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## **Belgium votes to admit Saudi Arabia to UN women's rights commission**

***The Prime Minister is unhappy with the decision by the Belgian ambassador to the UN to fill an empty seat on the commission with a candidate from Saudi Arabia***

By Alan Hope

Flanders Today (28.04.2017) - <http://bit.ly/2oXhqi8> - Prime minister Charles Michel has told the federal parliament he "regrets" Belgium's vote to admit a Saudi Arabian representative to the United Nations' commission on women's rights. Michel said he did not agree with the decision, approved by the Belgian ambassador to the UN. "If we had to do this over again, we would not be able to support this vote," he said.



*Photo: The UN building in New York City*

Federal foreign affairs minister Didier Reynders told members he would be submitting a proposal to prevent a repeat of such an error. In future, he said, weighty decisions like this should not be left to diplomats without the approval of the relevant minister.

Reynders had not been aware the vote was taking place, he said. The vote on the Saudi member was apparently called by the US, and a member of the staff of the Belgian representation to the UN in New York emailed the foreign ministry in Brussels for advice on how Belgium should vote. The question was answered by a member of the ministry staff here.

There may have been an error of judgement, Reynders said, but the correct procedure was followed. Saudi Arabia was the only candidate for an empty seat on the commission. A refusal could have had negative effects, including on Belgium's bid to take a seat on the UN Security Council in 2019.

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## **ECOSOC: Victory for transparency but not for due process**

***Last year in May, dozens of NGOs, including Human Rights Without Frontiers, signed a letter expressing concern about the practice of the ECOSOC NGO Committee that accredits NGOs to the UN***

- **Press release**
- **Details of the vote**
- **Open Letter to ECOSOC regarding the Committee on NGOs**

International Service for Human Rights (19.04.2017) - <http://bit.ly/2pJ4X3> - In a positive development, the Economic and Social Council (ECOSOC) today passed a resolution to webcast open sessions of the NGO Committee, unopposed. This victory for civil society participation at the UN was offset however, by an ECOSOC decision to close the door on a handful of NGOs from Turkey, or until recently based there. ECOSOC's failure to reject Committee recommendations in these cases - which flouted established procedures - may have been unlawful.

After years of calls for improvements in the practice of the NGO Committee, ECOSOC took a significant step in the right direction today by deciding to institute webcasting of all NGO Committee open sessions. The practice of the NGO Committee - that makes recommendations regarding NGO accreditation with the UN - has been much criticised, including for its lack of transparency. The resolution on webcasting, introduced by Chile, on behalf of Mexico and Uruguay, was adopted by ECOSOC without opposition.

'This is a great outcome,' said ISHR's Eleanor Openshaw. 'Instituting webcasting is an important advance in efforts to improve the workings of the Committee and a significant pushback against restrictions to civil society participation at the UN.'

'We are hugely appreciative of the leadership Chile, Mexico and Uruguay have consistently shown on the issue of reforming the NGO Committee and for their work in securing this decision on webcasting; and thank every State that voted in favour,' she added.

During the debate, several States highlighted the benefits of webcasting. These benefits include the fact that NGOs the world over can now follow consideration of their cases directly; and that webcasting will allow applicants to understand the UN system better, provide the UN with accurate information when applying for accreditation, and be encouraged to participate including in the implementation of Agenda 2030.

Opposition to the resolution had been expected. At the NGO Committee, attempts to limit coverage of meetings have been made. Initiatives to discuss webcasting in the Committee have not prospered. During the ECOSOC session, several States - including China, Pakistan, South Africa and Venezuela - noted that ECOSOC should not interfere in the work of the NGO Committee. However, these concerns ultimately held no sway. China called for a vote but then abstained. The resolution passed with 37 in favour, 16 abstentions and one absence.

'When it came to it, no State wanted to be seen to vote against an initiative presented by the sponsors as increasing accessibility for NGOs from the global south,' said Eleanor Openshaw.

ECOSOC took action on a second resolution granting accreditation to the NGO Christian Solidarity Worldwide (CSW) which works to promote freedom of religion and belief worldwide. In January the NGO Committee had voted to recommend denying CSW accreditation. CSW's application has been considered by the Committee 14 times, and they had received 80 questions. ECOSOC rejected the Committee's recommendation and accredited CSW by 28 votes to 9, with 12 abstentions.

Prior to that vote, the UK noted that 'the NGO Committee should enable not frustrate the work of the NGOs.' Estonia (for the EU) said that the NGO Committee 'must honour and be seen to honour the vital role of civil society'.

Finally, hopes were dashed that ECOSOC would reject [recommendations](#) made to deny a group of Turkish NGOs (and NGOs until recently based in Turkey) information about the rejection or withdrawal of their accreditation, or an opportunity to challenge these decisions. Several States, including the US, EU and Norway, criticised the Committee for setting aside established procedures in these cases, but no further statements were made or action taken when ECOSOC considered the Committee decisions one by one.

