countryside, and to assemble the statistics on its rate of prevalence;
- address a standing invitation to the special mechanisms of the Commission on Human Rights and to allow access to international NGOs for the protection of human rights to the whole territory of the DRPL;

- fully cooperate with the Treaty bodies of the United Nations, and to put into practice the recommendations that they formulate, in particular those adopted by the CEDAW after examination of the DRPL report in January 2005;
- ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture, and the Convention on Migrant Workers.

Malaysia

FIDH Repot: ["The Boa Constrictor": Silencing Human Rights Defenders](#) Mar. 2003

Press Release [a UN body considers detentions under the Internal Security Act as arbitrary](#) July 2004

SUARAM <http://www.suaram.net/>

FIDH and Suaram call upon the Commission on Human Rights to express its deepest concern at the Human rights situation in Malaysia, urging the authorities:

- to revoke the Emergency Proclamations;
- to revoke the Internal Security Act and the Emergency Ordinance;
- to charge all ISA detainees with a legal offence or to release them;
- to comply with international human rights standards regarding the treatment of prisoners;
- to introduce mandatory inquests for all custodial deaths;
- to make public the Police Commission's report and to nominate human rights experts amongst its members;
- to take steps to ensure that freedom of association, freedom of assembly and freedom of expression are fully respected;
- to guarantee the full independence of the judiciary;
- to adopt a moratorium on death penalty as a first step towards the abolition;
- to respect UNHCR refugee status, and to ensure that illegal immigrants are treated with due respect to human rights norms (no corporal punishment, no double sentence ...);
- to accept an independent inquiry on the latest general elections;
- to work together with Suhakam (the National Human Rights Commission of Malaysia) in order to reach a higher level in the observance of human rights;
- to issue a standing invitation to UN Special Thematic Procedures;
- to ratify the ICCPR, the IPESCR, the CAT, the ICPRMW, the 1951 Geneva Convention on refugees and the Statute of the ICC.

Nepal

Report of the "Observatory for the Protection of Human Rights", a joint FIDH and OMCT programme: ["An appalling situation: Human Rights Defenders increasingly victims of the armed internal conflict"](#). (February 2005);

[Open letter to the King of Nepal](#). (February 2005)

FIDH calls upon the Commission on Human rights to adopt a resolution on the Human rights situation in Nepal which will *inter alia*:

- express deep concern in relation to the situation of human rights in Nepal and establish a special mechanism to monitor the human rights situation in the country;
- call upon the Nepalese authorities to:
 - lift the current state of emergency;
 - comply with international human rights law and take effective steps to bring to justice, in the respect of human rights standards, the perpetrators of violations of human rights;
 - comply with the UN Declaration on Human Rights Defenders, especially articles 1, 5 and 6;
- Call upon CPN (Maoists) to respect International Humanitarian Law.

Occupied Palestinian Territories

FIDH Report(English) [Bridges instead of walls...](#) June 2004

FIDH Report(English) [Violations of International Humanitarian Law and Human Rights during operation “Rainbow” \(13-25 May 2004\)](#) Oct.2004

Press Release (English) [Israel : annexation of East Jerusalem land under secret law?](#) Jan. 2005

PALESTINIAN CENTRE FOR HUMAN RIGHTS <http://www.pchrgaza.org/>

FIDH calls upon the Commission to adopt a resolution on the situation in the Occupied Palestinian territories, which, *inter alia*:

- calls upon the Israeli authorities to respect the Palestinian people's right to self-determination by stopping the construction of the Annexation Wall in the OPT ensuring that its actions are not eliminating the practical ability of the Palestinian people to realize their fundamental right to self-determination;
- calls upon the international community and the Security Council to endorse the recommendations made by the International Court of Justice in its Advisory Opinion declaring illegal the construction of the wall in the Occupied Palestinian Territory including in and around East Jerusalem;
- calls upon Israel and the Palestinian Authority to respect their obligations under international humanitarian law towards the civilian populations in the OPT and Israel;
- calls upon Israel to implement its international legal obligations set forth in the Advisory Opinion of the ICJ;
- Expands the mandate of the Office of the High Commissioner for Human Rights in the OPT to include human rights monitoring as well as training.

