

What Norway should do on human rights

Some governments cynically try to take advantage of the struggle against terrorism to justify or intensify their own crackdowns on political opponents or religious groups. This is one of the main concerns of Norwegian human rights organisations. In March 2002, they delivered their recommendations to the Norwegian government on foreign policy priorities in 2002. The document (below) contains recommendations on 19 countries and 19 topics

Norwegian NGO Forum for Human Rights

Norwegian human rights organisations have for several years co-operated closely with the objective of sharing information and making joint initiatives towards the Norwegian authorities. The organisations come together in the NGO Forum for Human Rights Organisations.

NGO Forum is an arena where the organisations can express their views concerning human rights issues. In the NGO Forum the organisations benefit from each other's competence.

The organisations make combined efforts in order to influence the Norwegian government, international organisations like the OSCE, the UN and the Council of Europe. The most important work of the NGO Forum is thus the production of position documents that are given to Norwegian authorities prior to meetings in the UN Human Rights Commission and the UN General Assembly. In these documents the organisations state their positions and recommendations. These recommendations are submitted on behalf of

- Amnesty International Norway
- Anti Racist Centre
- Church of Norway Council on Ecumenical and International Relations
- The Human Rights House Foundation (HRH)
- The Human Rights House of Egil Rafto
- The Norwegian Confederation of Trade Unions (LO Norway)
- The Norwegian Helsinki Committee
- The Norwegian Humanist Association
- Norwegian Organisation for Asylum Seekers
- Norwegian P.E.N.
- Norwegian Peoples' Aid
- The Norwegian Psychological Association
- The Norwegian Refugee Council
- The Norwegian Tibet Committee
- Save the Children Norway
- Worldview Rights

International Human Rights 2002: Recommendations to the Government of Norway

Recommendations are listed in alphabetical order; the sequence in which they are presented does not indicate a hierarchy of priorities.

Countries and areas

Burma

Last year the Commission on Human Rights stated that it “deplores .. the deterioration of the human rights situation and the continuing pattern of gross and systematic violations of human rights in Myanmar”. Lack of democracy, freedom of expression and the presence of armed conflict as well as the systematic use of forced labour and the suppression of political opposition requires international action in order to raise the incumbent regime’s costs of resisting a peaceful transition to democracy.

We ask the Norwegian government to:

- Call for the release of Aung San Suu Kyi and all political detainees, providing for their freedom of speech, movement and association without restrictions.
- Call upon the SPDC to ensure full respect for the human rights and fundamental freedoms of every citizen of Burma, including women, those belonging to ethnic and religious minorities, and those who have been victims of forced labour and displacement.
- Call upon the SPDC to comply with the United Nations General Assembly Resolution of 19 November 2001, including its call to extend the talks initiated with Aung San Suu Kyi to encompass a genuine and substantive dialogue with all leaders of political parties and ethnic minorities, with the aim of achieving national reconciliation and the restoration of democracy.
- Demand full international compliance with the ILO sanctions against Burma and other initiatives of selective economic sanctions, especially timber where there has been an increase in import to Norway.

China / Tibet

2001 brought a major set back for human rights and “the rule of law” in China, adding to the deteriorating trend experienced since 1998. In 2001, Chinese authorities continued to show willingness to adhere on pro forma level to the international human rights regime – notably by ratifying the International Covenant on Economic, Social and Cultural Rights, in February 2001. At the same time, however, they have pursued domestic policies resulting in serious human rights violations on a large scale. In particular, the authorities have launched a new “strike hard” campaign against crime, which led within a few weeks to a record number of executions, many of them believed to have been carried out after summary trials. They have stepped up the crackdown on the Falun Gong spiritual movement, reportedly sanctioning for the first time the widespread use of violence against its members. They also launched a new

wave of arrests and forcible repatriation of North Korean asylum seekers, denying them access to any refugee determination procedures; in breach of the principles embodied in the 1951 Refugee Convention to which China is a State party. Repression of dissent has continued, new restrictions have been imposed on the media, and numerous incidents of arbitrary detention, torture and other human rights violations have been reported across the country.

China has used the events of September 11 to justify renewed crackdowns in its western regions, particularly in Xinjiang (East Turkestan), and in Tibet. In Xinjiang Chinese authorities have arbitrarily arrested thousands and sentenced them to harsh prison sentences without due process. In Tibet, Chinese authorities continue to suppress "splittist" activities and exert control over religious activities. The "strike hard" campaign has resulted in arrests of several hundred individuals, including monks, nuns and intellectuals. The 12-year-old Tibetan boy Gendhun Choekyi Nyima, recognised as the reincarnation of Panchen Lama, the second most important figure in Tibetan Buddhism, has been held in incommunicado detention since May 17, 1995.

Norway pursues a "constructive" bilateral human rights dialogue with the Chinese Government. While the number of bilateral human rights dialogues with western governments has grown and dialogue sessions continue, the policy of quiet diplomacy has disappointed those who look beyond institutional reforms towards real improvements on specific human rights practises. Following a meeting of dialogue governments in 2001, no collaborative strategy or work plan or co-ordination has emerged and the dialogues themselves have floundered due to lack of transparency and public accountability.

We ask the Norwegian government to:

- Promote and support a UN Commission on Human Rights resolution on the situation of human rights in China, East Turkestan and Tibet.
- Urge the Government of China to ratify the UN Covenant on Civil and Political Rights.
- Ensure that the Government of China honours the terms of reference for country visits by Special Rapporteurs of the UN and that the visit to China by the Special Rapporteur on Torture proceeds without further delay.
- Recommend in its statement to the Commission under agenda item 9 that representatives of the Government of China enter into negotiations with representatives of the Dalai Lama without preconditions.
- Promote appointment of an independent delegation to visit the 12-year-old Tibetan child, Gendhun Choekyi Nyima for the purpose of ascertaining his safety.
- Urge the Government of China to respect the 1951 Refugee Convention to which China is a State party, to stop the arrest and forcible repatriation of North Korean asylum seekers and to give them access to the refugee determination procedures.

