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ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE HIGH COMMISSIONER AND THE SECRETARY-GENERAL

**Written statement^{*} submitted by Nord-Sud XXI,
a non-governmental organization in special consultative status**

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

[18 February 2009]

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

Nord Sud XXI wishes to call the attention of the High Commissioner for Human Rights to the following two matters. First, we again repeat our urgent request that the High Commissioner exercise her initiative to bring to the attention of the Human Rights Council the Situation of Human Rights in Iraq. Second, we express our appreciation to the High Commissioner for her efforts to secure the participation of some important state in the Durban Review Process and urge her to even do more to ensure that civil society is able to participate.

The Situation of Human Rights in Iraq

Since 2003 employees of the Office of the High Commissioner for Human Rights has been reporting on the situation of human rights in Iraq on a regular basis. During these years, these reports have contained proof that the situation of human rights in Iraq is one of the worst in the world. The previous High Commission has even taken extraordinary step to point this out by filing *amicus curia* briefs before tribunals that are still operating in Iraq to argue that these tribunals do not satisfy the most minimal rules of due process or fair trial under international human rights law.

The reports also indicate that Iraq is today, more than perhaps any other place in the world, in a state of lawlessness in which extrajudicial killings, degrading treatment, and many other widespread and serious violations of human rights are being perpetrated regularly.

Under these circumstances, Nord Sud XXI as well as other state and non-state actors have constantly urged that Iraq be taken up on the agenda of the Human Rights Council. The Council has ignored these pleas and thereby has ignored the serious and widespread violations of Iraqis human rights.

We urge your office to break through this conspiracy of silence and indifference to a people who have lost more than a million citizens due to an illegal war.

We urge you to immediately bring to the attention of the Human Rights Council the reports ably produced by employees of your office on the situation of human rights in Iraq.

And we urge you to urgently consult with members of the Human Rights Council with the aim of bringing the issue of the situation of human rights in Iraq to the agenda of the Human Rights Council through the creation of a special mechanism.

The Duran Review Process

Nord Sud XXI expresses appreciation to the High Commissioner for her efforts to ensure the broad participation of state in the Durban Review Conference that will take place in Geneva between 20 and 24 April 2009. We are especially encouraged by the significant effort the High Commissioner has exerted to bring the United States and Australia to the table and strong support her efforts to encourage both Canada and Israel to reconsider their withdrawals from the process.

At the same time, Nord Sud XXI expresses serious concern about the obstacles that appear to obstruct NGO participation in the Durban Review Conference that will be taking place from 20 to 24 April 2009.

We regret that the distribution of funds for NGO participation in a manner that is not transparent; does not provide NGOs reasonable time to apply for funding; and appears to disadvantage NGOs that attended the World Conference Against Racism in 2001. In regards to the latter, we strongly believe that NGOs that attended the World Conference Against Racism in 2001 should in fact be prioritized as this is a review process, review a document and process to which they have already contributed.

We regret that the numerous administrative obstacles that seem to continue be placed in the way of NGO participation. For example, the form for applying for NGO side-events at the Review Conference has not been made available on the OHCHR website days after the process opened, but was instead selectively circulated; and the manner by which NGOs able to host side-events are selected appears to lack consistent standards or transparency.

We regret the hostility that has been shown towards an NGO Forum. In this regards we point out that NGO Forums have been held at almost every major UN Conference in the past three decades. We also regret that the Office of the High Commissioner, while rejecting requests formations meetings with NGOs who have consistently supported the Durban Process has agreed to co-host and event with organizations that are on record as opposing this process. Such action by the Office of the High Commissioner is inconsistent with the principles of the Durban Process.

We also regret hostility from members of the OHCHR towards the NGO Forum that was held at the World Conference Against Racism in Durban in 2001 and the resulting NGO Declaration and Programme of Action. Nord Sud XXI supported and continues to support the efforts of NGO that participated in the Durban. Moreover, Nord Sud XXI renews its challenge to the Office of the High Commissioner to support the NGO Declaration and Programme of Action or to indicate what is objectionable about these documents that were adopted by a large number of NGOs after intense discussion in Durban in 2001. While Nord Sud XXI does not agree with every statement in the 2001 NGO Declaration and Programme of Action, it does support these documents without reservation and strongly believes that the public criticism of these documents by the Office of the High Commissioner is a serious blow to the participation of and freedom of expression of all NGOs.

Nord Sud XXI expresses its continued general support for the 2001 NGO Declaration and Programme of Action and views it as a standard setting instrument that can guide the Durban Review Conference to improving the global struggle against racism and other similar forms of discrimination. Nord Sud XXI also encourages other NGOs and the Office of the High Commissioner to make known their support for the achievements of NGOs in Durban in 2001.

Finally, Nord Sud XXI reiterates its strong support for the Durban Review Conference that will take place in April 2009 and for the efforts of the Office of the High Commissioner that will make it a success, including efforts to ensure broad participation by both states and NGOs.

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