Pakistan

FIDH report (English) ["In Mala Fide" Freedoms of expression, of association and assembly in Pakistan](#) Jan. 2005

Press Release (English) [Are human rights on the agenda?](#) Dec. 2004

HUMAN RIGHTS COMMISSION OF PAKISTAN: <http://www.hrcp.cjb.net/>

FIDH calls upon the Commission on Human Rights to express its deepest concern at the Human rights situation in Pakistan, urging the authorities to:

- repeal all ordinances and decrees which contravene the 1973 Constitution;
- organize free and fair elections so that the power be brought back to a civilian and duly elected government;
- restore the independence of the judiciary;
- to adopt a moratorium on death penalty as a first step towards the abolition;
- take meaningful steps to tackle religious extremism;
- amend domestic legislation (Industrial relations Ordinance, Defamation Ordinance, University Ordinances, the Blasphemy Law, the Hudood Laws and the Qisaas and Diyat Ordinances as well as the Law on Evidence, etc) in order to bring it in conformity with international human rights standards on freedom of expression, freedom of association, on freedom of religion, on the prohibition of discrimination and on women rights;
- abolish all provisions discriminatory to minorities, including Ahmadis;
- amend the Frontier Crimes Regulation and extend the human rights guarantees enshrined in the Constitution and in domestic legislation to the FATA;
- ensure that all the authors of acts of discrimination are duly brought to justice;
- fully comply with the United Nations Declaration on Human Rights Defenders;
- review Sections 144 and 188 of the Criminal Code of Pakistan and make sure that they are not used to curb peaceful dissent;
- to issue a standing invitation to the Commission special thematic procedures and to implement the recommendations formulated by those mechanisms;
- to submit its state reports to the UN treaty bodies, and in particular under the CEDAW and the CERD;
- to ratify the ICCPR and the ICESCR without further delay and without reservations contrary to the object or purpose of those treaties.

People's Republic of China

Press Release (English) [Fifteen years after Tiananmen...](#) June 2004

Press Release (English) [EU/China human rights dialogue : more than a toothless exercise?](#) Sept. 2004

FIDH Intervention (English) [FIDH written intervention on People's Republic of China](#) Jan. 2004

Human rights in China <http://www.hrichina.org/public/index>

FIDH and Human Rights in China call upon the Commission on Human Rights to adopt a resolution

on the human rights in China, urging the Chinese authorities to demonstrate:

Greater cooperation with international processes

- ratify the ICCPR without reservation, and withdraw the reservation to art. 8.1(a) of the ICESCR;
- implement recommendations from UN treaty bodies and special mechanisms, such as those of the Committee Against Torture (2000), the Committee on the Elimination of Racial Discrimination (2001), the UN Working Group on Arbitrary Detention (1997 and 2004), and the Special Rapporteur on the right to Education (2003);
- respect the rights to freedom of religion, expression, assembly and association;
- issue a standing invitation to all the UN special thematic procedures, including the Special Rapporteur on Torture;

Progress on Judicial and Administrative Reform

- immediately and unconditionally release all political prisoners;
- reform Reeducation Through Labour bringing it into conformity with international human rights standards;
- reduce the number of crimes for which the death penalty can be applied as a first step towards a moratorium and effective abolition;
- prove willingness to reach a peaceful solution on Tibet through dialogue with the Dalai Lama.

Commitment to address the Tiananmen Crackdown

- engage in a process of reassessment of the 1989 Tiananmen movement;
- release those persons still in prison for peaceful activities related to the June 4 democracy movement, particularly those held under the non-existent crime of counter-revolutionary crime.

Vietnam

Press Release (English) [Dissidents Tran Khue and Pham Que Duong face unfair trials in Vietnam](#) July 2004

Press Release (French) [Résolution urgente du Comité Vietnam pour la Défense des Droits de l'Homme pour le Congrès de la FIDH](#) March 2004

COMITE VIETNAM POUR LA DEFENSE DES DROITS DE L'HOMME (CVDDH)

FIDH and the Vietnam Committee call upon the Commission on Human Rights to adopt a resolution on the human rights situation in Vietnam calling on the Vietnamese authorities to:

- immediately and unconditionally release all prisoners of opinion and conscience;
- cease repression against indigenous peoples, particularly the Montagnards;
- dismantle illegal services such as the GD2;
- make public all statistics on death sentences and executions, and reduce the number of crimes punishable by death as a first step towards a moratorium, and subsequently to the abolition of the death penalty;
- bring all domestic legislation into line with Vietnam's international obligations to respect human rights, notably the provisions of the ICCPR;
- implement the recommendations of the United Nations' treaty bodies and special mechanisms, and submit overdue reports (ICESCR, CRC);

FIDH Position paper – 61st session of the CHR

- extend a standing invitation to special procedures of the UN Commission on Human Rights;
- ratify and implement the Statute of the International Criminal Court and the United Nations Convention on Torture.