Colombia

The deepening human rights crisis in Colombia continues to intensify and spread throughout the country. The decade-long conflict involving the Colombian security forces, their paramilitary allies and armed opposition groups is characterised by widespread and systematic abuse of human rights and international humanitarian law by all parties. During 2001 more than 5,000 people were killed for political motives, over 300 were victims of forced “disappearances”, and over 200,000 people were forcibly displaced, bringing the total number of IDPs near 2 million. Paramilitary groups, enjoying virtual impunity, committed eighty-five of out-of-combat political killings. They operate with the active or tacit support of the Colombian armed forces, and target peasant and indigenous communities living in the conflict zones, community leaders, journalists and land and human rights activists. Armed opposition groups committed widespread abuses of international humanitarian law, including arbitrary killings of civilians, kidnappings and holding of hostages and recruitment of children into armed groups.

International presence in Colombia is necessary to support and develop civil organisations in their efforts to assist the government in the settlement of conflicts and establish the rule of law. It is therefore of utmost importance that the Norwegian Government upholds its engagement in the peace-process in Colombia.

We ask the Norwegian government to:

- Demand that the parties in the Colombian conflict respect human rights and humanitarian law. This must be of high priority in the peace negotiations, and civil society must be included in the negotiations. A solution to the IDP/refugee problem must be on the agenda in the peace-negotiations.
- Demand efficient implementation of Colombia’s law 387 on protection of IDPs and urge the government to fully implement the Guiding Principles on Internal Displacement, including prevention of forced displacement, protection of the internally displaced, access to humanitarian aid and the right to return or resettlement and urge Colombia to allow increased international presence in areas where formerly displaced persons are being repatriated as well as in areas where people are being driven from their homes.
- Promote that internal displacement is not used as a pretext to deny persecuted persons their rights to international protection in accordance with the 1951 Refugee Convention.
- Condemn the violence of paramilitary groups and guerrillas and call on the government to take effective and decisive action to combat and dismantle paramilitary groups and sever the links between the security forces and the paramilitaries, in particular urge Colombian authorities to give priority to the fight against impunity for human rights violators and take all necessary measures to guarantee the protection of human rights defenders from human rights violations.
- Demand that the Special Rapporteur on torture and other UN thematic human rights mechanisms are invited to Colombia.

Croatia

The change of government from extreme right to a centre-left coalition has led to some legal improvements and the cessation of some human rights problems, but more changes are needed in Croatia, especially in terms of efficient protection of minorities, most notably Serbs. The Croatian government has failed to remove bureaucratic hindrances against repatriation of IDPs and refugees and to establish credible security for IDPs and refugees. Reform of the police and the military as well as cooperation with the International Criminal Tribunal for the Former Yugoslavia has been slow. The international community should follow the human rights situation in Croatia very closely at a time when human rights are not properly safeguarded while the regime remains sensitive to international persuasion.

We ask the Norwegian government to:

- Put pressure on the government of Croatia to give internally displaced persons and refugees a genuine possibility to return to their homes.
- Call upon Croatia to follow its domestic laws and incorporate international human rights conventions into Croatian law.

Federal Republic of Yugoslavia

Despite the euphoria over the demise of Milosevic, the structural inhibitions that have been generated by his policies remain mostly in place. There seems to be a great reluctance against acceptance of the level and nature of war crimes and crimes against humanity in Croatia, Bosnia and Kosovo, not to mention Serbia's responsibility in them. For the future of the region, reconciliation and development will be very difficult unless Serbia faces its recent history.

The incumbent regime is clearly more cooperative towards the international community than was Milosevic's, but a principled human rights policy is not likely to be pursued without consistent international pressure.

We ask the Norwegian government to:

- Work to ensure that Yugoslavia recognises and co-operates with the International Criminal Tribunal for the Former Yugoslavia in the Hague. The terms of co-operation that apply for Bosnia and Croatia must also apply for Yugoslavia.
- Demand that Yugoslavia co-operates with the UN administration and other authorities in Kosovo. This is a necessary step towards a policy of reconciliation from the Serbian side vis-à-vis Kosovo and neighbouring peoples.

Indonesia

The human rights situation in Indonesia has never been explicitly on the agenda of the UN General Assembly, but the legal proceedings in East Timor, where the responsibility of Indonesia is beyond doubt, bear witness of the weakness of Indonesia's legal framework. Indonesia was a priority for the Norwegian Human Rights Forum in last year's position paper for the Human Rights Commission. The situation does not seem to have improved, though

certain regions show less tension, and the military seems more satisfied with the presidency of Megawati Sukharnoputri.

In the regions of Sulawesi, Kalimantan, Aceh, West Papua and the Moluccas grave violations continue to take place, and the population is generally unprotected. The number of IDPs is between a half and one million, and humanitarian aid is in short supply. Leaders of civil society have repeatedly called for independent investigations and the presence of international observers. The Indonesian government should facilitate the presence of international observers.

Norway is said to be in the process of starting a “human rights dialogue”. If established, such a “dialogue” must contribute to an active and responsible participation of Indonesian religious communities in the construction of civil society. Furthermore, it is important to bring those responsible for past crimes before the courts, rather than to continue rewarding them with high positions, as is the trend just now. Such practice will only strengthen the culture of impunity.

We ask the Norwegian government to:

- Call for stronger efforts from the Indonesian military to train its troops in human rights and international humanitarian law.
- Call for the establishment of an international criminal tribunal to counter the growing culture of impunity.
- Call for strengthening of the Indonesian legal system and increasing its ability to deal with human rights violations.
- Call for Indonesian authorities to invite relevant special rapporteurs, including the Special Rapporteurs on torture and freedom of religion or belief.
- Call for an end to the state of emergency and the effective military occupation of certain parts of Indonesia.