'ECOSOC's confirmation of NGO Committee recommendations in these cases is deeply troubling. The UN has effectively closed the door on these NGOs,' said Eleanor Openshaw. 'In line with legal opinion we have received, we consider these [decisions by ECOSOC may be unlawful](#).'

### **Details of the vote**

See the full vote count on webcasting the NGO Committee open sessions hereafter :

Yes: Afghanistan, Algeria, Andorra, Argentina, Australia, Belgium, Benin, Bosnia-Herzegovina, Brazil, Burkina Faso, Colombia, Czechia, Estonia, France, Germany, Ghana, Guyana, Honduras, India, Iraq, Ireland, Italy, Japan, Lebanon, Norway, Pakistan, Peru, Republic of Korea, Republic of Moldova, Spain, Swaziland, Sweden, Trinidad Tobago, Turkey, UK, US

Abstention: Azerbaijan, Cameroon, Chad, China, Mauritania, Nigeria, Russia, Rwanda, Saint Vincent and Grenadines, South Africa, Tajikistan, Uganda, UAE, Venezuela, Vietnam, Zimbabwe

Absent: Somalia

### **Open Letter to ECOSOC regarding the Committee on NGOs**

List of the signatories:

[https://www.ishr.ch/sites/default/files/documents/final\\_ecosoc\\_ngo\\_committee\\_english.pdf](https://www.ishr.ch/sites/default/files/documents/final_ecosoc_ngo_committee_english.pdf)

To: Member States of ECOSOC

Cc: Chair of the Committee on NGOs, President of the General Assembly, President of the Human Rights Council, Member States of the UN General Assembly, UN Secretary General.

Excellencies,

We write to you regarding the ECOSOC Committee on NGOs (the Committee), which recommends approval of consultative status for non-governmental organisations, enabling access to and participation in a range of UN bodies and processes. ECOSOC Resolution 1996/31—which provides the mandate for the work of the Committee—acknowledges ‘the breadth of non-governmental organisations’ expertise and the capacity of non-governmental organisations to support the work of the United Nations.’

We are concerned about recent actions taken by the Committee suggesting it functions in a politicised manner, particularly in regard to its consideration of applications for consultative status from human rights organisations. We therefore call on UN Member States to ensure that the Committee upholds and respects the rights to freedom of expression and association and accords due process to all applicants for consultative status.

Several States have criticised the practice of the Committee in ECOSOC meetings. In 2015, Chile, Mexico and Uruguay, as well as the European Union, expressed strong concerns about the recent politicisation of the work of the Committee, in which some Committee members use procedural tactics to block certain organisations from being granted consultative status. The European Union noted that withdrawal of consultative status might be used as a form of reprisal for the activities of NGOs. Chile, Mexico and Uruguay called for greater transparency in the work of the Committee, recommending webcasting of Committee sessions.

In his 2014 report to the General Assembly (A/69/365), UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Mr. Maina Kiai criticised the multiple deferrals and perpetual questioning of some applications by Committee members. He noted that ‘(m)ember States and the UN have a legal obligation to strengthen civil society participation in the UN, including by ensuring that people can exercise their rights to freedom of peaceful assembly and of association in multilateral arenas.’

At its most recent session in January 2016, the Committee voted to close an NGO’s application on the basis that its work was contrary to the UN Charter, and then voted to deny the organisation the right to engage in dialogue with the Committee and address the allegations. This was condemned in ECOSOC by US Ambassador Mendelson who said that Committee members were using the body ‘to subvert the purpose of the Committee by further restricting civic space at the UN and blocking or deferring NGO applications on non-substantive grounds’.

Recommendations:

- As the parent body, ECOSOC must ensure that the practice and procedures of the Committee are in keeping with the principles, spirit and purpose of ECOSOC resolution 1996/31, and in strict compliance with international human rights standards.
- The practice and procedures of the Committee should thus be uniformly applied, apolitical, fair, transparent, non-discriminatory, consistent and expeditious. The practice and procedures should not be used to block accreditation through repeated questioning and persistent deferrals. ECOSOC must not allow its Committee's procedures and powers

to be abused by imposing de facto restrictions on freedom of opinion and expression or freedom of association in violation of international human rights standards.

- ECOSOC, and its NGO Committee, should demand that States fully respect the Declaration on Human Rights Defenders, GA res 53/144 (1998), which affirms “the right, individually and in association with others, to unhindered access and communication with international bodies.” Instead, far too many of the Committee's actions appear themselves to pose an unacceptable hindrance to such access, whether by design or in their impact.
- ECOSOC should explicitly affirm the need for the NGO Committee to make sure that its own processes fully respect international human rights standards, including by ensuring full respect for the right of NGOs at risk of adverse decisions to be heard by the Committee, by excluding any decision motivated by discrimination of any kind, and by committing itself to upholding the right of everyone to unhindered access to international human rights bodies.
- Specifically, ECOSOC should take into account the recommendations set forth by Chile, Mexico and Uruguay and institute webcasting sessions of the Committee to encourage transparency in its operations and enable NGOs whose applications are being considered by the Committee to follow proceedings.
- Furthermore, when putting themselves forward for membership of the Committee, Member States must fulfill their responsibility to comply with international human rights standards, including obligations to uphold the rights to freedom of association and expression.