EUROPE AND WESTERN COUNTRIES

Belarus

FIDH Intervention (English) [Belarus: Restrictions of democratic freedoms](#) Nov. 2004

FIDH Report (English) [Belarus: the "liquidation" of the independent civil society](#) Apr. 2004

Press Release (English) [Opposition cannot be stifled](#) Oct. 2004

VIASNA Human Rights Center <http://www.spring96.org/English/>

FIDH and VIASNA Human Rights Center call upon the Commission on Human Rights to adopt a Resolution on the situation of Human Rights in Belarus which will, *inter alia*:

- renew the mandate of the Special Rapporteur on Belarus;

Urge the Belarus authorities to:

- cooperate with the Special mechanisms of the Commission on Human Rights;
- guarantee the independence of the judiciary and implement the recommendations of the UN Working Group on Arbitrary Detentions;
- take the necessary steps to ensure that those responsible for enforced disappearance of political opponents and businessmen are brought to justice before an independent and impartial tribunal;
- guarantee freedom of expression, association and peaceful assembly in accordance with international and regional human rights instruments;
- cease harassment and intimidation of people whose views differ from the authorities;
- reopen liquidated NGOs and educational establishments, and recognize the role of human rights defenders in the field of democracy and the necessity to protect them in accordance with the Declaration on Human Rights Defenders;
- render its laws on the freedom of association consistent with international human rights law;
- refrain from adding new restrictions to the activities of religious organizations, in order to respect freedom of conscience;
- abolish death penalty;
- comply with its international and national human rights obligations.

Russian Federation

FIDH report [Russia: Human rights defenders faced with the "dictatorship of the law"](#) Sept. 2004

Press Release [Vladimir Putin discredits NGOs](#) May 2004

Press Release [War Crimes, Crimes against humanity and Restrictions to democratic freedoms should not be silenced](#) Nov. 2004

Moscow Research Center for Human Rights <http://www.civilsoc.org/nisorgs/russwest/moscow/hr-rsrch.htm>

FIDH calls upon the Commission on Human Rights to recognize the gravity of the situation prevailing in the Russian Federation, notably in Chechnya, and adopt a resolution which will *inter alia*:

Condemn the Human rights situation in Chechnya, and in particular

- condemn the on-going grave violations of human rights in and around the Republic of Chechnya, as underlined by the unprecedented condemnation of Russia by the European Court of Human Rights, in particular extra-judicial killings, enforced disappearances and torture, as well as the impunity of authors of these violations;
- urge Russian authorities as well as all parties to the conflict to comply with international human rights instruments and international humanitarian law;
- urge Russian authorities to launch genuine political negotiations, so as to reach a political and peaceful settlement of the conflict in Chechnya;
- request an international mission of investigation to gather information on violations of human rights in Chechnya and report on that matter to the Commission on Human Rights and the General Assembly;

Express concern at the degradation of the Human rights situation in the Russian Federation, and in particular

- remind Russian authorities that all legislative or institutional reform must comply with principles of democracy and the Rule of Law, particularly the representation of all trends making up society and urge them to comply with human rights instruments on freedom of the press;
- remind the Russian authorities that the fight against terrorism, which in itself is legitimate and necessary, must always comply with human rights provisions and principles;
- urge Russian authorities to fight racism through the adoption of appropriate statutes and creation of efficient mechanisms;
- improve conditions of detention and the military service, and criminalize the practice of *dedovshchina*;
- welcome the visit of the Special Rapporteur on violence against women in Russia and request the Russian Authorities' cooperation with all special mechanisms of the Commission.

With respect to human rights defenders, request the Russian Authorities to:

- reform legislation governing the registration of organizations, streamlining the registration procedure by moving towards a system of declaration;
- reduce the fees levied on human rights organizations and rule favorably on the request by human rights defense organizations to be placed on the list of tax-exempt organizations;
- guarantee the physical and psychological integrity of human rights defenders and stop immediately all acts of violence and harassment towards them, carry out a complete and impartial investigation on cases of murder, attack, and harassment, and identify perpetrators of these acts, bring them to trial and punish them according to applicable law, stop all acts of defamation against human rights defenders;
- guarantee human rights defenders and independent journalists free access to Chechnyan territory, so that they may exercise their tasks freely and safely;
- comply with the provisions of the Declaration on Human Rights Defenders, as adopted by the United Nations on December 9, 1998.

United States of America

Press Release [As Bush visits, Fidh and CCR calls on European Union to hold U.S. President accountable for Human Rights abuses of his administration](#), February 2005

Press Release [FIDH supports war crimes lawsuit against US officers in Germany](#), Nov. 2004

Press Release ["Historic US Supreme Court decision refuses indefinite detention without due process for Guantanamo Bay detainee"](#), June 2004

Press Release ["Psdt Bush negotiates future impunity for American soldiers"](#); May. 2004

CENTER FOR CONSTITUTIONAL RIGHTS

FIDH calls for the Commission on Human Rights to express its deepest concern at the situation of human rights in the United States of America and in particular:

- express concern on the detainees in Guantanamo Bay and recognize the arbitrary character of their detention ;

request the authorities to:

- ensure the non-derogable right to a fair and independent trial, and the right to detention in conformity with international standards, including of all persons suspected of affiliation to a terrorist group, within the United States as well as within the activities where the United States are involved abroad. In this respect, invite the UN Working group on Arbitrary Detention and the UN Special Rapporteur on the independence of Judges and lawyers;
- adopt a moratorium on executions, with the objective to abolish the capital punishment;
- ratify the second optional protocol to the ICCPR, which provides for abolishment of the death penalty;
- ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between the USA and the organs of the ICC;
- refrain from any summary executions carried out on its territory or abroad, even within the legitimate fight against terrorism;
- withdraw from bilateral agreements on the jurisdiction of the International Criminal court; sign, ratify and implement to Rome Statute on the International Criminal Court.