Iran

The human rights situation in Iran remains difficult and indeed vulnerable. President Khatami’s possibilities and abilities to effect reforms are still limited in spite of his solid popular support. Developments following the election last June indicate that the struggle between the reformists and conservatives is intensifying with serious consequences for the human rights situation. Thus the UN must maintain a focus on important human rights issues such as the use of torture, secret trials and the death penalty, the lack of freedom of expression, the situation of the Bahá’ís and other minorities, the situation of the Kurds, arbitrary detentions, etc.

The power struggle between reformists and conservatives has hampered necessary reforms. The Commission on Human Rights adopted resolution 2001/17, asking the Government of the Islamic Republic of Iran “to implement fully the conclusions and recommendations of the Special Rapporteur on Religious Intolerance relating to the Bahá’ís and other minority groups

until they are completely emancipated.” But in spite of some hopeful signs over the last twelve months, serious persecution of these groups persists.

We ask the Norwegian government to:

- Call for the abolishment of the use of torture, secret trials, arbitrary detentions, and the death penalty, and also express its concern about the lack of freedom of expression, organisation and association, the unacceptable situation of the Bahá'ís and other minorities, and the arbitrary detention of journalists and intellectuals.
- Call for the implementation of all recommendations contained in the Special Rapporteur on Religious Intolerance's report to the 53rd of the Commission on Human Rights.
- Urge all countries to provide protection to Iranians who are persecuted or in danger of being persecuted in Iran.
- Call for the implementation of article 15 of the Iranian Constitution that grants rights for minorities to receive education in their own language.

Iraq and the Situation of the Kurds

Ten years with Safe Haven and humanitarian assistance to Northern Iraq (Iraqi Kurdistan) has not brought the Kurds in Iraq the safe future they have been striving for. The international community's lack of will to consider the situation in the area not merely as a humanitarian, but rather as a political issue has delayed a just and durable solution. UNSCR 688 (1990) condemns the Iraqi atrocities and demands protection of national minorities and Iraqi civilians and that the human rights of all Iraqi citizens be respected. This resolution has however neither been respected by the Iraqi government nor been maintained and followed up by the UN Security Council. The recent threats by the Iraqi regime to reoccupy the areas under Kurdish self-rule in Iraq and the continuous systematic ethnic cleansing of Kurdish and Turkmen population from the oil rich areas of Kirkuk, illustrates the urgent need for initiatives by the International community to reach a durable political solution based on the international human rights law.

The implementation of UNSCR 986 (Oil for Food agreement) is securing humanitarian goods for Iraq. The implementation of 986 is based on MOU between UN and Government of Iraq (GOI). UNSCR 986 is implemented by UN in the Kurdish region, but MOU between UN and GOI governs the implementation of 986 also in the Kurdish self-ruled region. The mode of implementation demanded by GOI has had a severe impact on the economic, social and political development in the region in general and on the food security situation and vulnerability of the area in particular. The UN should take a much stronger position in negotiating the MOU with GOI to secure the economic development and food security of the Kurdish region in Iraq.

We ask the Norwegian government to:

- Address the future of the Kurdish-dominated area of Northern Iraq, stressing the need for increased international presence in order to mitigate the effects of the rule of the present Iraqi regime, the need for international protection of Northern Iraq in keeping with UN

Resolution 688, and the need to safeguard the human rights of the population of Northern Iraq.

- Propose that the Security Council mandates an independent expert commission to visit the area in order to assess the political perspectives and the preferences of the population.
- Contribute in international forums to ensure that no reunification of the Kurdish areas with the rest of Iraq will take place unless the cultural and political human rights of Kurds and others will be ensured. The internal Iraqi embargo against Northern Iraq must be lifted and distribution of oil revenues to Northern Iraq guaranteed in order to provide for improvement of living standards.
- Condemn the systematic policy of ethnic cleansing, arabisation and deportation that has taken place since 1991 in the oil rich Kurdish areas of Kirkuk and Khaneqin, still under Iraqi control.

Israel: The conflict between Israel and Palestine

Israel's continued occupation of Palestinian land is a blatant violation of UN-Resolutions and International Law. Israel has used the Oslo-process to restructure its military, political and economic control over East-Jerusalem, the Gaza Strip and the West Bank. Israel still has direct military control over more than 80 per cent of the West Bank and 40 per cent of the Gaza Strip.

The number of settlers has doubled since 1993 and reaches 200 000. This comes in addition to the 200 000 settlers in illegal settlements in East-Jerusalem. Israel has developed apartheid-like structures, which confine Palestinians to small enclaves. Since 1993 there has been a general closure of the occupied territories, a practice that represents a collective punishment to Palestinians. According to UN more than half of the Palestinian population lives under the poverty line and the number of poor continues to increase under the Israeli warfare and policy of closure. The brutal methods employed by Israel to quell the Intifada and halt the terrorist attacks against Israeli cities have destroyed much of the Palestinian infrastructure that was built with foreign development aid after the initiation of the Oslo Process. As is evident from the recent development in the area, lack of strong UN involvement as a third party only serves to prolong the conflict.

The majority of Palestinians are refugees. A just solution of the refugee issue in accordance with UN Resolution 194 and International Law is a major issue in the conflict. The refugees have a right to return to their homeland and to restitution of their property.

We ask the Norwegian government to:

- In general, work to increase the involvement of UN as a third party in the resolution of the conflict.
- Prepare a draft resolution in the UN Human Rights Commission that calls for the deployment of UN observers to monitor the implementation of the recommendations of the Mitchell Commission.

- Prepare a draft resolution that calls for the deployment of a UN-led protection force in the occupied Palestinian territories.
- Strongly urge the parties to ensure normal and easy access to all libraries and educational institutions in the region, and also to see to it that all cultural and historical monuments are safeguarded.