Unfortunately, the practice of the Committee is reflective of growing restrictions on civil society globally at the very time restrictions at the national level make access to the UN all the more crucial. The members of ECOSOC should take into account the recommendations above in order to promote a safe, transparent and enabling environment for civil society at the UN. By fostering such an environment, the UN can take full advantage of the particular expertise and insights provided by NGOs while protecting the legitimacy and credibility of its work.

Yours sincerely,

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## **UN Independent Expert on LGBTI Rights Affirmed by UN General Assembly Third Committee**

WUNRN (22.11.2016) - The United Nations has rejected a move from African nations to halt the work of the independent expert on LGBTI rights.

Thai international law professor, Vitit Muntarbhorn, was appointed the first UN Independent Expert on Sexual Orientation and Gender Identity. He has been charged with a four year mission to explore where LGBTI people may face discrimination around the world.

A close vote on November 21, 2016, by a United Nations General Assembly committee affirmed that the newly appointed UN expert to address violence and discrimination based on sexual orientation and gender identity should continue his work is a victory for human rights.

Human Rights Watch has welcomed the decision. Human Rights Watch joined 850 nongovernmental organizations from 156 countries around the world in calling on the

General Assembly's Third Committee, which includes all member countries, to take a principled stand that lesbian, gay, bisexual, and transgender (LGBT) rights are human rights.

The vote rejected language advanced by African countries that sought to stop the expert from working until the UN could debate the "legal basis" of the mandate, which was created by the Human Rights Council in Geneva.

"The Third Committee's vote affirms that the right to be protected from violence and discrimination applies equally to LGBT people," said Boris Dittrich, LGBT rights advocacy director at Human Rights Watch.

"It also respects the integrity of the Human Rights Council, as the UN's top human rights body, to ensure that mechanisms are in place to protect rights not just in theory, but in practice."

Sources: <http://bit.ly/2ggZzBI> and <http://bit.ly/2fWlYkA>

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## **Success for two NGOs at ECOSOC but systemic reform still urgently needed**

***The latest examples of NGOs having to wait years to gain access to the UN, once again highlight the urgent need to reform the dysfunctional 'gatekeeper' committee that controls the accreditation process.***

ISHR (27.07.2016) - <http://bit.ly/2ccsu6x> - Two human rights organisations have finally been granted access to the UN through a decision of the Economic and Social Council (ECOSOC) to accredit them. Years of questioning, deferrals and votes against granting them consultative status by ECOSOC's Committee on NGOs, have finally been reversed.

Whilst the outcome on these individual cases is cause for celebration, ECOSOC has again failed to substantially address the problem at the root of the NGOs' experience: the practice of the NGO Committee and the need for its reform.

ECOSOC granted consultative status to the Committee for the Protection of Journalists (CPJ) and the Youth Coalition for Sexual and Reproductive Rights (YCSRR), two organisations that have spent years having their applications for consultative status considered by the NGO Committee. The US and Australia brought resolutions to the 54 member UN body to overturn the decisions taken against the NGOs in June by the Committee on NGOs, a subsidiary body of ECOSOC.

Speaking to the long delay YCSRR experienced in getting accreditation, several States acknowledged that there were differences of opinion on issues such as sexual and reproductive rights. However, as the UK emphasized, 'prejudice' couldn't inform decisions regarding accreditation. Other States spoke of the importance of the UN as a space for voicing diverse opinion. 'Giving up on listening to divergent views' is tantamount 'to giving up on the principles the UN is founded on', said the Czech Republic. Canada echoed that view noting, 'we can't allow divergent points of view to be silenced' by States.

'NGOs should not be seen as a threat to states but rather seen as a support to the healthy functioning of the system', noted the UK in name of several States, emphasizing the importance of civil society participation in the UN.

China and Russia called for votes on both cases, noting that the move to bring the cases to ECOSOC was 'confrontational', and arguing that ECOSOC should accept the recommendations from the Committee.

'Both NGOs finally got backing from ECOSOC. However, three candidates running for a seat on the Human Rights Council for 2017 – China, Russia and first timer Rwanda – all voted against granting accreditation to an organization that protects journalists, CPJ. This is a chilling,' said ISHR's Eleanor Openshaw. 'Guatemala, who is also a candidate for the HRC in 2017, voted against accreditation for YCSRR. We hope that States will bear this record in mind when voting for HRC members in November.'

Following the result, CPJ noted that accreditation would allow them to access UN bodies and processes, such as the Human Rights Council and 'deliver a counter-narrative to States.'

