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

Summary

This is the first annual report of the United Nations High Commissioner for Human Rights, Louise Arbour, to the Commission on Human Rights. In it, the High Commissioner reports on a number of activities undertaken by the Office of the High Commissioner for Human Rights since the sixtieth session of the Commission, before signalling some challenges and opportunities in the coming year.

* The present document was submitted late in order to reflect the most updated information.

Introduction

1. In this, my first report as High Commissioner to the Commission on Human Rights, I report on some key activities I have undertaken since my taking office on 1 July 2004, as well as activities of the Office of the High Commissioner for Human Rights (OHCHR) since the sixtieth session of the Commission. The report also addresses some challenges and opportunities for the United Nations in the area of human rights in the year ahead.

I. KEY ACTIVITIES OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS SINCE THE SIXTIETH SESSION OF THE COMMISSION

2. As High Commissioner, my activities have been, and will continue to be, guided by the Universal Declaration of Human Rights, and the recognition that all human rights are universal, indivisible, interdependent and interrelated. My role, and that of OHCHR, is to assist in removing obstacles to the full realization of all human rights by working with Member States and the international community. During my first six months in office I have paid official visits to Afghanistan, Denmark, Finland, Japan, Nepal, Norway, the Republic of Korea, the Russian Federation, the Sudan, Sweden and the United Kingdom of Great Britain and Northern Ireland.

A. Strengthening capacity to promote and protect human rights at the national level

1. OHCHR activities at the country level

3. The work of OHCHR at the country level is focused on responding to and supporting the needs of Member States in their efforts to promote and protect all human rights. Our activities at the country level include the provision of technical cooperation, support to national institutions, monitoring and protection work, as well as support to country rapporteurs and independent experts of the Commission on Human Rights. An important means of strengthening national systems of human rights protection is through cooperation with, and capacity-building for, United Nations country teams (UNCTs), particularly through the action 2 initiative launched in October 2004. The front line of human rights protection must remain at the national level. Action 2 represents the most concerted effort to date to increase the ability of the United Nations to respond to Member States' needs in strengthening their national systems of human rights protection.

4. At present, OHCHR has a presence in 35 Member States. They include fully operational field offices, regional advisers, human rights units in peacekeeping missions and advisers to UNCTs. My Office has undertaken activities in these and other countries, responding to requests for assistance in establishing or strengthening national systems of protection. Reports on OHCHR activities in a number of Member States are before the Commission at its present session.

5. Much of the work of OHCHR in the field takes place in countries during or following conflict. In these situations, Member States often request assistance in responding to past human rights violations. Earlier this year I travelled to Afghanistan, where issues of justice for past

abuses and the continuing impunity of local commanders operating beyond the control of the Government constitute great concerns. I supported the launch of a report by the Afghan Independent Human Rights Commission on transitional justice which, on the basis of nationwide consultations, recommended a strategy on transitional justice for the country. In addition to national institutions, OHCHR supports capacity-building at the national level through the training of staff of transitional institutions (including the judiciary and law enforcement officials) in countries such as Timor-Leste. A further example of this type of assistance is our support to truth and reconciliation commissions, such as to those in Burundi and Sierra Leone.

6. Assisting countries in their obligations to report under the international human rights treaties continues to be one of the main ways of strengthening promotion of human rights at the national level. OHCHR has responded to requests for this type of assistance from a number of countries, including the former Yugoslav Republic of Macedonia, Guyana, Timor-Leste and the United Republic of Tanzania.

7. In a number of countries, such as in Afghanistan and Côte d'Ivoire, OHCHR is responding to requests for assistance in monitoring and investigating human rights abuses. In Burundi, a joint investigation with the human rights sections of the United Nations Operation in Burundi and the United Nations Mission in the Democratic Republic of the Congo was carried out in relation to the massacres at Gatumba in August 2004. In Nepal, OHCHR is providing support, in a joint programme with the United Nations Development Programme (UNDP) and under the auspices of a memorandum of understanding with the Government, to the National Human Rights Commission to enable it to carry out its statutory monitoring mandate for the protection of human rights throughout the country. This memorandum of understanding was specifically called for in the Chairperson's statement entitled "Human rights assistance to Nepal" adopted at the last session of the Commission (E/2004/23-E/CN.4/2004/127, para. 716). Throughout the reporting period, the OHCHR Senior Human Rights Adviser has also continued to support the United Nations Country Team and the Resident Coordinator in Nepal. Although the ongoing conflict in Nepal has seen a deterioration in individuals' enjoyment of their rights, the recent dismissal of the Government by the King marks a worrying downturn in the human rights situation in that country and calls into question the continued viability of the national human rights institution. A report on the Office's activities in Nepal is before the Commission in document E/CN.4/2005/114.