North-Korea

North Korean authorities have said the last execution took place in 1992, but NGOs continue to receive reports of both public and secret executions of suspected criminals and political prisoners.

The North Korean government forbids its citizens from leaving the country without permission. Still, an increasing number of North Koreans attempt to seek refuge in China. North Korean security officials have reportedly beaten those caught crossing the border. Those sent back from China reportedly face long interrogation sessions and torture by North Korean police. Some are sent to prison or labour camps immediately after being caught, without any judicial process.

We are also concerned about reports that in some places of detention, prisoners are given little or no food, contract illnesses and are being denied access to medical care, and that many die of starvation and disease.

We ask the Norwegian Government to call on the Commission on Human Rights to:

- Urge the North Korean government to fully engage in the UN process with a view to improving the human rights situation in the country, and that it will take on board the Committee's recommendations when they are delivered.
- Welcome public scrutiny of North Korea at the CHR, in particular a call by the CHR for access for UN mechanisms.
- Express that Norway would not want a resolution on the DPRK bargained against a resolution initiative on China.

Russia: The Republic of Chechnya

There is a grave and on-going human rights and humanitarian crisis in Chechnya. According to Commission on Human Rights resolution 2001/24, numerous human rights violations are reported from Chechnya, such as "widespread violence against civilians, .. forced disappearances, extra judicial, summary or arbitrary executions, torture". The resolution welcomes co-operation by Russian authorities with the Council of Europe, better access for humanitarian organisations to the area, and certain other Russian initiatives. However, the overall message is that the human rights crisis is continuing and that there is a lack of will to engage in a political dialogue to find a solution and to bring perpetrators to justice. The resolution concludes that Russian authorities so far have not properly addressed the serious violations of human rights and humanitarian law.

The Russian government tends to refer to the situation in Chechnya as an “internal issue” and refers to its military and other activities solely as a “fight against terrorism”. This severely hampers dialogue in international forums. However, the international community cannot ignore the gross and systematic violations of human rights and humanitarian law. Failure to deal with the issue might in effect lead to increased antagonism, tension and further destabilisation in the region.

Norway has played an important role in promoting accountability for human rights and humanitarian law violations in other matters. It should feel a particular responsibility to address the Russian Federation over the situation in Chechnya.

We ask the Norwegian government to:

- Address in bilateral contacts and all relevant UN forums, the Russian Federation’s non-compliance with UN resolutions. In particular, the failure of the Russian Federation to invite the special rapporteurs and working groups of the Commission on Human Rights should be addressed.
- Take whatever other possible action to place the situation in Chechnya on the agenda of the UN, OSCE, Council of Europe and other international forums. The seriousness of the situation, both in terms of the human rights violations and the threat of the conflict to regional peace and security, requires that both the General Assembly, as well as the UN Security Council, give it attention.
- Promote the following principles and considerations when addressing the human rights crisis in Chechnya:
 - o Establishment of an international commission of inquiry of human rights and humanitarian law violations. All relevant international mechanisms to document and respond to abuses should be utilised.
 - o Peaceful means of addressing the underlying causes of the conflict, i.a. Russian authorities should engage in a dialogue with the internationally recognized representatives of the Chechen people, led by President Aslan Maskhadov.
 - o Improved access to Chechnya for international organisations and humanitarian and human rights NGOs.
 - o Security for Chechen civilians to return to their pre-war homes. There should be no forced repatriation.
- Raise the deterioration in freedom of expression with Russian authorities, and in particular address the hampering of objective reporting from Chechnya in Russian and international media.
- Financially support individual complaints over gross human rights violations against Russia before the European Court of Human Rights.

Sierra Leone

During the second half of 2001, the Sierra Leone peace process, headed by UNAMSIL, has made encouraging progress. The improved security situation has allowed a gradual return of the displaced population, especially in areas where UNAMSIL has been deployed, still the country has several hundred thousands IDPs. It is estimated that nearly 200,000 Sierra Leonean refugees remain in asylum countries in the sub-region. Access to people in need has improved greatly and thus enabled the UN and NGOs to plan for humanitarian support in a number of previously inaccessible districts.

It is important that military commanders and people in positions of authority are brought to justice. The judicial system in Sierra Leone does not have the capacity to handle the many grave violations of human rights and international humanitarian law. Therefore, the Court of Justice, adopted by the Security Council in the fall of 2000, has an important potential. However, the Court has not yet received sufficient funds to be established. It is also important that international assistance is given to the strengthening of legal structures in Sierra Leone. At the same time, mechanisms for national truth and reconciliation processes must also be strengthened. Religious communities have been central in that process.

The international pressure that brought about the best chance for peace in Sierra Leone in years must be maintained and expanded, particularly in the crucial months leading up to the elections that are scheduled for May 14 2002. Sierra Leone's history of stalled or collapsed peace processes may repeat itself if the international community fails to act.

We ask the Norwegian government to:

- Call for an end to the violations of human rights and humanitarian law violations inflicted by the government in Sierra Leone and the leaders of the Revolutionary United Front (RUF) and other rebel groups.
- Provide and solicit financial and other support for the population. Measures benefiting girls, former child soldiers, victims of mutilation, pregnant women and family providers should be given priority.
- Promote respect for the provisions of the peace agreement from Sierra Leonean and international actors, through such measures as:
 - o Work for the full completion of the processes of disarmament and reintegration of former soldiers and support these processes financially. Contribute to an effective reintegration of former and present child soldiers, and pay special attention to the legal proceedings in which children are involved.
 - o Support the reconciliation processes, undertaken i.a. by the Inter-religious Council financially, and encourage regional cooperation for similar processes to take place.
 - o Influence leaders to release all civilians still imprisoned, in accord with the peace agreement.
 - o Support the Court of Justice and a strengthening of the domestic judicial capacity financially.