The NGO Committee has come in for a raft of criticism over the years, with an unprecedented level of attention at the last session when votes were taken against the two NGOs. At ECOSOC such criticism continued, with the US Ambassador Power noting that the NGO Committee was 'looking more and more like an anti NGO Committee'. Chile, Mexico and Uruguay, in their now traditional statement at ECOSOC, spoke of 'serious distortion of procedure and goals' by the NGO Committee.

Whilst several States called for greater transparency of the work of the NGO Committee through webcasting, no specific steps to achieve this were outlined.

Reflecting on the outcome of the ECOSOC meeting, ISHR's Eleanor Openshaw said it again highlighted the urgent need for reform.

'It is encouraging that States are so vocal about the need to reform the practice of the NGO Committee. Now we need to understand precisely how and when they will make that happen,' said Ms Openshaw.

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## **Freedom of association is under threat at the UN!**

ISHR (25.05.2016) - At a time of increasing restrictions on the space for civil society to operate, the UN becomes all the more important a platform for voices demanding accountability and justice. And yet, the UN itself is blocking NGO access and participation through the practice of the ECOSOC Committee on NGOs (the Committee).

Through a practice of perpetual questioning and multiple deferral of applications, the UN Economic and Social Council (ECOSOC) Committee on NGOs has turned what should be largely an administrative role into an opportunity to block the participation of NGOs working on issues on which States disagree. Human rights organisations are amongst those facing the most obstacles.

In an unprecedented expression of concern, over 230 NGOs from over 45 countries, working at national, regional and international levels have joined together to [call on members ECOSOC](#) to reform the practice of the Committee ensuring an approach that is apolitical, fair, transparent, non-discriminatory, consistent and expeditious.

The NGOs' letter to ECOSOC is also a powerful statement of solidarity with those facing obstacles in participating in UN processes at a time that such restrictions are increasingly evident. Objections to the participation of NGOs at the UN General Assembly High Level Meeting on Ending Aids in June 2016 have been widely reported: <http://reut.rs/1svrpg4>

The NGO open letter was directed to ECOSOC Member States (copy UN Secretary General, President of the General Assembly, President of the Human Rights Council, Member States of the UN General Assembly).

The letter is timed to coincide with the second 2016 session of the ECOSOC Committee on NGOs at the UN Headquarters in NYC starting 23<sup>rd</sup> May – 2<sup>nd</sup> June.

Following a protracted and tense exchange between States, a statement was finally allowed to be made at the NGO Committee on 24<sup>th</sup> May, by a civil society representative in regard to the NGO letter.

**Background:**

The ECOSOC Committee on NGOs is a key gateway for NGOs into the UN. The Committee recommends consultative status for NGO applicants. With consultative status NGOs have access to a range of UN bodies and processes, most evidently at the Human Rights Council in Geneva where accredited NGOs can deliver oral and written statements and organize side events to present alternative narratives to those of States.

Human rights organisations are those that face most obstacles, and within this bracket are those working on sexual and reproductive rights, minority rights, and impunity. Organisations working on the rights of LGBTI persons and sexual and reproductive rights have struggled to get accreditation.

Concerns about the practice of the Committee have been highlighted by the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association, Mr. Maina Kiai in this 2012 report to the UN General Assembly. <http://bit.ly/1TO8q4S>

The organisation facing the longest deferral to date is International Dalit Solidarity Network, working on caste-based discrimination. It has received 70 questions since 2008 from one country – India. Its application will be considered again at this session in May.

The NGO Committee's practice seems to be worsening. At the NGO Committee's last session in January the Committee voted to deny an NGO applicant the right to speak in support of its own application (after having been stigmatised by Committee members) . The Committee then voted to close its application. For more on this case: <http://bit.ly/1Wty3Qm>

The Committee is made up of representatives of 19 member states. It can be a magnet for States with bad records on enabling the work of civil society. Members are as follows:

Azerbaijan, Burundi, China, Cuba, Greece, Guinea, India, Iran, Israel, Mauritania, Nicaragua, Pakistan, Russian Federation, South Africa, Sudan, Turkey, United States of America, Uruguay and Venezuela (Bolivarian Rep.)

The NGO Committee will now sit for its second session of the year from 23 May – 2 June at the UN headquarters in NYC, Conference room 1.

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## **230 NGOs call for defense of freedom of association at the UN**

ISHR (25.05.2016) - <http://bit.ly/1X7Dg0I> - In an unprecedented move, more than 230 non-governmental organisations (NGOs) from around the world have joined forces to

defend freedom of association at the United Nations, calling on members of the UN's Economic and Social Council to reform the practice of the Committee of NGOs and institute apolitical, fair and transparent consideration of NGO applications for consultative status.

The response has been sparked by the long-term practice of some States to delay or effectively block certain NGOs from participation at the UN, through perpetual questioning and multiple deferrals of applications for accreditation.

