

Democracy Caucus Urged to Lead Efforts to Strengthen UN Actions on Democracy and Human Rights

September 11, 2006. The UN Democracy Caucus should seize the initiative this month and lead efforts to bolster the world body's record on human rights and democracy. New instruments such as the UN Human Rights Council and UN Democracy Fund provide democratic member states an opportunity to fulfill the promise they made at the first Community of Democracies meeting in Warsaw in 2000 -- to work together to strengthen and promote democracy at the national, regional and international levels.

Specifically, members of the Caucus need to take concrete measures to demonstrate their commitments – both at the Community of Democracies meeting in New York on September 20 and at the second Human Rights Council meeting scheduled to begin on September 18th, by:

- Condemning publicly the recent trend of attacks and restrictions on democracy and human rights defenders;
- Ensuring that the Council address the most serious human rights situations in an even-handed manner;
- Strengthening civil society's participation in the UN system;
- Replenishing the UN Democracy Fund.

In addition, experience over the last several years has shown that the Community of Democracies and its UN Democracy Caucus need to establish a permanent secretariat to be able to effectively facilitate and sustain its cooperation and activities at the international level.

Freedom of Association and the Assault on Democracy and Human Rights Defenders

First, the Community of Democracies at its September ministerial meeting in New York must speak out against the alarming trend of assaults against democracy and human rights defenders, particularly in the form of laws criminalizing or restricting the right of groups to solicit and receive resources to carry out their work.

As documented by the UN Special Representative on Human Rights Defenders and many others, a growing number of governments in recent years are enacting legislation and regulations designed to restrict freedom of association, freedom of assembly, access to information and freedom of expression, particularly as they relate to democracy and human rights defenders.¹ In addition, many states are using extralegal measures such as harassment and intimidation to curb the work of nongovernmental organizations, while non-state actors are increasingly resorting to attacks on persons committed to protecting and defending fundamental freedoms. These activities violate the Warsaw Declaration, as well as Article 20 of the Universal Declaration of Human Rights, Article 22 of the

¹ "Promotion and Protection of Human Rights: Human Rights Defenders," Report submitted by the Special Representative of the Secretary General on human rights defenders, Hina Jilani, Commission on Human Rights, Economic and Social Council, E/CN.4/2006/95, 23 January 2006, para. 50.

International Covenant on Civil and Political Rights and the UN Declaration on Human Rights Defenders.

This trend needs to be condemned by the international community of democracies.

- At the Human Rights Council meeting that convenes this month, UN Democracy Caucus Members should sponsor and work to obtain passage of a separate thematic resolution reaffirming the rights of citizens to form associations and assemble peacefully, including the right to receive financial support for their peaceful activities to promote democracy and rule of law.
- As part of its review of the mandates and mechanisms of special procedures, the Council should consider the appointment of a Special Rapporteur on Freedom of Association to monitor and report on infringements of this critical freedom.
- Finally, the Community of Democracies should reaffirm the importance of full implementation of the UN Declaration on Human Rights Defenders at the Bamako Ministerial Meeting in 2007.

Human Rights Council

We recognize the steps taken by the Human Rights Council (HRC) during its June inaugural session toward implementing General Assembly Resolution 60/251, including the establishment of two working groups to develop the modalities and procedures of the Universal Periodic Review and to review mandates and mechanisms of the Special Procedures. We appreciate the Council's approach for ensuring active participation by non-governmental organizations in its proceedings thus far and hope it will become a model for improving government-civil society dialogue throughout the UN system.

We are concerned, however, about the lack of leadership and cooperation among the democratic members of the Council thus far, as indicated by the lack of any meetings of the Democracy Caucus during the first session in Geneva. The reformed election process for the new Human Rights Council resulted in over 75 percent (37 out of total of 47) of Members that also are participants in the Community of Democracies process. This represents a rare opportunity for democratic member states to work across regional lines to ensure a stronger and more effective Council.

It is our strongly held view that the fate of the reforms to strengthen the UN's human rights system depends on UN Democracy Caucus Members organizing a coherent, systematic, and continuous effort to ensure the body seriously addresses human rights violations in an even-handed and pro-active way. We believe that experience has shown that such an effort will require a permanent secretariat.

This period represents a critical opportunity for members of the Democracy Caucus to take a common position to ensure that the Council is equipped with the tools it needs to significantly advance the cause of human rights and to address a number of pressing human rights situations around the world.

- ***Actions to Address Country or Situation Specific Violations:*** The Human Rights Council should take action on country and situation-specific human rights

violations during both regular and special sessions in accordance with the severity of the violations under consideration. In deciding how to deal with specific cases, the Council should consider both the urgency and changing nature of the situation in assessing whether it should be considered under (1) the current or subsequent regular session (2) merits a call for a special session or (3) addressed under the Universal Peer Review mechanism. **The adoption of resolutions by the Human Rights Council must continue to be part of the tools to address country and situation-specific violations.**

This September, the Council should seriously consider acting on the human rights violations now underway in **Sudan/Darfur, North Korea, Uzbekistan, Iran, Sri Lanka and Zimbabwe.**

- ***The use of Special Sessions:*** Special sessions are merited in a variety of circumstances, but particularly when a human rights situation significantly and rapidly deteriorates -- with the immediate aim of containing the situation and preventing further abuses from taking place. We believe that events in Darfur meet that criteria.

While the situations in Lebanon and Gaza arguably also met that criteria, the fact that a special session was not called for in the case of Darfur raises important concerns about the ability of the Council to be even-handed in its decision to take action. In addition, the resolutions that resulted from those sessions were widely considered to be unbalanced in that they failed to address the responsibility of such actors as Hezbollah and Hamas in committing human rights abuses. The split within the Democracy Caucus on these resolutions appears to have weakened its ability to forge a common front against human rights abuses wherever they occur.

- ***Universal Periodic Review:*** The new Universal Periodic Review process mandated by the UNGA offers a chance to subject all UN member states to careful and independent scrutiny of their human rights records. We urge the Democracy Caucus to weigh in on ongoing negotiations in Geneva and to support the following key elements needed to make the Universal Periodic Review process efficient and credible:
 - 1) The review should be based on a wide range of objective and reliable information regarding the human rights situation in the country under review;
 - 2) An effective review will require the appointment of an independent expert or panel of experts who will review and distill compiled materials into a list of key issues for review and questions to be addressed by the government;
 - 3) The review process should include an appropriate role for NGOs, including the possibility to submit reports for consideration, and the ability to participate in UPR discussions; and
 - 4) The review should result in an outcome statement with concrete conclusions and recommendations and an agreed mechanism to ensure effective follow up.

UN Democracy Fund

The UN Democracy Caucus has played an instrumental role thus far in supporting the new UN Democracy Fund, established this year by the Secretary General to expand UN support to democracy and human rights groups around the world. We urge Democracy Caucus member states to continue this support by replenishing the Fund as soon as possible to ensure continuity of this innovative program. In addition, we encourage greater transparency of the Fund's decision-making process by expanding civil society participation on the Fund's board and an even higher proportion of the Fund's resources to civil society organizations. As we review the results of the first round of grants, we will look closely at whether the Fund is able to make financing decisions without host government interference.

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