LATIN AMERICA

Colombia

FIDH Report (French) [20 années d'activité de la FIDH en Colombie](#) Feb 2004

FIDH Report (French) [Administration de la justice ou de l'impunité ?](#) July 2003

Press Release (Spanish) [No a la amnistía de los paramilitares, sí a los derechos de las víctimas](#) Feb 2005

Report (English) [Concluding Observations of the Committee on Economic, Social and Cultural Rights : Colombia](#) Nov 2001

COMITE PERMANENTE POR LA DEFENSA DE LOS DERECHOS HUMANOS (CPDH) : <http://cpdh.free.fr>

CORPORACION COLECTIVO DE ABOGADOS (CCA) / INSTITUTO LATINO AMERICANO DE SERVICIOS LEGALES ALTERNATIVOS (ILSA) : <http://www.ilsa.org.co/>

FIDH and its affiliated leagues in Colombia call for the Commission on Human Rights to adopt a resolution on the situation of human rights in Colombia which will *inter alia*:

- express deep concern in relation to the situation of human rights in Colombia and urge the government as well as all the actors in the conflict to respect International Human Rights and International Humanitarian Law;
- request the Colombian authorities to guarantee physical integrity and freedom of action for Human Rights Defenders who should be considered as key actors for the defense of Human Rights and Fundamental Freedoms in Colombia;
- request the actors of the conflict to reestablish a dialogue in order to conclude a humanitarian agreement for the well-being and the human rights of the civilian population;
- call for the process of "desmovilización" to be realized in full conformity with a legal framework to guarantee no impunity and the respect of the rights of the victims. The "desmovilización" should be accompanied by a real end of the hostilities by armed groups, the disarmament as well as the confiscation of illegally acquired goods by the armed groups;
- call on the government to purge the army and any other organ of the State from any public official who has or had relations with "paramilitaries" or armed groups;
- call on the government to withdraw the reservation to article 124 of the ICC Statute;
- urge the Government not to carry on legislative or institutional reforms which can jeopardize the rights and fundamental freedoms of the civilian population;
- express concern on the indifference on the part of the Government in relation to the good offices of the UN Secretary General, particularly those of the Special Adviser on Colombia of the Secretary General, Mr. James Lemoyne;
- call on the Government to fully cooperate with the Secretary General on a pacifist and well negotiated resolution of the conflict;
- Call on the Government to fully implement the recommendations on Colombia of the Office of the High Commissioner for Human Rights.

Cuba

Report (Spanish) [Situación de los prisioneros políticos en Cuba - 12.07.2004](#) July 2004

Report (Spanish) [Situación de las prisiones en Cuba](#) May 2004

FIDH Intervention (Spanish) [Intervención escrita de la FIDH ante la 60ava Comisión de DDHH de NU](#) March 2004

Press Release (French) [Motion sur Cuba](#) March 2004

COMISION CUBANA DE DERECHOS HUMANOS Y RECONCILIACION NATIONAL (CDHRN)

FIDH calls on the Commission on Human Rights to adopt a resolution on the Human rights situation in Cuba, which will, *inter alia*:

- express deep concern on the human rights situation in Cuba;
- urge the Cuban Government to allow the Representative of the High Commissioner for Human Rights, Ms Christine Chanet, as well as other special mechanisms of the Commission on Human Rights, to visit the country;
- urge the Government to immediately and definitively release all political prisoners and to abstain from adopting measures jeopardizing fundamental rights, such as the right to freedom of expression and the right to a fair trial;
- urge the Cuban Government to abolish the death penalty and to commute the death sentences already pronounced;
- urge the United States of America to immediately stop the embargo against Cuba, as well as any other form of aggression against the sovereignty of the Cuban people. These measures have indeed contributed to worsen the living conditions of the population and have been "misused" by the Government to justify the repression against internal dissidents and human rights defenders.