In doing so, the Economic and Social Council (ECOSOC) Committee on NGOs has turned what should be largely an administrative role into the obstruction of NGOs working on issues on which States disagree. Human rights organisations are amongst those facing the most obstacles.

### ***Joint letter highlights global civil society restrictions and concerns***

In a [letter to ECOSOC Member States](#), copying the presidents of the UN General Assembly and the Human Rights Council, as well as the UN Secretary-General, more than 230 national, regional and international NGOs have raised their concerns at the use of such procedural tactics.

The letter was timed to coincide with the second 2016 session of the ECOSOC Committee on NGOs at the UN Headquarters in New York, which started on 23 May and will run until 2 June.

ISHR's Eleanor Openshaw said, 'This is a powerful statement of concern by NGOs from around the world about restrictions to their participation in the UN and in solidarity with those whose participation is being restricted.'

The letter echoes the findings of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association Maina Kiai who, in his 2014 report to the UN General Assembly, criticised the Committee's multiple deferrals and perpetual questioning of some applicant NGOs. He noted that 'Member States and the UN have a legal obligation to strengthen civil society participation in the UN'.

### ***Blocked NGO speaks out***

One of the NGOs that has suffered such obstruction is the International Dalit Solidarity Network (IDSN), which has received 70 questions from one country – India – since 2008, each time with the effect of delaying their application for consultative status until the next session. The NGO's application will come up for consideration by the Committee again this session.

Speaking of the experience and why the organisation continues to pursue accreditation, ISDN Executive Director Rikke Nöhrind noted the huge importance to NGOs of being granted access to participate in UN discussions.

'For eight years, we have been barred from freely associating with the UN. With ECOSOC status, we can present statements, get accreditation for our group, for example to the Human Rights Council, and organise side-events at UN fora. Without it, opportunities to discuss the impact of and solutions to the horrific human rights and development challenges brought about by caste discrimination will be lost,' she said.

Eleanor Openshaw says the practices of the Committee hit a new low at its most recent session, in January 2016, when it [allowed accusations to be made against an NGO during the session](#) without allowing the NGO to respond. 'In so doing, the Committee allowed for

an NGO to be defamed and then silenced, in violation of the fundamental principles of freedom of expression, association and due process that should guide the Committee's work.'

### ***ISHR addresses the NGO Committee – highlighting the joint letter***

On 24 May, at the start of the day's session of the Committee, the United States requested that the floor be given to one member of civil society to address the Committee. A protracted and tense back-and-forth ensued between members of the Committee regarding the right of NGOs to speak during its sessions.

In the end, [ISHR delivered a statement](#) about the joint NGO letter to Members of ECOSOC, highlighting widespread NGO concerns regarding the practices of the Committee on NGOs.

Following the intervention, several States cited procedural grounds for objecting to such participation, including India, South Africa, China, Pakistan, Bangladesh, Mauritania, Russia, Cuba and Iran.

The European Union made a statement in favour of participation of NGOs; while Ambassador of the United Kingdom Martin Shearman commented that the extent to which States spoke of procedure rather than the substance of the concerns expressed by the 230 NGOs in their letter simply made evident the concerns the NGOs expressed.

Several States indicated they would appreciate greater guidance from the Secretariat in regard to the criteria by which they could assess applications for ECOSOC accreditation. In a positive move, Pakistan said it saw there could be value in video messaging from NGOs who are unable to travel to New York to support their application for consultative status in person.

The room in which the NGO Committee met was filled with NGO representatives keen to demonstrate their concerns about the practices of the NGO Committee. Observer States were also in greater attendance at this session indicating an increased awareness of these concerns, and greater support for NGO applicants from their jurisdictions.

Concluding her statement to the NGO Committee, Eleanor Openshaw noted, 'Unfortunately, in too many instances the Committee is reflective of the growing restrictions on civil society at the very time restrictions at the national level make access to the UN all the more crucial.'

'We request that the Committee redouble its efforts to promote a safe, transparent and enabling environment for civil society at the UN. By fostering such an environment, the UN can take full advantage of the particular expertise and insights provided by NGOs and enhance the legitimacy and credibility of its own work.'

### ***Background***

The ECOSOC Committee on NGOs is a key gateway for NGOs into the UN. The Committee recommends consultative status for NGO applicants.

With consultative status, NGOs have access to a range of UN bodies and processes, most particularly at the Human Rights Council in Geneva where accredited NGOs can deliver oral and written statements and organise side events to present alternative narratives to those of States.

## **Authoritarian states dismiss criticism by human rights expert at the UN Human Rights Council**

by Aaron Rhodes

Freedom Rights Project (11.03.2014) - At the UN Human Rights Council yesterday, a member of the Chinese delegation, rejected criticism by MARGARET SEKAGGYA, the UN Special Rapporteur on Human Rights Defenders.

He complained that human rights activists sometimes seek to "split societies apart", "sabotage the social order" and "undermine the rights of others", thus justifying legal measures against them. He asked the Special Rapporteur to "conduct research" on such activities of human rights defenders.