8. The Office works to assist in increasing the capacity of national-level institutions to respond to violence and human rights abuses on a large scale. In some cases, the international community has requested OHCHR for assistance with human rights abuses arising from internal conflicts. In the case of the Sudan (Darfur), OHCHR fact-finding missions took place in both Chad (to interview Sudanese refugees) and the Sudan during and shortly after the last session of the Commission; these resulted in a report to the Commission by the Acting High Commissioner (E/CN.4/2005/3). In June 2004 OHCHR proposed the deployment of human rights observers as part of the United Nations 90-Day Humanitarian Action Plan for Darfur, and monitors were deployed from mid-August 2004, shortly after the Security Council adopted resolution 1556 (2004). Working closely with other United Nations actors on the ground, as well as the African Mission in the Sudan, the observers' role is to assess the overall human rights situation in the region; collect information on violations; encourage and support credible national judicial processes aimed at redressing ongoing violations of human rights; and provide assistance aimed at establishing national systems of human rights protection, intervening with local authorities and

groups, and identifying protection needs on the ground. On 4 October 2004, I briefed the Security Council on the main findings and recommendations resulting from my visit to the Sudan with the Secretary-General's Special Adviser on the Prevention of Genocide in September 2004. One of the key results of the mission was the decision to increase progressively the number of OHCHR human rights observers, in order to meet the increasing protection needs of the population in Darfur. In my report to the Council I also emphasized the need for a greater level of cooperation between OHCHR and other protection agencies of the United Nations, especially the Office of the United Nations High Commissioner for Refugees and the Internal Displacement Division of the Office for the Coordination of Humanitarian Affairs, so as to enhance the effectiveness of the United Nations response to the crisis in Darfur.

9. The Commission also has before it a report submitted by the Acting High Commissioner for Human Rights on the situation of human rights in Iraq (E/CN.4/2005/4), dated 9 June 2004. During the reporting period, OHCHR has provided substantive input to United Nations efforts to strengthen the rule of law in Iraq.

2. Strengthening the rule of law, transitional justice, and democracy

10. The Office has significantly developed its work on these issues during the reporting period. Our work on transitional justice is being developed in the context of the Secretary-General's first report to the Security Council on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616). That report highlighted key issues and lessons learned from the Organization's experiences in the promotion of justice and the rule of law in conflict and post-conflict societies.

11. In this regard, and since the last session of the Commission, OHCHR has continued to work on sustainable, long-term institutional capacity within United Nations field presences and transitional administrations by, inter alia, producing methodological tools that should ensure that the United Nations at the field level has the necessary means to respond effectively to requests by Member States concerning the development of transitional justice mechanisms in post-conflict States and the administration of justice in general. In September 2004, OHCHR held a workshop at which these tools were evaluated in terms of their effectiveness, particularly in respect of the needs of post-conflict missions. The participants, from United Nations agencies and departments, United Nations field presences, non-governmental organizations (NGOs) and interim administrations, as well as international experts, represented a wide range of expertise and practical experience in the fields of rule of law and transitional justice. The methodological tools should be published in 2005.

12. The Office is now focusing on a mapping of key components in the justice sector, including approaches to truth commissions and prosecution models with regard to serious human rights violations; operational guidelines for vetting personnel in the justice sector; and a methodology for monitoring legal systems.

13. At its present session, the Commission will have before it the outcome of a process that took more than 15 years of work to conclude. The draft "Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law" (E/CN.4/2005/59) have been developed to provide important practical assistance for Governments and civil society institutions in

addressing the rights and needs of victims. In September and February 2005, OHCHR facilitated informal meetings for Member States, international organizations and NGOs to discuss the follow-up to the finalizing of the Principles and Guidelines.