· Make efforts to ensure that human rights become a key component in the mandate of the peacekeeping force in Sierra Leone and urge that the human rights department of UNAMSIL is fully integrated in the strategic and political processes of the force.

Somalia

Since the end of the civil war in 1991, Somalia has effectively not existed as a nation or a state. The economy is in shambles, and hundreds of thousands of Somalis have fled their homes. With the destruction of the corrective structure inherent in a state, the civilian population was left vulnerable to a massive abuse of human rights.

In the wake of the collapse of the Somali Government, factions organized around military leaders or clan leaders took control of Somalia. The resulting chaos and loss of life promoted the international intervention led by the United States, UNITAF and thereafter the United Nations Operations in Somalia, UNOSOM, which ended in 1994. Since then, various Somali factions have sought to control the national territory and have fought small wars against one another.

The former northwest provinces of the republic established themselves as Somaliland in 1992, with Hargeisa as the capital. On the horn itself another region proclaimed itself as Puntland, with a fledgling government being set up in Garowe. Around 30 other factions vie for some degree of authority in the country. Efforts at mediation of the Somali internal dispute have been undertaken by many regional states. Ethiopia and Djibouti have played host to several Somali peace conferences. The latest attempt in Djibouti has resulted in the establishment of a transitional government in Mogadishu for the formation of a new Somalia that so far comprises the “rest” of Somalia excluding Somaliland and Puntland. All these nation building exercises are extremely vulnerable and under heavy pressure – both internally and internationally.

The latest actor to involve itself in the international pressure is the alliance against terrorism, led by the USA. The actions range from disabling the informal “banking” institutions used by Somalis abroad to send remittances to their families, to overt threats of military action. The informal banking institutions are essential to the provision of basic needs for many families in Somalia. A loss of this income infringes their access to a minimum level of subsistence. Furthermore, this policy is likely to harm the precarious nation building processes under way.

We ask the Norwegian government to:

- Support the vulnerable nation building processes that are under way by way of humanitarian aid and development assistance for welfare systems and national institutions.
- Pressure other states such as the USA, Eritrea and Ethiopia to desist from any military actions under the pretext of fighting terrorism or other causes. There is a great risk that such actions may only serve to support certain factions against others in the various internal power struggles, thereby undermining political stability.
- Help enable the resumption of the informal “banking” institutions to provide a viable and secure channel for Somalis abroad to support their families at home.

Sudan

Despite openings in the political arena in 2001, the human rights situation in the Sudan remains grim. The government actively suppresses the political opposition under a declared state of emergency. In 2001, the government was more aggressive in pursuing the eighteen-year civil war, particularly in southern oil fields where its militias and army forcibly displaced thousands of residents.

The most severe abuses occurred in the civil war fought in the south, the central Nuba Mountains, and the east. The Sudan government and its ethnic militias continued to displace, starve, abduct, rape, and kill civilians outright, while burning, and bombing, villages, churches, hospitals, and schools.

Oil exploration and development in concession areas in Upper Nile exacerbated the conflict, with devastating consequences to civilians. Some 40,000-55,000 Nuer were displaced from the oilfields in the first half of 2001, according to two different reports, by government and its Nuer militias, which were fighting the SPLA and its Nuer commanders. Often fighting resulted from government efforts to claim and to clear the people from the land, using its Nuer militias to push fellow Nuer out of the oilfields. More dependable government soldiers and mujahedeen then guarded construction equipment for roads, pipelines, drilling, and other oil infrastructure. Each oil facility was given a twenty-four hour guard of soldiers; up to four hundred soldiers were at Timsa, a location attacked by the SPLA in early 2001. The government imposed a long-term relief flight ban on most oil field areas in inaccessible Western Upper Nile (except for garrison towns), making the situation for civilians there even more acute.

We ask the Norwegian government to:

- Given its role in the IGAD Partners Forum, push for an international focus on the humanitarian suffering related to the oil development in Western Upper Nile. The international community should consider the deployment of independent, international human rights monitors in the concession areas.
- Urge the international community to take effective action against involvement in the development of Sudan's oil industry until a just and lasting peace has been agreed in Sudan.
Sudan-Uganda Border Area

For the past 16 years a Ugandan rebel force, the "Lord's Resistance Army" (LRA), based in Sudanese Government-held territory in southern Sudan, has caused widespread insecurity and massive displacement particularly among the population of districts in northern Uganda. The result has been increasing impoverishment and general underdevelopment in the whole northern area. Thousands of people are forced to live in "protected villages". The frequent cross-border raids of the LRA, almost always accompanied by abductions of children, killings and mutilation, keep the population in constant fear. During the course of this conflict, an estimated 9,000 -12,000 children have been abducted. About 30% of those are girls, who are given as "wives" to commanders, subjecting them to continual sexual abuse, disease and involuntary pregnancy. The children experience multiple severe human rights violations in the LRA. They are forced into battles, to participate in or witness brutal killings of peers, and even in some cases family members. They are controlled by a system of rules the transgression of which leads to severe beatings or death. The statements in the UN Security

Council Resolution 1314 on Children in Armed Conflict are all highly relevant to this situation.

There is a need to follow up on the Commission on Human Rights' resolution 2001/74 concerning the abduction of children from northern Uganda.

We ask the government of Norway to:

- Request the governments of Sudan and Uganda to strengthen their co-operation in the ongoing efforts to increase the protection and repatriation of children escaping from the LRA, as well as those at risk of abduction from protected camps and villages in Northern Uganda. The respective governments, in co-operation with relevant non-government organisations, should be requested to formulate a plan of action to this effect.
- Request the governments of Uganda and Sudan to enter into direct dialogue with the LRA with the aim of achieving a just and peaceful settlement of the conflict and bringing the present hostage situation to an end. Assurances should be obtained that military action against the LRA, which would endanger the lives of the abducted children, will be avoided.
- Request the governments of Sudan and Uganda to consider the establishment of a cross-border mechanism to monitor and report on the situation of children escaping as well as those at risk of abduction. A children's ombudsperson could be set up as a temporary measure until the conflict is brought to an end.

