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**REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR
HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN
RIGHTS**

PROMOTION AND PROTECTION OF HUMAN RIGHTS

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

**Written statement* submitted by the Association for World Education,
a non-governmental organization on the Roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 January 2006]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

General comments on the Human Rights Commission and a future Council
– “A riddle, wrapped in a mystery, inside an enigma.”

1. The still uncertain future of the Commission on Human Rights (CHR) and its replacement by a Council has prompted these general comments, which are adapted in part from a joint oral statement made at the Informal One-Day Commission Meeting of 27 September 2005 on behalf of four NGOs.¹

2. We have seen in the recent governmental summit at the UN in New York the great difficulties in modifying UN structures, whether in the fields of security, economic and social development, or human rights. Although the resumed meeting on 11 January 2006 will be crucial, yet we can surely start by making changes in the spirit in which we work.

3. We would like to recall the crucial challenge of the greatly-mourned High Commissioner for Human Rights, Sergio Vieira de Mello – tragically slaughtered with his colleagues in Baghdad two years ago by Jihadists – whose groundbreaking Report IN 2003 (E/CN.4/2003/14) contained a most pertinent introduction. Already, in a joint statement to the CHR (21 March 2003) for four NGOs, the Association for World Education, Association of World Citizens, World Federation of Methodist and Uniting Church Women, and the Lutheran World Federation – and again at the open-ended informal CHR consultation on 20 June 2005 – we quoted from it and shall do so again because his words were a harbinger of that gathering storm that resulted in the more than likely General Assembly decision to replace the discredited Commission with a more responsible Council:

“Membership of the Commission on Human Rights must carry responsibilities. I therefore wonder whether the time has not come for the Commission itself to develop a code of guidelines for access to membership of the Commission and a code of conduct for members while they serve on the Commission. After all, the Commission on Human Rights has a duty to humanity and the members of the Commission must themselves set the example of adherence to the international human rights norms – in practice as well as in law.” (Point 5)

4. We wholeheartedly endorse the conclusion to this HCHR 2003 report:

“Without universal respect for human rights, the vision of the Charter of a world of peace grounded in respect for human rights and economic and social justice will remain an illusion. Let us vindicate the Charter's vision by being faithful to the universal implementation of human rights. In doing so we shall continue in the direction of history, rather than allowing ourselves to be diverted from the course we know to be just.” (Report, paragraph 55)

5. A year later – when introducing his recommendation for a new Council – Secretary-General Kofi Annan declared that the Commission had been undermined by allowing participation of countries whose purpose was *“not to strengthen human rights but to protect themselves against criticism or to criticize others.”* His chief of staff, Mark Malloch Brown, put it more bluntly as reported recently: *“For the great global public, the performance or non-performance of the Human Rights Commission has become the litmus test of UN renewal.”*²

6. We should always proclaim that “universal respect for human rights” is enshrined in the 1948 Universal Declaration of Human Rights – and in no other counterfeit Declarations of Human Rights, which are not “universal.” Our human rights work must bring out the highest

aspirations of people, including that of the voice for the people who currently live under authoritarian and undemocratic governments. Governments have a key role to play, but as NGO representatives we also need to improve our methods of work and the contributions we can make to this noble task.

7. NGOs are a unique link between the local level where many human rights violations are committed, the national level where policy decisions are made, and the United Nations level where we are now active in setting standards, in monitoring and in proposing new avenues of action. Thus, the ability of NGOs to work effectively must build upon our current methods.

8. We should stress the importance of continuing the restructuring that should develop from the earlier contributions of NGOs, and so should continue to facilitate NGO efforts through oral presentations, written statements, and structured discussions with Government representatives, Special Rapporteurs, and the Secretariat. The possibility for NGOs to organize both seminars and briefings should continue. NGOs should be able to make available their documentation and relevant publications. NGOs must be the sole judge of their representatives to Human Rights sessions. The number of their representatives should not be limited except for reasons of space. There should be no distinction made based on the ECOSOC category held by an NGO.

9. There is a need to continue the informal discussions between NGO representatives, legal scholars, and the Secretariat that was initiated over twenty years ago by the then director of the Centre for Human Rights, Theo van Boven. There is also a need to increase the contribution of law schools and other academic institutions that have research capacities for human rights efforts. Such cooperation should be developed and research programmes organized in common between the Secretariat, academic institutions and NGOs.