14. From 28 February to 2 March 2005, in response to the request of the Commission on Human Rights, OHCHR organized an Expert Seminar on Democracy and the Rule of Law. The seminar was also attended by representatives of Governments and international and non-governmental organizations. It focused on the interaction between democracy, human rights and the rule of law in the context of power dynamics; challenges to democracy, human rights and the rule of law in the context of equality, participation and accountability; assistance to parliaments and the administration of justice in post-conflict situations; and measures to enhance democracy and the rule of law in the context of lessons learned at the national and regional levels. The Commission has before it conclusions of the seminar (E/CN.4/2005/58).

3. National human rights institutions

15. A core component of a functioning national human rights protection system is the existence of an independent national human rights institution established in accordance with the Paris Principles. Support for the establishment and strengthening of these institutions is a priority area for my Office. OHCHR co-organized the Seventh International Conference of National Human Rights Institutions which was held in Seoul from 14 to 17 September 2004, with the Korean National Human Rights Commission and the International Coordinating Committee of National Human Rights Institutions, with the financial support of the Asia Pacific Forum of National Institutions and the Agence intergouvernementale de la Francophonie. The overall theme of the Conference was "Upholding human rights during conflict and while countering terrorism". The declaration adopted at the conference (E/CN.4/106, annex I) includes a commitment to systematic follow-up.

16. Other activities of the Office in this area included providing advice concerning enabling legislation and comparative practices regarding national institutions; organizing several international round tables of national institutions; providing training to national institutions on the treaty body process through the project "Strengthening the implementation of human rights treaty recommendations through the enhancement of national protection mechanisms"; developing distance training modules on national institutions in the areas of conflict prevention and the prevention of torture, respectively; and a focus on reinforcing the links between the special procedures mandate holders of the Commission and national institutions. An example of my Office's work in post-conflict countries is its support to the establishment and the work of the Afghan Independent Human Rights Commission, which has become increasingly visible and stronger over the past year, expanding its presence in the country, with seven field offices and more than 300 staff. In Nepal, too, OHCHR is providing support, as mentioned above, to the National Human Rights Commission, which has been called into question by recent events.

4. Impunity

17. Countering impunity for the perpetrators of violations of human rights has been recognized by the Commission on Human Rights, the General Assembly and the Security Council not only as a basic requirement of justice, but also as an indispensable principle of conflict - and violence-prevention. OHCHR assisted the independent expert

appointed to update the "Set of Principles for the protection and promotion of human rights through action to combat impunity" (E/CN.4/Sub.2/1997/20/Rev.1, annex II). On 18 and 19 November 2004, OHCHR organized an expert workshop to facilitate an exchange of views between the independent expert and experts drawn from the various geographical regions. The updated Set of Principles, which reflects developments in international law and practice, is before the Commission (E/CN.4/2005/102/Add.1).

18. An important operational trend in the battle against impunity has been the increased use of the mechanism of commissions of inquiry to consider human rights abuses. OHCHR has gained valuable experience from past commissions and investigations such as those in Togo (2000) and the Democratic Republic of the Congo (1998). The past 12 months have seen three commissions appointed. In Côte d'Ivoire, pursuant to the Secretary-General's request, the Acting High Commissioner established an International Commission of Inquiry to investigate alleged human rights violations committed in connection with the march planned for Abidjan on 25 March 2004 by opposition parties (see S/2004/384). In July 2004, a further International Commission of Inquiry was established in Côte d'Ivoire to investigate allegations of gross human rights violations that had occurred in the country since September 2002. The Commission's report has been submitted to the Security Council.

19. Concerning Darfur, a Commission of Inquiry - established under Council resolution 1564 (2004) - was appointed in October 2004 with a three-tier mandate to investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties; to determine also whether or not acts of genocide have occurred; and to identify the perpetrators of such violations, with a view to ensuring that those responsible are held accountable. OHCHR provided a secretariat of more than 30 staff, including legal and human rights researchers, investigators, military analysts, experts in gender violence, forensic experts, translators and interpreters as well as security staff. The report of the Commission (S/2005/60) has been placed before the Security Council, and I briefed the Council on the report on 16 February 2005. Among other things, the Commission recommended that the Council refer the situation of Darfur to the International Criminal Court and that it establish a compensation commission so that the Council acts not only against the perpetrators but also on behalf of victims. A recommendation was also made that the Commission on Human Rights re-establish the mandate of the Special Rapporteur on human rights in the Sudan. It also requested me to issue public and periodic reports on the human rights situation in Darfur.