Turkey

The human rights-situation in Turkey is characterised by severe restrictions on the freedoms of speech and association, through imprisonment of journalists, authors and publishers, confiscation of newspapers, magazines and books, and restrictive legislation used to obstruct the media as well as trade unions and other voluntary organisations in their work.

In 2001 more than one hundred television stations, radio stations and press agencies were temporarily suspended by the RTUK, the governmental agency that monitors the audiovisual press, or by various other state security agencies. In most cases, these media outlets are accused of "inciting violence" or "infringing on State security" after criticising the regime or reporting on certain extreme left-wing movements.

The human rights-violations against the Kurdish population are gross and systematic. 3000 Kurdish villages have been destroyed, and 2-3 million Kurds are displaced. Media friendly to the government are deliberately used in a hate-campaign against the Kurdish population. The Kurdish language is not recognised by the Turkish government, and education in Kurdish is prohibited. The Kurds enjoy no minority rights. The lack of a policy on minorities in Turkey in accordance with international standards is harmful to all minority groups.

We ask the Norwegian government to:

- Work for an increase in the international pressure applied to Turkey to improve the human rights-situation, including freedom of speech and association, and support human rights defenders and other constructive forces within the country.

- Work for a political solution to the Kurdish issue, which ensures the effective enjoyment of their minority rights, and emphasises the government of Turkey's obligations towards all minority groups in Turkey.

Uzbekistan

The human rights situation in Uzbekistan remains critical. The political opposition, religious minority groups and human rights defenders are systematically subjected to harassment, torture, and planting of evidence at the hands of the police and security forces, sometimes under the pretext of fighting terror. Freedom of belief, expression, organisation, association and assembly may be enjoyed only to a very limited extent in Uzbekistan.

The potential of armed conflict is considerable and growing as a consequence of the government suppression of dissent. The UN High Commissioner for Human Rights has addressed the human rights situation in Uzbekistan as has UN's working group for forced or involuntary disappearances. The OSCE has established field offices in all the countries in the region in an attempt to influence governments and nurture the development of civil society.

There is a need for stronger and more concerted international efforts, especially co-ordination between financial and political actors in the region. Population numbers and its geographical position make Uzbekistan a key country in Central-Asia. The establishment of a UN mandate of country human rights rapporteur would be an important political signal that could increase the political pressure on the government of Uzbekistan and help provide more information on the human rights development in the area.

We ask the Norwegian government to:

- Work for the appointment of a UN country rapporteur on Uzbekistan who will report on the general human rights situation in the country, and especially about the human rights violations committed by the government against the political opposition and independent religious groups.
- Insist that even if Uzbekistan has a right to fight terror and other crimes, such efforts must be confined to methods that are in keeping with international human rights and humanitarian law.
- Insist that the persecution of human rights defenders, political opposition and religious minority groups is a violation of human rights that cannot be accepted under the pretext of fighting terrorism.

Western Sahara

The human rights situation in Moroccan-occupied Western Sahara remains precarious, with increasing numbers of Moroccan settlers and troops being transported into the area. Large numbers of Saharawis remain "disappeared" since the start of the occupation. Recent peaceful demonstrations and sit-ins have been met with police brutality and arrests. Human rights defenders face harassment and arbitrary detention. One particularly worrying sign is the increased use of Moroccan settlers in civilian militias to suppress Saharawi protests.

The majority of Saharawis, over 160.000, still live under dire conditions in refugee camps in Algeria. The food and supplies situation has become critical in 2001. UN GA Res. 1514 (1960), the ICJ ruling of 1975, UN SC Res. 690 of 1991 and the 1997 Houston accords provide both the legal basis and the mechanisms for a free, fair and transparent referendum, but Morocco now refuses to allow the referendum to take place as earlier agreed. The UN Secretary General and his personal envoy James Baker recently recommended giving up the settlement plan, and thereby put off the already agreed political solution, effectively rewarding Moroccan non-compliance.

We ask the Norwegian government to:

- Express its grave concern about the overwhelming presence of Moroccan troops and civilian settlers in Western Sahara, the ongoing harassment of human rights defenders, arbitrary detentions and violent suppression of dissent.
- Demand free access for independent observers and journalists and respect for the freedoms of assembly and expression.
- Help ensure a timely, sustained and predictable supply of food and other necessary supplies to the Saharawi refugees in Algeria until their safe repatriation to Western Sahara under conditions acceptable to them can be provided for.
- Insist that the 1991 settlement plan is carried out, including a free, fair and transparent referendum as well as the release of prisoners of war.
- Demand a halt to the massive use of anti-personnel landmines in Western Sahara and lobby for Moroccan adherence to the 1997 Ottawa convention and the provisions contained therein.

Zimbabwe

In Zimbabwe there are systematic and widespread human rights violations as the situation deteriorates towards an outright crisis. As of December 2001, up to 70,000 farm workers were estimated to have been assaulted and forced to abandon their homes by militias, which were sometimes helped by army officers out of uniform. A clemency order issued by President Robert Mugabe on 6 October 2000 granted an amnesty for people who committed politically motivated crimes in the violent run-up to the June 2000 parliamentary elections, this order granted amnesty to suspected torturers. There are reports about "harassment, intimidation, attacks and threats against the independent judiciary and its judges".

While prosecution of members of the opposition has taken place, supporters of ZANU-PF who allegedly have committed human rights violations are seldom investigated, rarely arrested and very rarely prosecuted.

The deteriorating human rights situation in Zimbabwe jeopardized the possibility of free and fair elections 9 to 10 March 2002, and raises the spectre of such violent repression of political opposition degenerating into civil war and the possibility of state-sponsored militias undermining any attempt to reassert the rule of law.