Guatemala

FIDH Report (Spanish) [Violaciones flagrantes al derecho a la justicia](#) Aug. 2004

FIDH Report (Spanish) [¿Un proceso electoral con las garantías básicas?](#) Nov. 2003

FIDH Report (Spanish) [Los defensores en peligro : agresiones masivas, recurrentes e impunes](#) Mar. 2001

CDHD <http://www.encuentropopular.org/pronunciamientos/guatemala/guatemala03.htm>

CENTRO PARA LA ACCION LEGAL EN DERECHOS HUMANOS (CALDH): <http://www.caldh.org/top.htm> /
COMISION DE DERECHOS HUMANOS DE GUATEMALA (CDHG)

FIDH and its affiliated leagues in Guatemala call on the Commission on Human Rights to adopt a Resolution on Guatemala which will *inter alia*:

- urge the Government to apply the peace agreements;
- call on the Congress to ratify without delay the agreement concluded by the Government and related to the creation of an Office for Human rights and invite the Government to facilitate the establishment of this bureau;
- urge the Government to put its national legislations into conformity with the United Nations Declaration on Human Rights Defenders as well as to recognize the dramatic importance of Human Rights Defenders in peace building and democratization;
- request the Government and the Congress to abolish the death penalty, to commute the death

sentences already pronounced and to immediately establish a moratorium on the capital executions.

Haiti

FIDH calls on the Commission on Human Rights to adopt a Resolution on the situation in Haiti which will *inter alia*:

- endorse the recommendations addressed by the Independent Expert in his last Report (E/CN.4/2005/123);
- Call for the allocation to the Human Rights component of MINUSTHA of adequate resources to carry-out the necessary investigations and trainings, in conformity with previous UN operations in Haiti;
- renew the mandate of the Independent Expert, Mr. Louis Joinet;

Urge the authorities of Haiti to:

- Undertake without delay impartial inquiries on the suspicious death of detainees as well as on allegations of tortures, and to engage legal proceedings against the persons responsible of such acts;
- Pursuant to the Independent Expert's recommendations, and as a matter of priority, rebuild or restore functioning equipment for the Judiciary (court houses and administrative infrastructures), the police (police precincts, premises for police custody, vehicles, weapons and protection equipment, etc.) and the prison administration to ensure that the coming reforms which are necessary to a good administration of justice are effectively implemented;
- Adopt necessary reforms as recommended by the independent Expert for a good administration of justice and the restoration of peace and trust;
- Ratify international and regional instruments on Human Rights and on the fight against impunity particularly the Convention against Torture;
- Guarantee a complete disarmament of all armed groups;
- Implement the necessary measures to guarantee the rights to security and justice and to put an end to impunity;
- Guarantee the rights of Human Rights Defenders as defined in the 1998 UN Declaration on Human Rights Defenders.

THEMATIC PRIORITIES

Corporate Responsibility in relation to Human Rights

[FIDH Written Intervention to the 61st Session of the Commission on Human Rights, Item 10 of the agenda : Economic, Social and Cultural Rights, \(February 2005\);](#)

FIDH Report (English): [Time to Act : Holding Business Accountable to Human Rights, \(June 2004\)](#)

[Press release \(English\): NGOs call on Commission and Council to shift gears after Multi-Stakeholder Forum: European CSR process must move from dialogue to action, \(June 2004\)](#)

FIDH Report (English): [FIDH comments to the OECD Draft Revised Principles of Corporate Governance, \(February 2004\)](#)

FIDH recommends the Commission on Human Rights to adopt a **Resolution on Business and Human rights**, which will *inter alia*,

- request the Secretary-General to appoint an independent expert, working in collaboration with the High Commissioner for Human Rights, to undertake a comprehensive study of the question of business and human rights, taking due account, *inter alia*, of the draft 'Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights' prepared by the Sub-Commission on the Promotion and Protection of Human Rights, the ILO Declaration on Fundamental Rights at Work, the OECD Guidelines for Multinational Enterprises, as well as existing international human rights, humanitarian and criminal law and standards;
- *encourage* the independent expert to seek views and information from all Governments, the specialized agencies, relevant United Nations organs, regional intergovernmental and non-governmental organizations, business companies as well as experts in all regions on these issues;
- request the independent expert to identify, in the report, existing laws and mechanisms for the protection of persons or groups of persons whose human rights are affected as a result of activities of business companies, possible additional measures to strengthen implementation of these laws and mechanisms, and alternatives for addressing protection needs not adequately covered by existing instruments, taking due account of the issues identified in the report of the High Commissioner for Human Rights which would benefit from further clarification.