20. These examples, together with the establishment on 18 February 2005 of the Commission of Experts to review the prosecution of serious crimes committed in East Timor in 1999, have given the international community, and my Office in particular, considerable experience in the mechanism of the commission of inquiry. There are undoubtedly significant benefits from this approach in addressing allegations of serious human rights abuses, and we have proven that such commissions can move from appointment to conclusion swiftly and effectively. Commissions of inquiry are a natural expression of the protection role of the United Nations human rights programme in the face of serious human rights violations, particularly in situations of conflict. They provide essential guidance for addressing pressing issues of impunity and are best suited to articulate the appropriate way forward in that respect, be it through national or international mechanisms. Support for them will likely remain an important part of the work of OHCHR.

B. Groups vulnerable to discrimination

1. Racism, racial discrimination and xenophobia

21. OHCHR continues to work to encourage implementation of the Durban Declaration and Programme of Action, particularly through the activities of its Anti-Discrimination Unit and its support to the mechanisms established to follow up to the Durban Declaration and Programme of Action. The Office provided substantive and secretariat support to the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the group of independent eminent persons. The reports of these bodies are before the Commission in documents E/CN.4/2005/20, E/CN.4/2005/21 and E/CN.4/2005/125, respectively. OHCHR also cooperated with intergovernmental and non-governmental organizations with a view to implementing the Durban Declaration and Programme of Action. More detailed information about relevant activities is contained in the report of the Secretary-General to the General Assembly (A/59/375) and my report to the Commission on Human Rights (E/CN.4/2005/16).

22. Together with the Government of Brazil and the Pan-American Health Organization, OHCHR hosted an expert seminar for Latin America and the Caribbean region on the implementation of the Durban Declaration and Programme of Action entitled "Ensuring that the Millennium Development Goals contribute to overcoming discrimination based on race, colour, descent, national and ethnic origin." The seminar identified obstacles to the implementation of the Durban Declaration and Programme of Action and to achieving Millennium Declaration Goals 4, 5 and 6 in the Latin American and Caribbean region. The seminar also identified and shared best practices from Latin American and Caribbean countries on integrating human rights, and the principle of non-discrimination in particular, in the development and implementation of health policies (see E/CN.4/2005/22). In addition, during the reporting period OHCHR embarked on a process of establishing a database, as requested in the Durban Programme of Action, containing information on practical means of addressing racism, racial discrimination, xenophobia and related intolerance.

2. Indigenous peoples

23. The Office continues to give priority to the protection and promotion of the rights of indigenous peoples, including through support to relevant working groups of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights and to the Special Rapporteur on the human rights and fundamental freedoms of indigenous people. Responding to Commission resolution 2004/62, OHCHR and the United Nations Educational, Scientific and Cultural Organization organized an Expert Seminar on Indigenous Peoples and Education which was held in Paris in October 2004 (see E/CN.4/2005/88/Add.4). Human rights training of indigenous peoples remains a focus of the programme and in August 2004 the Office undertook an evaluation of the Indigenous Fellowship Programme which is now in its ninth year. In my capacity as Coordinator of the International Decade of the World's Indigenous People, I organized an evaluation of the activities of the Voluntary Fund established for the Decade in July 2004. Further information about this and other activities relating to indigenous peoples organized by the Office, including support for the Working Group on Indigenous Populations, can be found in my report on the International Decade (E/CN.4/2005/87).

24. As part of the indigenous component of the Human Rights Strengthening (HURIST) programme organized jointly by UNDP and OHCHR, the Office initiated two workshops for indigenous peoples and UNCTs in Ecuador and Kenya. The aim of the project is to strengthen indigenous participation in United Nations activities at the country level. The Office continues to give support to the activities of the Permanent Forum on Indigenous Issues, participating substantively in the expert workshop on free, prior and informed consent and indigenous peoples organized by the Forum and held in New York in January 2005.