We ask the Norwegian government to:

- Urge an investigation into all alleged human rights violations to bring the perpetrators of political killings, "disappearances" and torture to justice, with a view to ending impunity, and urging an impartial judicial review of Clemency Order No. 1 of 2000 to fully investigate its impact on the granting of impunity to those who allegedly committed torture;
- Call upon the Zimbabwean government to comply with its international human rights obligations, including by taking effective and decisive action to stop its state-sponsored militias from intimidating and attacking opposition activists, farmers, farm workers and other Zimbabwean citizens;
- Call upon the Zimbabwean government to guarantee the independence of judiciary, and thus express support for the recommendations by the Special Rapporteur on the independence of the judiciary;
- Urge the Zimbabwean government to cooperate fully with the UN by issuing standing invitations to the Special Rapporteurs on torture, independence of judges and lawyers, freedom of expression and extra judicial, summary or arbitrary executions to visit the country;
- Urge Zimbabwean authorities to restore freedom of expression by abstaining from such attacks against national and international media as were seen prior to the elections in March 2001.

Thematic recommendations

Disappearances: Draft International Convention on the Protection of All Persons from Enforced or Involuntary Disappearances

At the 57th session of the UN Human Rights Commission, the Commission requested the appointment of an independent expert to examine the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearance, including the draft International Convention on the Protection of All Persons from Enforced or Involuntary Disappearance. Moreover, the Commission decided that an inter-sessional, open-ended working group of the Commission should be established at the 58th session of the Commission, with the mandate to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance, based on the draft International Convention on the Protection of All Persons from Enforced or Involuntary Disappearance and other findings of the independent expert, for consideration and adoption by the General Assembly. We welcome these decisions and urge their prompt and full implementation.

“Disappearances” constitute one of the most appalling forms of human rights violations. When a person “disappears”, it causes extreme agony not only to the victims but also to their relatives, who are likely to be subjected to profound and prolonged suffering, often for the rest of their lives, searching in vain for the “disappeared”.

We ask the Norwegian government to:

- Establish without delay an inter-sessional, open-ended Working Group of the Commission with a mandate to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance, which reflects the latest developments in international law and preserves and strengthens the current draft International Convention on the Protection of All Persons from Enforced Disappearances.
- Ensure that the Working Group receives all necessary assistance, including adequate resources, to enable it to work within the tightest possible time frame and in close consultation with non-governmental organisations.

Food

The right to food, which is mandated under the Covenant on Economic, Social, and Cultural Rights was recognised and emphasised by the member states of FAO at the World Food Summit in 1996. UN has thus established that all states have an obligation to work towards the realisation of the right to food. The right to food implies that all people at all times and under all circumstances shall have access to food, both access to sufficient food for the elimination of hunger, but also food that is culturally and nutritionally adequate. This implies not only ability to produce sufficient food for one's own consumption, but also sufficient purchasing power.

As power moves from states to supra-national institutions, treaties and private actors, including multi national companies, under the present trend of globalisation, it is important to establish that the right to food holds precedence over other international agreements. Countries can thus not be forced to implement measures that threaten the implementation of the right to food.

We ask the Norwegian government to:

- Insist that human rights, including the right to food, hold precedence over agreements in the World Trade Organisation (WTO), World Bank, The International Monetary Fond (IMF), finance institutions and other international and bilateral institutions.
- Promote that the right to food be actively used as an instrument for implementation of sustainable agricultural production and food security. This implies:
 - o Putting in place a politically binding code of conduct for national and international implementation of right to food. These guidelines should be directed towards states and other relevant actors, e.g. multi national companies.
 - o A global Convention on food security that can support authorities in developing and implementing national food security. Such a Convention is necessary to give implementation of the right to food precedence over other agreements and international obligations.
 - o The World Summit for Sustainable Development 2002 and the World Food Summit 2002 must support measures to facilitate information about the right to food and about how individuals and groups can proceed to implement the right to food.

Freedom of Expression

Authors, journalists and writers are too often targeted by parties in war and armed conflict, as well as by criminal networks. Threats, kidnappings and even killings regularly occur. Writers and journalists are important witnesses and they impart independent information from scenes of war and armed conflict. Therefore, in several countries authorities try to curb freedom of expression through the use of restrictive media legislation and through biased licensing procedures and restricted access to newsprint and distribution networks and even through the use of detention and torture.

Press freedom in the world deteriorated sharply in 2001, marked by an increase in the number of journalists arrested, attacked, threatened or censored. According to the annual report of Reporters sans frontières (RSF), Paris, the number of journalists arrested jumped by nearly 50 per cent to 489, the highest since 1995. During the same period, the number of reported attacks or threats against journalists increased by more than 40 per cent to 716. More than 700 writers and journalists were imprisoned in 2001 and a total of 100 were killed according to the International Federation of Journalists (IFJ), Brussels.

Translators and interpreters working for international organisations in areas of conflict is yet another vulnerable group. As a consequence of their work they are often exposed to great personal risk due to their high profile at international meetings, conferences and negotiations.

The so-called campaign against terrorism following the 11th September attacks in New York and Washington has had considerable consequences for press freedom in the world. In a number of countries laws enacted under the pretext of fighting terrorism have weakened freedom of expression and information.

We ask the Norwegian government to:

- Focus on the exposed work-situation for journalists and media workers and stress the responsibility of all countries, as well as the international society, to protect the human right to freedom of expression for everyone.
- Promote the establishment of a UN fund for financial assistance to journalists who have been victims of persecution, detention and torture and their families.
- Promote the development of guidelines for the protection of translators and interpreters in areas of conflict.

Freedom of Religion and Belief

Increased intolerance against people of a minority faith or people who profess no religion is extremely worrying. Many countries have legislation that can be used to restrict the free exchange of scientific or cultural expressions, by defining such exchange as "blasphemous." The limitations contained in article 18.3 of the International Covenant on Civil and Political Rights (public safety, order, health, morals and rights and freedoms of others) cannot justify the broad scope of many national laws and their application regarding "blasphemy". The right to change one's religion or not to have a religion at all must also be protected. Forced conversions are contrary to international standards and laws.