Freedom of Speech: end personal attacks on Special Rapporteurs and NGO representatives

10. We would like to add an appeal regarding the necessary spirit in which we work. Human rights deal in specific violations rather than in generalities, so that it inevitably creates tensions. Diplomatic courtesy has usually limited any personalised attacks against diplomats representing States, even those in antagonistic positions. Unfortunately, such diplomatic courtesy is not always extended to NGOs and their representatives who are sometimes attacked by name, and aspersions made as to their honesty.

11. We have been in the vanguard, regularly condemning all personalised attacks on delegates and representatives, be they a Government, NGO, or a Special Rapporteur. As a result of one such appeal, the Chairman of the 57th session of the CHR, Argentine Ambassador Leandro Despouys referred – in a statement to the plenum on 12 April 2001 – to the Main Rules and Practices (articles 11 and 16 of E/CN.4/2001/CRP.1) in regard to any *ad hominem* attacks on Special Rapporteurs, and also on NGO representatives. This appeal was understood and noted on that occasion. At the start of the 53rd session Sub-Commission in 2001, Chairman

David Weissbrodt made a similar plea, noted by all participants at that session – but was then entirely forgotten during the 54th session in 2002.

12. In a written statement two years ago we addressed this issue in detail: E/CN.4/2003/NGO/229: ‘Improving UNCHR/NGO relations: end *ad hominem* attacks on NGO and other representatives’. Unfortunately, another serious case took place on 26 July 2005 at the 57th session of Sub-Commission which tarnished the reputations of those Sub-Commission members who by-passed rules of procedure to make unacceptable personal attacks against a representative of the Association for World Education as he was delivering a joint oral statement on behalf of AWE, the International Humanist and Ethical Union and the Association of World Citizens.³

13. Just as delegates of Governments represent their Governments and not their own personal views, so NGO speakers represent their organisations and not themselves. This policy is necessary for the effective functioning of work and should apply to any ‘point of order’ or ‘right of reply.’

14. In view of the seriousness of these regular personal attacks on representatives, we are submitting an appeal for a legal opinion to be issued by the competent UN legal authority – and for a new general rule of procedure to be introduced – by which any *ad hominem* attack against a speaker would automatically be ruled ‘out of order’ by Chairpersons of all UN bodies.

15. In this spirit we wish to quote the firm recommendation of the Chairperson of the 59th session of the Commission, Libyan Ambassador Najat A-Hajjaji, when she addressed the 10th meeting of the Special Rapporteurs and Representatives, independent experts, chairpersons of Working Groups of Special Procedures of the CHR and of the Advisory Services Programme on 23-27 June 2003:

“I would like to exhort all of you to continue your work. Speak freely as you have done in the past. Continue to do so in the interest of truth, of justice, irrespective of the pressure that is brought to bear upon you by Governments. Even if what you say is contrary to the interests of the Government, there are thousands, millions, of victims, who look upon the Commission, the special procedures, as the conscience of humanity. So I would just like to exhort you once again, urge you, to continue...Stand firm, let nothing stand in the way of truth.” (E/CN.4/2004/4, paragraph 44, p.14).

16. With that same spirit, and in the hope that an eventual future Council will live up to all our expectations, let us remember that ancient adage, in which we firmly believe – as do our fellow NGO colleagues: *“Truth is powerful and will ultimately prevail.” – Magna est veritas et praevalabit.*

1. The Association for World Education, the International Humanist and Ethical Union, the Association of World Citizens, the World Union for Progressive Judaism. It was prepared by René Wadlow (the Main Representative to the UN in Geneva of the AWE and the AWC), in collaboration with David G. Littman (representative to the UN in Geneva of the AWE and WUPJ), who delivered the oral statement on 27 September 2005 for the 4 NGOs.

2. "UN makes replacing rights panel a 2006 priority" by Warren Hoge, New York Times / Int. Herald Tribune, 2 Jan. 2006.

3. For a full documentation, including the 'Formal Complaint' of 2 August 2005 (signed by René Wadlow and Roy Brown, main representative and president of the IHEU) addressed to the Chairman of the Sub-Commission, Vladimir Kartashkin ('*Ad hominem* attacks on NGO Representatives and attempted Censorship'), see the website of the International Humanist and Ethical Union: www.ih.eu.org/uncampaign. It was circulated by the Sub-Commission Secretary Guennadi Lebakine to members of the Bureau, the expanded Bureau, to the 26 Members of the Sub-Commission, to HCHR Louise Arbour, to CHR Chairman Makarim Wibisono, and to the Presidents of the Geneva-based Conference of NGOs (Renata Bloem) and the Special Committee of NGOs on Human Rights (Peter Prove).