3. Migrants

25. The debates over globalization have highlighted inequalities in the freedom of people to move from one country to another in search of a better life. Those who are able to migrate to another country are often vulnerable to human rights abuse. One key entry point for OHCHR is its support to the Special Rapporteur on the human rights of migrants, and to the committee established under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the first session of which was held in March 2004. I urge Member States to ratify this convention, in particular those States that host significant numbers of migrant workers. In order to enhance the Office's capacity to deal with issues affecting migrants across various substantive areas, in early 2005 OHCHR set up an inter-branch task force on migration. OHCHR also participates together with other United Nations partners and the International Organization for Migration in the Geneva Migration Group, which was established in 2003 in order to coordinate activities and policies on migration.

4. Women

26. From 28 February to 11 March 2005, the Commission on the Status of Women conducted a review and appraisal of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly. My Office actively participated in the preparations for this event, marking the tenth anniversary of the Fourth World Conference on Women. In reviewing implementation of the Beijing Platform for Action, it is clear that much remains to be done, meaning that women still do not fully enjoy their human rights. In this regard, I have insisted on the importance of using legal frameworks to ensure that women's rights are respected, protected and fulfilled, and resisting all attempts to dilute women's rights, in particular internationally recognized sexual and reproductive rights. This is critical in light of the alarming spread of HIV/AIDS among women.

27. Sexual violence during times of conflict continues to be a source of major concern for the Office. Despite strong condemnation of widespread rape during the conflicts in the former Yugoslavia and in Rwanda, perpetrators have generally enjoyed impunity. The Special Rapporteur on violence against women, supported by the Office, has taken action in recent years in regard to a number of situations of concern by undertaking field visits and raising cases with Governments under the communications procedure. Reports from many conflict zones indicate that rape continues to be used as a weapon of war and, yet again, there has been little indication that the perpetrators will be held accountable by the Government. On 28 October 2004, I addressed the Security Council concerning the implementation of resolution 1325 (2000) on women, peace and security. I expressed my concern to the Council about impunity for perpetrators of sexual violence during conflict and emphasized the importance of including women in all transitional

justice activities. This concern applies even more acutely in situations where international personnel tasked with aiding local populations are the perpetrators of such violence.

5. Trafficking in human beings

28. Combating human trafficking is one of the most serious challenges on the international human rights agenda today. The Commission last year established a new mandate, the Special Rapporteur on trafficking in human beings, especially women and children. In addition to supporting the work of the Special Rapporteur, OHCHR's anti-trafficking programme and interventions aim to address the human rights of the trafficked persons by following a two-pronged strategy focusing on protection of and assistance to victims, on the one hand, and prevention on the other, by examining root causes in the development arena. During the reporting period, OHCHR has worked to finalize a number of advocacy documents on trafficking (for example, a user-friendly version of the Recommended Principles and Guidelines on Human Rights and Human Trafficking, a document on Frequently Asked Questions on Human Rights and Human Trafficking, and fact sheets on selected countries). The Office has also continued its substantive support to joint activities with United Nations partners, including the United Nations Joint Initiative Against Trafficking in Nepal, and work within the Intergovernmental Organization (IGO) Contact Group on Trafficking and Migrant Smuggling.

C. Human rights and development

29. Recent years have seen a greater appreciation within the international community of the links between development, human rights and security. OHCHR has continued to work on the right to development and to elaborate on these links in specific areas such as food, housing and health, and on the follow-up to the United Nations Millennium Declaration (including the Millennium Development Goals).

30. My Office continues to provide substantive and secretariat support for the Commission's Working Group on the Right to Development. This included substantive input to the first high-level task force on the implementation of the right to development, which met in December 2004. In pursuance of Commission resolution 2003/83, OHCHR commissioned five studies to support the preparation of a concept document, establishing options for the implementation of the right to development and their feasibility, by the Sub-Commission on the Promotion and Protection of Human Rights. The studies were entitled "The right to development: study on existing bilateral and multilateral programmes and policies for development partnership" (E/CN.4/Sub.2/2004/15); "The legal nature of the right to development and enhancement of its binding status" (E/CN.4/Sub.2/2004/16); "Mainstreaming the right to development into international trade law and policy at the World Trade Organization" (E/CN.4/Sub.2/2004/17); "Policies for development in a globalizing world: What can the human rights approach contribute?" (E/CN.4/Sub.2/2004/18); and "Towards a human rights approach to development: concepts and implications" (E/CN.4/Sub.2/2004/19). These studies were transmitted to the fifty-sixth session of the Sub-Commission. My Office also prepared a background concept paper and commissioned two studies elaborating on the issues mandated for the consideration of the task force (see E/CN.4/2005/WG.18/2).