Death Penalty

Press release (English): [Resolutions proposed by FIDH and Social Society to the 36th Session of the ACHPR, Dec. 2004.](#)

Press release (English): [Two additional executions...\(Japan\), Sept. 2004](#)

FIDH Report (English): [Death Penalty: ending a moratorium, between security opportunism and settling of scores \(Chad\) Oct. 2004.](#)

FIDH urges the Commission on Human Rights to adopt a **Resolution on the issue of death penalty**, which will, *inter alia*,

- reiterate the provisions of the Commission on Human Rights' previous resolutions on this issue;
- affirm that the imposition of death penalty, must be condemned in all circumstances;

- recognise that the imposition of the death penalty on those under the age of 18 at the time of the commission of the offence is contrary to customary international law, as stated by the Sub-Commission on the Promotion and Protection of Human Rights;
- engage States in the progressive restriction of the number of offences for which the death penalty may be imposed, notably through a moratorium, with a view to its prompt abolition, and firmly condemn all those countries which extend its application to crimes to which it does not presently apply.

Discrimination based on Work and Descent

FIDH calls the Commission to adopt a **Decision on the issue of discrimination based on work and descent** which will, *inter alia*,

- endorse the recommendations addressed by the Sub-Commission on the Promotion and Protection of Human Rights in its Resolution E/CN.4/Sub.2/Res/2004/17, 12 August 2004; and in particular the provision calling for the Commission “to appoint Mr. Yozo Yokota and Ms. Chin-Sung Chung as Special Rapporteurs with the task of preparing a comprehensive study on discrimination based on work and descent”;
- mandate the two rapporteurs to draft a set of principles and guidelines for the effective elimination of discrimination based on work and descent, addressing all relevant actors, including Governments, local authorities, private sector entities, schools, religious institutions and the media, based on the existing applicable standards and best practices and taking into account the framework proposed in the third working paper and the contents of General Recommendation XXIX (2002) of the Committee on the Elimination of Racial Discrimination. It is not intended that these 'principles and guidelines' should be a new normative instrument, but rather a framework within which to bring together existing relevant obligations (at the international and national levels), and to apply them to this specific issue which has not been comprehensively or adequately addressed by the international human rights community in the past.

Discrimination based on Sexual Orientation or Gender Identity

FIDH urges the Commission on Human rights to adopt a **resolution on Discrimination based on sexual orientation and gender identity**, which will, *inter alia*,

- reaffirm the non-derogability of the principle of non-discrimination;
- condemn the various forms of discrimination in the enjoyment of all rights around the world on grounds of sexual orientation and gender identity;
- engage the OHCHR, as well as thematic mechanisms established by the Commission, to pay due attention to the manifestations of discrimination of this kind within their respective mandates.

Economic, Social and Cultural Rights

Press release (English): [Working Group efforts on an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights](#) (February 2005).

[FIDH Written Intervention to the 61st Session of the Commission on Human Rights, Item 10 of the agenda : Economic, Social and Cultural Rights, \(February 2005\);](#)

[FIDH NEPAD Guide: A Human Rights Approach to the NEPAD and the APRAM, \(November 2004\);](#)

[World Social Forum 2005 under the sign of human rights, Porto Alegre \(Brazil\) - 26 to 31 January 2005](#)

[FIDH Report : "Gestion de la rente pétrolière au Congo Brazzaville : mal gouvernance et violations des droits de l'Homme", \(May 2004\)](#)

FIDH urges the Commission to adopt a resolution on **Economic, Social and Cultural Rights** which will *inter alia*,

- welcome the progress made during the second session of the "open-ended working group to consider options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural rights" (working group);
- adopt the report³ of the second session of the "working group";
- strengthen the means at the disposal of the mandate holders in the field of ESC rights, to enable them to undertake further missions *in situ*, as well as follow-up activities.

Enforced Disappearances

[FIDH Report : "Commentaires révisés sur le projet de texte du 21 juin 2004 proposé par le Groupe de travail chargé de rédiger un instrument normatif sur la protection de toutes les personnes contre les disparitions forcées", \(January 2005\)](#)

FIDH urges the Commission on Human rights to adopt a **Resolution on Enforced disappearances** in which it, *inter alia*,

- welcomes the progress made during the third and fourth session of the Working Group on a draft legally binding normative instrument for the protection of all persons from enforced disappearances;
- adopts the report to the Working group;
- decides to convene another session of the Working group to conclude its mandate so as to present for adoption at the 62nd session of the Commission on Human rights, a draft legally binding normative instrument for the protection of all persons from enforced disappearances.

³ See: E/CN.4/2005/52.