The demand could foreshadow an effort to invert the mandate of the Special Rapporteur into one of policing the work of the human rights community. The statement should be seen in the context of a previous effort to distort the mandate of the Special Rapporteur on Freedom of Expression. During the 7th session of the Human Rights Council in 2008, the Organization for Islamic Cooperation succeeded in introducing an amendment to the mandate of the Special Rapporteur on Freedom of Expression, which required the expert to "report on instances where the abuse of the right of freedom of expression constitutes an act of racial or religious discrimination, taking into account Articles 19(3) and 20 of the International Covenant on Civil and Political Rights and General Comment 15 of the Committee on Elimination of All Forms of Racial Discrimination which stipulates that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the freedom of opinion and expression." Despite meeting substantial criticism and concern from mainly Western democracies, the large proportion of OIC members states on the Council, with support from China, Cuba and Russia, secured the paragraph's presence in Resolution 7/36. Canada, to no avail, had warned that "the amendment would fundamentally change the mandate holder's role from promoting to policing the exercise of freedom of expression"

Russia has also accused the Special Rapporteur on Human Rights Defenders of proposing that such people have special rights and should be governed by a separate legal regime. The delegate asked as to what rights human rights defenders have in comparison to other citizens. Why is defending human rights seen as an "independent right"?

Meanwhile, Venezuela for its part, accused human rights NGOs with using "foreign funding" aimed at the "legal de-stabilization" of the government, and engaging in "politically-motivated attacks" on the "sovereignty and independence" of the country.

The Venezuelan representative concluded that "the Venezuelan state gives full respect for human rights defenders."

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## **Theatre of the absurd**

The Economist (12.11.2013) - THE [UN Human Rights Council](#) was voted into existence in 2006, in the hope that it would do a better job than its predecessor, the Commission on Human Rights, at promoting the basic freedoms which almost every country in the world has accepted, in theory. It was hoped, for example, that there would be healthy competition for places on the new body's rotating membership of 47 nations. Countries

aspiring to a place on the council would, so the theory went, have an an incentive to behave better.

It doesn't seem to have worked. Let's focus purely on religious freedom, which is the main concern of Erasmus, and is by most people's lights an important human entitlement. Of the 14 nations voted onto the council today, three—China, Saudi Arabia and Vietnam—have been designated by the US [Commission](#) on International Religious Freedom as "countries of particular concern" in respect of religious liberty, while another two—Russia and Cuba—are deemed by the Commission to violate liberty of conscience in significant ways.

Now one can, of course, challenge the Commission's hierarchy of violators; between and within healthy democracies there can be hard arguments over what exactly amounts to an infringement of religious rights. But Saudi Arabia does not even pretend to respect religious freedom, or to tolerate any form of overt religious practice other than the officially approved interpretation of Sunni Islam. The practical consequences of this stance can be appalling. In August, the Saudi founder of a mildly liberal website was sentenced to seven years in jail and 600 lashes for "insulting Islam" by encouraging some cautious religious debate. If the charge of apostasy—leaving Islam—had been upheld, he would have faced the death penalty.

In China, as the US Commission notes in its latest report, "religious freedom conditions for Tibetan Buddhists and Uighur Muslims remain particularly acute, as the government broadened its efforts to discredit and imprison religious leaders, control the selection of clergy, ban certain religious gatherings, and control the distribution of religious literature..." The government of Vietnam "continued to expand control of all religious activities, severely restrict independent religious practice and repress individuals and religious groups..."

There are lots of global issues, from climate change to drug-trafficking, which need to be discussed in all-inclusive global institutions in the hope of finding practical solutions. And if the Human Rights Council were purely a talking shop, in which countries held vigorous discussions about which human rights were fundamental and how they should be observed, then that too might serve some useful purpose; holding one's corner in a public argument does not have to compromise anyone's integrity. But the Human Rights Council aims to do more than that; it aspires, in the name of its members, to smoke out, shame and hold to account violators of basic rights.

Given that more governments (including some Western ones) violate human rights than respect them, I'm not sure that global, inter-governmental bodies in this field can serve any purpose. It may still be useful for groups of governments (like the Council of Europe) to band together to agree to observe certain standards. But for an organisation to work credibly for human rights at a global level, with no geopolitical or cultural bias, it needs to be as independent as possible from all governments, and hence from all violators.

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## **Russia offers controversial code of conduct for UN Treaty bodies**

By Stefano Gennarini, J.D

C-FAM (26.04.2013) - Russia last week launched an unprecedented effort to inject independence and accountability into nine commissions that review the human rights practices of nations.

The UN commissions that monitor international human rights agreements showed a need for reform as far back as the late 1990s. Backlogs and inefficiencies plague the treaty bodies, as the commissions are known, and the UN General Assembly is studying proposals to overhaul the monitoring system.