31. In 2002, OHCHR issued Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies as a tool that would support countries in integrating human rights into

national policies and strategies to reduce poverty. To complement the draft guidelines, OHCHR issued a publication entitled *Human Rights and Poverty Reduction: A Conceptual Framework* during the sixtieth session of the Commission. The Commission itself, in resolution 2004/23, requested the Office to continue work on the relationship between extreme poverty and human rights, notably with regard to the draft guidelines. Following a broad consultation process, the Office compiled comments on the draft guidelines from development practitioners, including Member States, international financial institutions, United Nations agencies, donors, academics and civil society. The comments indicated broad interest in the draft guidelines among stakeholders and underlined the importance of the conceptual advance they constitute. The authors of the draft guidelines were retained again in December 2004 to revise the document, on the basis of various comments received. The revised document will clarify and expand on points that may have led to misunderstandings or confusion. The guidelines will be released in the spring of 2005 and disseminated widely with plans for piloting at country level. This work demonstrates the importance of the value added of human rights approaches to poverty reduction, and refining its implementation.

32. The Commission has before it the statement of the Chairperson of the Seminar on good governance practices for the promotion of human rights, organized in Seoul on 15 and 16 September 2004 by my Office and UNDP, in collaboration with the Government of the Republic of Korea (see E/CN.4/2005/97). This seminar was convened at the Commission's request for the purpose of discussing examples of illustrative governance practices that have had an impact on the promotion of human rights and to draw lessons from them. The seminar's outcomes underlined the mutually reinforcing relationship between good governance and human rights and identified some shared core principles of each, namely participation, accountability, transparency, (State) responsibility and accessibility, in particular for marginalized groups. Possible follow-up activities to the seminar include examining the approaches to good governance taken by various international agencies with a view to considering how they promote human rights, which in turn could be useful in promoting human rights in development policies.

33. Following the request made by the Commission in decision 2004/116, this year I am presenting a report on responsibilities of transnational corporations and related business enterprises with regard to human rights (E/CN.4/2005/91). In the process of preparing this report, my Office consulted widely with representatives of all relevant stakeholders and received a large number of submissions. The consultation process revealed a growing interest in the impact of universal human rights standards on business. In many circles, the possibility of establishing a United Nations statement about the applicability of human rights to business and modalities of doing so is a subject of intense discussion. The Commission may wish to take further steps with a view to clarifying the issue.

34. My Office has continued its involvement in the United Nations Global Compact. In order to ensure more effective collaboration by the United Nations agencies involved in the initiative, OHCHR has worked together with the Global Compact Office and the five other participating agencies in establishing a Global Compact Inter-Agency Team. OHCHR has also continued to work together with United Nations partners in the initiative to provide information and tools to participating companies on how to implement the universal principles, including on human rights, on which the Global Compact is founded. In the past year OHCHR has produced jointly with the Global Compact Office a publication entitled

Embedding Human Rights in Business Practice, which contains analysis and case studies on the experience of companies in trying to implement the Global Compact human rights principles.

II. THE COMING YEAR

35. The coming year will see a number of challenges and opportunities in the task of bringing human rights protection to all. Some of these will emerge from the discussions following the recent releases of the Report of the High-level Panel on Threats, Challenges and Change and the Report of the Millennium Project. I am heartened that in the debates on both the future of the United Nations and on the follow-up to the United Nations Millennium Declaration, respect for human rights occupies a central place. In particular, each makes explicit the link between respect for human rights and the maintenance of peace and security. This link, which I believe is essential in understanding many if not most of the conflict situations today, is also relevant to the current debates concerning terrorism and the appropriate means of fighting it. Both I and my predecessors have been very clear both in condemning terrorism outright, and also in stating that anti-terrorism activities must be carried out in strict compliance with the requirements of our human rights obligations. Existing human rights instruments, in particular the International Covenant on Civil and Political Rights, provide a framework within which effective counter-terrorism initiatives can be undertaken without violating human rights. The international human rights framework - recognizing all rights as indivisible and interdependent - will also allow us to better understand some of the root causes of terrorism and the means of addressing them. The broader recognition of this link will be a key opportunity for furthering the fight against terrorism in the year ahead.