Extreme Poverty

[FIDH Written Intervention to the 61st Session of the Commission on Human Rights, Item 10 of the agenda : Economic, Social and Cultural Rights, \(February 2005\);](#)

Joint Intervention at the Sub-Commission on the Promotion and Protection of Human Rights: [Extreme Poverty : adopting a human rights approach \(August 2004\)](#)

FIDH recommends the Commission on Human Rights to adopt a **Resolution on Extreme Poverty**, which will, *inter alia*,

- recognize that extreme poverty is a particular situation of poverty, in which the number, extent and duration of deprivations of resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights has led to a situation where it is extremely difficult, or even impossible, for persons and communities, to re-assume their responsibilities and to regain the enjoyment of their rights, in a foreseeable future, and that the number, extent, and duration of deprivations create an invisible, but very real, threshold, under which persons and communities are trapped, and impede them to exercise the whole set of their rights: civil, cultural, economic, political and social;
- reaffirm the necessity to enable those living in extreme poverty to have the cultural, social, legal and material means to be in charge of their future, and to contribute to the elaboration, application and evaluation of the policies concerning their own lives;
- invite all special procedures of the Commission on human rights to take into account, in the accomplishment of their mandates, the implication for those living the specific situation of extreme poverty, as a cross cutting element;
- decide to contribute to the elaboration of international standards on extreme poverty and human rights, for the full realization of human rights in the specific context of extreme poverty, taking into account their indivisibility and having in view their effective justiciability;
- encourage the independent expert on extreme poverty and the OHCHR, in order to study the link between extreme poverty and human rights, to develop, with the participation of concerned people, a broad set of indicators, in order to identify and to measure extreme poverty in all its dimensions.

Protection of Human Rights and Fundamental Freedoms while Countering Terrorism

[FIDH Written Intervention to the 61st Session of the Commission on Human Rights, "Protection of Human Rights and Fundamental Freedoms While Countering Terrorism", February 2005;](#)

[FIDH, ICJ, HRW Press Release: "The Fight Against Terrorism And Human Rights", Porto Alegre, Brazil January 2005;](#)

[FIDH, "Resolutions proposed by FIDH and Social Society to the 36th Session of the ACHPR", December 2004](#)

[FIDH Open Letter to the Secretary General of the UN, "FIDH welcomes the findings of the panel on the reform of United Nations", December 2004](#)

[FIDH, "11 September 2001 - 11 September 2004 : Open letter to the next president of the United States", September 2004](#)

[FIDH Briefing note for the ASEM Peoples' Forum, Human rights must be at the core of the discussions!, September 2004;](#)

[Joint declaration on the need for an international mechanism to monitor human rights and counter-terrorism](#)

[FIDH Report, "Post September 11 era and subsequent attempts to suspend human rights and international humanitarian law in the South and East of the Mediterranean", 2003](#)

FIDH recommends the Commission on Human Rights to adopt a **Resolution on the protection of human rights and fundamental freedoms while countering terrorism**, which will *inter alia*,

- condemn violations of human rights, humanitarian law and refugee law committed while countering terrorism;
- condemn in particular the violations of non-derogable Human rights recognized by International Customary Law, within article 4 of ICCPR as interpreted by General Recommendation 29 of the UN Human Rights Committee;
- express concern over the repeated violations of the 1998 Declaration on Human Rights Defenders, while countering terrorism or abusing security measures;
- ensure that regional Conventions and arrangements against terrorism are consistent with international Human Rights standards, and call upon concerned states to revise the Arab Convention, African Union's Convention for the suppression of or against Terrorism, as well as other regional arrangements to combat terrorism, in order to conform them to international human rights, humanitarian law and refugee law;
- request the Security Council to appoint as soon as possible an independent expert on human rights, humanitarian law and refugee law in the new Counter Terrorism Committee (CTC) Executive Directorate, with the mandate to advise CTC members on human rights matters and request the Security Council to make procedures of examination of state reports by the CTC more transparent;
- call upon Governments to collaborate with the Special Procedures of the Commission on Human Rights and in particular to comply with the requests that 18 of them expressed in their joint statement of 25 June 2004 ("*Joint Statement by participants at the eleventh Annual Meeting of the Special Rapporteurs/representatives, independent experts and chairpersons of the working groups of the Special Procedures of the Commission on Human Rights and of the Advisory Service: Protection of human rights and fundamental freedoms in the context of anti-terrorism measures, 25 June 2004*);
- welcome the Report elaborated by the Independent Expert of the Commission on the question of the

protection of human rights and fundamental freedoms while countering terrorism (E/CN.4/2005/103);

- recognize that there are significant gaps in the consideration of national counter-terrorism measures by the United Nations human rights system;
- recognize the need to address the compatibility of national counter-terrorism measures with international human rights obligations in a comprehensive and integrated way;
- decide to broaden the mandate of the mechanism established by its Resolution 2004/87, mandating the Independent Expert, *inter alia*:
- to monitor the compliance of States with human rights law, humanitarian law and refugee law, while countering terrorism. In this sense the Expert should be empowered to undertake *in situ* visits;
- to establish a dialogue and enhance cooperation with the Counter Terrorism Committee of the UN Security Council (CTC) with a view to better assess the conduct of States in implementing UN Security Council resolution 1373.