Russia proposed a code of conduct on behalf of a broad group of states during preliminary negotiations last week and it has upset many other member states. The code requires the two-dozen members of each commission, called "experts," to pledge their independence and establishes an ethics council to review their work. The Russian-led coalition, drawing from all geographic regions, believes the code will benefit the commissions as well as the underlying human rights.

European nations and the UN bureaucracy vocally opposed the code as an effort to muzzle treaty bodies. They prefer to increase the resources available to the commissions, and leave reform up to the members themselves.

Opponents of Russia's approach say states should hold treaty body members to task through the process where the experts are elected. Nations periodically elect the members of treaty bodies to four-year terms. But proponents of the code don't believe the election process has done enough to preserve the independence and impartiality of commission members.

Proponents worry treaty bodies have expanded their powers without the consent of states. The commissions frequently criticize the laws and even bills of specific states on questionable legal grounds, and have adopted onerous reporting requirements not contemplated when the treaties were signed. They also refer to their opinions as "jurisprudence," though they are neither authoritative nor binding on states.

The proposed code also addresses the outsize influence of the UN bureaucracy and nongovernmental organizations on treaty bodies. Over the past fifteen years, the commissions have succumbed to pressure to promote abortion on demand as well as special rights for homosexuals, though no human rights agreement mentions either. The nature of treaty bodies compounds the influence that the UN bureaucracy and nongovernmental organizations exert on human rights monitoring.

Treaty body experts are not compensated for their work and they can only dedicate a few weeks out of the year to reviewing state reports, which means they must depend on the judgment and opinions of the UN bureaucracy which has been at the forefront of an international campaign for abortion on demand and homosexual rights.

The make-up of the UN bureaucracy does not equitably reflect the full membership of the General Assembly, and does not always represent UN consensus. More than 40% of the office of the high commissioner's staff comes from Europe, even though European countries make up less than 25% of the full membership of the United Nations.

Moreover, it is mostly funded through voluntary contributions, which account for just under two thirds of its \$600 million annual budget. Voluntary contributions enable donors to earmark funds for specific purposes. Most of the voluntary funding comes from the United States and Europe.

Until now, the UN bureaucracy and the treaty bodies themselves have only made piecemeal efforts at reform. The delay in taking comprehensive action reflects the limited power of treaty bodies, whose role is restricted to reviewing the reports submitted by individual nations. The General Assembly will discuss the proposed code again in May.

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## **Vatican, Iran, Russia, Egypt oppose ban on violence against women**

International Business Times (15.03.2013) - The United Nations has devoted much of the past month to raising awareness about violence against women.

March 8 is annually declared International Women's Day, and this year's commemoration was especially focused on ending violence against women.

And U.N. Secretary-General Ban Ki-moon has made it a [special project](#) during his tenure.

You would think that not hitting women and granting them equal rights would be a cause behind which most, if not all, of the U.N. member states could -- and would -- get.

Not so fast. On Thursday, Egypt, Iran, Russia, and the Vatican all stood in opposition to a declaration put forward by the U.N. Commission on the Status of Women that would urge an end to violence against women and girls, [Reuters](#) reported.

What was the problem? Apparently, some of the language in the declaration that touched on sexual, reproductive, and gay rights was objectionable. Language on access to contraception, abortion, and treatment of sexually transmitted diseases was seemingly particularly unacceptable.

Several unnamed African nations also reportedly "distanced themselves" from the proposal.

Egypt introduced an amendment that would allow member states to avoid implementing these recommendations if they "clashed with national laws, religious, or cultural values." Egyptian President Mohammed Morsi and his political allies also claimed the declaration could "subvert the entire society" by raising the marriage age and allowing women to travel, work, and use contraception, as well as by a wife controlling family spending without her husband's permission, according to the Muslim Brotherhood's [Ikhwanweb](#).

"The document includes articles that contradict established principles of Islam, undermine Islamic ethics, and destroy the family," said the Muslim Brotherhood's statement on the online site.

The Coalition for Sexual and Bodily Rights in Muslim Societies and other organizations released a [statement](#) about the proposal, saying, "The current positions taken by some Arab governments [are] clearly not representative of civil-society views, aspirations, or best practices regarding the elimination ... of violence against women."

One U.N. diplomat told [Reuters](#) that Russia had introduced an amendment saying unilateral sanctions promote violence against women. "[This] strikes us as a bit of a stretch, and it's slightly out of place," the diplomat said.

The Vatican is a non-member observer state at the U.N.

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## **Silent human rights diplomacy fails**

Huffington Post (29.08.2012) - United Nations Secretary General Ban Ki-moon has decided to join representatives of the Non-Aligned Movement (NAM) at their meeting in Tehran on Aug. 29-31. He did so over strong objections that his presence would legitimate Iran's threats against Israel and its worrisome nuclear program, and boost the country's international prestige.

He has defended his decision, indicating the visit will afford him opportunities to express the international community's concerns. It is crucial that these concerns include Iran's egregious violations of human rights, and that they be expressed openly and loudly.