36. The high-level plenary meeting of the General Assembly in September will provide an opportunity for highlighting the relevance of human rights in both the peace and development spheres. Much attention will be given to the Millennium Development Goals, which have proven to be a very effective means of motivating support for strategies which, if successful, would result in massive improvements to many peoples lives around the world. The links between States' human rights obligations and the Goals need to be explicitly recognized. Without the essential human rights elements of accountability, non-discrimination and meaningful participation, it is unlikely that the Millennium Development Goals process will result in effective and sustainable results.

37. While we are working to achieve a deeper understanding of the complex nature of the links between rights and security, and between rights and development, we are witnessing in some quarters an erosion of some of the clearest and most well-established of the human rights norms. One example is the absolute prohibition on the use of torture, a norm so widely accepted as to have the status of customary international law. This long-existing and -accepted norm has certainly not meant that torture has been overcome. Instances of torture have always occurred despite efforts to eliminate them. Recently, however, torture has resurfaced as a critical international human rights issue, as well-publicized instances give the impression not only that the practice is increasing across a range of Member States, but that the very existence of the absolute prohibition on the use of torture is being questioned.

38. How should we in the human rights community respond to this development? First and foremost, we must insist that States implement their international legal obligation not to torture and to prevent others from torturing. In doing so, experience has shown that more public

information, increased transparency and cooperation among States produce closer adherence to the norm and swifter action in the case of a breach. This is the approach of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which will provide for a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture. As such, it is a significant means of protecting the rights contained in the Convention. At the beginning of 2005 six States parties had ratified the Optional Protocol and a number of others had signalled their intention to do so soon. OHCHR is actively preparing for the entry into force of the Optional Protocol. I take this opportunity to urge States parties to the Convention to ratify or accede to the Optional Protocol, and Member States that have not ratified the Convention to do so along with the Optional Protocol.

39. The process of refocusing from normative development to implementation is a challenge in all areas of human rights, and much has been achieved to date. Continued progress at the international level will in part depend on the ability of human rights mechanisms to find ways for increasing the efficiency and efficacy of their contributions. Mechanisms such as the treaty bodies provide an important first step towards implementing the rights contained in the treaties by working with States parties to identify shortcomings in implementation and proposing remedial courses of action. The treaty body system has embarked on a wide-ranging reform of its working methods. Draft guidelines for streamlined reporting on the basis of an expanded core document and targeted treaty-specific reports were prepared in 2004 and commented on by treaty bodies, Member States, NGOs and other stakeholders. Revised guidelines will be put before the fourth inter-committee meeting and seventeenth meeting of chairpersons of human rights treaty bodies in June 2005. Several States have already indicated their desire to report in accordance with the draft guidelines, and OHCHR is providing assistance in this regard. Treaty bodies are also harmonizing their working methods, in particular with regard to preparation of lists of issues and the adoption of follow-up procedures. In 2005 and 2006, the Committee on the Rights of the Child will work in two chambers of nine members for a trial period in order to clear the backlog of reports that have been submitted by States parties and are awaiting review. Other treaty bodies are considering ways to address their backlogs and to encourage more timely reporting by States parties.

40. Similarly, during the reporting period OHCHR has continued its efforts to support the review of the special procedures requested by the Secretary-General in 2002. In this context, attention is being given to exploring all possible avenues for concrete follow-up to the findings and recommendations of the special procedures mandate holders, in particular when they relate to specific chronic or crisis situations in countries, and to the individual cases they address through their communications with States. Appropriate reporting channels, informed partnerships, as well as adapted information-sharing tools are among the mechanisms that are being considered in this respect.

41. During my mandate, my action will be guided by the mission statement of the Office of the High Commissioner for Human Rights, which is included in the *Annual Appeal 2005* and which states, inter alia, that my Office will give priority to addressing the most pressing human rights problems, will ensure that special attention is given to the most vulnerable, will pay equal attention to all sets of rights, and will measure the impact of its work through the benefit that accrues to its intended beneficiaries.

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