Human Rights Defenders

The 2004 annual report of the Observatory for human right defenders will soon be available on the FIDH web site;

2003 annual report of the Observatory for human right defenders: "[Human rights defenders in a Security First environment](#)", April 2004.

The Observatory for the Protection of Human Rights Defenders, a joint FIDH-OMCT Program, urges the Commission on Human Rights to adopt a **Resolution on Human Rights Defenders** which will, *inter alia* :

- express concern over the serious deterioration of the situation of Human Rights Defenders in Bahrain, Belarus, Brazil, China, Colombia, DRC, Guatemala, Iran, Nepal, the Russian Federation, Rwanda and Tunisia, as well as over the continuously preoccupying situation in a number of other states;
- acknowledge that in a context when Human rights suffer a serious set back in the name of the fight against terrorism and for Greater freedoms, those who defend Human rights are increasingly under attack;
- acknowledge that Human rights defenders are challenged by a “securitarian environment”, with the rising of arbitrary, of social inequalities, and of violations ; that with the erosion of the values they defend, their own freedoms of expression and association are being limited and their message is being diluted;
- acknowledge that defenders suffer repression in the name of the fight against terrorism. In some countries, defenders are indeed accused of being rebels or terrorists – notably in conflict situations (Nepal, Colombia) – and/or are victims of restrictive legislations on freedoms, such as for the Mapuche leaders in Chile. In other countries like Uzbekistan or Tunisian, HR defenders are treated as ordinary criminals.
- Encourage all national initiatives undertaken by States to give full implementation of the Declaration, through propagation and awareness raising, through adoption of the Declaration by national parliaments, through solidarity campaigns with defenders and mechanisms that would provide safe havens for those under threat;
- disseminate the Declaration and promote its respect and application through the inclusion in United Nations’ plans and information or training programs for State and Government officials.

Indigenous People

[Press release \(English\): The international community has to consider Indigenous peoples' rights as a central human rights concern and work toward timely adoption of the Declaration \(December 2004\);](#)

[FIDH, "Resolutions proposed by FIDH and Social Society to the 36th Session of the ACHPR" , \(December 2004\).](#)

The FIDH recommends the Commission on Human Rights to adopt a **Resolution on Indigenous People**, which will, *inter alia*,

- reaffirm the urgent need to recognize, promote and protect more effectively the human rights and fundamental freedoms of Indigenous people;
- recognize Indigenous peoples' rights as a central human rights concern and calls upon the international community to make the timely adoption of the United Nations Declaration on the Rights of Indigenous People a matter of high priority;
- extend the mandate of the Working Group on the draft Declaration in order to successfully and promptly conclude the process, as requested by the Third Committee of the General Assembly in its Resolution related to the Second International Decade of the World's Indigenous People. (A/C.3/59/L.30 Adopted as orally revised). The basis for this future work should be the Sub-Commission text, with the constructive proposals that have come from the last session of the Working Group, as contained in the reports of the Chair.

Reparation for Victims of Violations of Human Rights and International Humanitarian Law

[FIDH website on International Justice at http://www.fidh.org/rubrique.php3?id_rubrique=181](http://www.fidh.org/rubrique.php3?id_rubrique=181)

The FIDH recommends the Commission on Human Rights to adopt a **Resolution on the right to a remedy and reparation**, which will, *inter alia*,

- acknowledge the value of the work accomplished during the three consultative meetings aimed at finalizing the “Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law” initially prepared by Professor Van Boven and subsequently by Professor Cherif Bassiouni;
- acknowledge that the 1st October 2004 Revised version of the Draft principles and Guidelines (“Draft Principles and Guidelines on the Rights to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law”, 1st October 2004) reflects the current status of international law (human rights and humanitarian law) on remedies and reparations;
- recall that the right to a remedy and reparation for the most serious violations is currently guaranteed under international law to all victims of violations of international human rights and humanitarian law regardless of the gravity of the violation;
- decide to adopt the 1st October 2004 Revised version of the Draft principles and Guidelines

- call for the prompt adoption by the General Assembly of the 1 October 2004 Revised version of the Principles and Guidelines.

Impunity

FIDH Report: "[Legal Remedies for Victims of "International Crimes"](#)", (April 2004)

[FIDH website on International Justice at http://www.fidh.org/rubrique.php3?id_rubrique=181](http://www.fidh.org/rubrique.php3?id_rubrique=181)

FIDH recommends the Commission on Human Rights to adopt a **Resolution on Impunity**, which will, *inter alia*,

- welcome the report of the Independent expert;
- welcome the draft “*Set of principles for the protection and promotion of (civil and political) Human rights through Action to Combat Impunity*” as revised by the Independent Expert in the document E/CN.4/2005/102/Add.1;
- call for the timely adoption by the Commission of the set of principles.