Any visit to Iran by a top UN diplomat is filled with hazard. While the Iranian authorities can indeed be counted upon to exploit Ban's presence as a show of support, pundits will - and already have -- proclaim that it demonstrates the failure of efforts to isolate Iran by the United States and its allies. There is no rule as to whether a dignitary's visit to a repressive state and direct contact with its rulers helps or hurts its citizens. It depends on how the situation is handled.

"Silent diplomacy" is often touted as a strategy to help deviant governments comply with their human rights obligations without publicly embarrassing them and "backing them into a corner," and thus increasing their resistance. Most often, it has been a pretense to hide indifference, appeasement or lack of political will.

The purpose of human rights advocacy -- by governments, international organizations, and civil society -- is to encourage states to respect their citizens' rights, but more importantly, it should inspire people to struggle for their human rights themselves.

Silent diplomacy, on the other hand, does not and cannot inspire citizens or give them faith in international human rights standards and processes. To the victims of human rights abuse, there is simply silence. And in most cases, it is likely that where silent diplomacy was claimed, no earnest diplomacy took place at all.

There will be every effort to keep a muzzle on Mr. Ban, to keep any unwanted criticisms from reaching the people of Iran. His remarks will be edited, distorted, and censored. But in the Internet age, it is much harder to keep the truth under wraps. Mr. Ban won't meet a free press and he won't meet free and independent people. But he can speak his mind and he can tell the world what he said. Thanks to the Internet, the Iranian people will find out what happened.

They need to hear that Ban talked about Iran's gruesome execution binge; about its hundreds of political prisoners rotting in jail for exercising their human rights; about women and members of religious minorities kept out of universities; about the denial of free speech by which the regime tries -- unsuccessfully -- to suffocate civil society. They need to know that Ban and the organization he represents are aware of these things, and care.

The meeting of the Non-Aligned Movement is indeed an opportunity for Ban and the UN - an opportunity to succeed, or to fail. Among NAM's members are numerous states that cripple the United Nations' human rights potential by obstructionism aimed at protecting

obsolete, undemocratic regimes. It is likely that many people of those societies recognize the NAM for what it is -- a vestigial club running mainly on resentment, that provides a platform for statements usually having zero bearing on their interests.

There are precious few leaders in the world today who speak out for human rights. Ban should speak to and for the fundamental human rights and freedoms of Iranians and all whose leaders gather in Tehran. That would fully exonerate his decision, and prove his doubters wrong.

**Aaron Rhodes helped found the International Campaign for Human Rights in Iran in 2008. He is now a principle investigator of the Freedom Rights Project.**

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## **Expert warns Rio+20: "Do not betray your commitments on the human right to water and sanitation"**

UNOG (21.03.2012) - On World Water Day, United Nations water and sanitation expert Catarina de Albuquerque called on countries not to go back on their decisions to recognize the right to water and sanitation for all, and act consistently with them. The right to water and sanitation was explicitly recognised by the United Nations General Assembly and the Human Rights Council in 2010.

"Some States, including Canada and the United Kingdom, are apparently proposing the removal of an explicit reference to the right to water and sanitation for all from the first draft of the 'Rio+20 United Nations Conference on Sustainable Development' outcome document," warned the United Nations Special Rapporteur on the human right to safe drinking water and sanitation. This declaration is currently being discussed in New York.

"States are wasting their time on re-negotiating their own decisions rather than moving forward to implement the right to water and sanitation for all," Ms. de Albuquerque stressed. "We should be marking World Water Day with progress, not debating semantics and certainly not back-tracking on these issues."

"In the context of the Rio+20 agenda," she said, "who does not want a future where every single individual enjoys safe drinking water? Who does not want a future where nobody dies due to drinking unsafe water? Who does not want to eradicate the indignity and humiliation of open defecation?"

"In order to achieve the future we want, we need to again underline our commitments to the human right to water and sanitation. We need to speak up for the millions who are marginalized and forgotten - people sleeping on the street, girls who walk miles to fetch water every day, boys who drop out of school because of diarrhoea, people who cannot access water because of their disabilities."

We should not forget that billions still lack a safe supply of water and access to safe sanitation," Ms. de Albuquerque underscored.

"Rio+20 and post-2015 development goals should not betray the previous commitments on the right to water and sanitation. It is now time to focus on the world population who only have access to unclean and unsafe water and inadequate sanitation," the United Nations Special Rapporteur appealed on World Water Day.

Catarina de Albuquerque is the first United Nations Special Rapporteur on the human right to safe drinking water and sanitation. She was appointed by the Human Rights

Council in 2008. Ms. de Albuquerque is a Professor at the Law Faculties of the Universities of Braga and Coimbra and the American University's Washington College of Law and a Senior Legal Adviser at the Office for Documentation and Comparative Law, an independent institution under the Prosecutor General's Office.

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