A further concern is the tendency of a number of governments to recognise only the religious communities that are set up under the auspices of the Government. This leads to the discrimination of some traditional communities as well as new religions and beliefs.

Tolerance and understanding must be learned from gaining a deeper understanding in other religions, in an unbiased, impartial and non-discriminatory manner. Increased attention towards this is a main aim of the Madrid Conference for the Celebration of the 1981 Declaration of All Forms of Intolerance and Discrimination Based on Freedom of Religion or Belief.

We ask the Norwegian government to:

- Express concern for the broad scope of many "blasphemy laws", its potential for grave abuse, and therefore to call for a general abolishment of such laws;
- Call for a UN Conference, with national dialogue with all relevant stake-holders in the preparations, to address the issue of national definition of certain faith communities as recognised and others as non-recognised;
- Encourage the promotion of legislation that allows every citizen's religious or belief affiliation to be a private (undisclosed) matter, that allows for the possibility to have no belief, and that allows for the possibility to be taught in school according to one's belief;
- Encourage countries to study the outcome of the Madrid Conference in detail, and apply the recommendations in their own curricula.

Health: Special Rapporteur

The need to consider a UN Special Rapporteur on the right to health was highlighted in the report of the Norwegian NGO-forum for Human Rights from the 57th Human Rights Commission. This issue must be brought further, and we regard the role of Norway as crucial in these efforts as Norway may be credible in this field. Norway holds the position as Director General in WHO and has a tradition of active involvement in the WTO TRIPS negotiations. Health projects have high priority in the Norwegian Official Development Assistance.

In resolution 2001/3 the UN Human Rights Commission emphasised the special human rights challenges of the HIV/AIDS pandemic. When the resolution was brought to a vote, only USA abstained, no one voted against. This leads us to believe that there is an interest for a stronger involvement from the Human Rights Commission in the right to health. It would be possible to include certain aspects in the mandate of the special rapporteur, traditional practices negatively affecting the health situation as well as serious diseases and the national and international efforts to secure the right to life and the right to health when facing these diseases.

We are aware of the fact that there are financial and administrative burdens that make it difficult to justify such a new mechanism. However, we believe that the Commission has not given sufficient emphasis to economic, social and cultural rights; this is particularly the case of monitoring. The special rapporteurs on the right to housing, food and education, respectively, have contributed to a generally higher consciousness on the content on the

economic and social rights. We believe that a similar mechanism on the right to health would boost this effect.

On the other hand there are existing mechanisms that have a general focus, and that could be revised in order to focus on the more specific obligations. The special rapporteur on extreme poverty and the special rapporteur on structural adjustment programmes have both presented informative reports, and their perspectives must be kept, also in the future. However, we find that the mandate of a special rapporteur on the right to health would be more concrete, but it should be possible to incorporate the perspectives of the two above-mentioned existing special rapporteurs into the mandate of a special rapporteur on the human rights to health.

We ask the Norwegian government to:

- Build alliances with all country groups in order to develop an understanding of the need for a special rapporteur on the right to health.
- Work actively in the drafting of the resolution on the right to health in order to secure that the arguments mentioned above are included.
- Secure that the special rapporteur, when endorsed, is equipped with the necessary financial and administrative capacity to undertake her duties.

Human Rights Education

Education in the contents and values inherent in human rights is an effective means for creating positive attitudes and a culture of peace, especially among young people. There is a need to give priority to education in countries that have suffered from armed conflicts or where discrimination of minority groups is prevalent.

In accordance with the proclamation of 1995-2004 as the UN Decade for Human Rights Education, better co-ordination and stronger awareness among States of their commitments in this field should be promoted.

We ask the Norwegian government to:

- Appeal to the member states that they, in accordance with the UN Decade of Human Rights plan of action, establish broad national commissions with the task of drawing up national plans for human rights education, and emphasise the importance of involving national and local NGOs in their work.
- Call for a better follow-up of the work in and co-ordination between the different UN agencies that are involved in human rights education.
- Call for the integration of human rights education in schools worldwide and call upon UNESCO to survey the extent of human rights education (including education about the rights of the child) in schools worldwide and to study to what extent the pupils understand the material. The objective should be to manage resources better and to improve the quality of human rights education.

- Promote the introduction to peacekeeping forces of education in human rights and international humanitarian law, including training in the rights of the child and rules for protection of children in war situations.

Impunity

In Commission on Human Rights resolution 2001/70, the Commission reiterates the "importance of combating all human rights violations that constitute crimes". The Commission also maintained: "[T]he practice and expectation of impunity for violations of international human rights or humanitarian law encourage such violations and are among the fundamental obstacles to the observance of international human rights and humanitarian law...".

The resolution states several important legal principles, and refers explicitly to the Rome Statute for the establishment of the International Criminal Court, as well as the two Tribunals. There is a need, however, to strengthen the mechanisms of the Human Rights Commission itself. A brilliant outline of crucial challenges in this respect is found in the "Joinet report" (Sub.2/1997/20). The Human Rights Commission should seriously consider the recommendations in the Joinet report. It is also important, as noted in last year's CHR resolution, that all Special and Country Rapporteurs explicitly address the nature of impunity in relevant countries and recommend concrete measures to bring impunity to an end.

On this background, and on the background of recent progress on the international level in fighting impunity, i.e. the adoption of the Rome Statute on the International Criminal Court, the rapid ratification process of this document, the establishment and functioning of the International Tribunals for the former Yugoslavia and Rwanda, and several other initiatives,

We ask the Norwegian government to:

- Pursue the goals that all gross human rights violations committed in times of war, conflict or peace must be subject to full and open inquiries, and that impunity for perpetrators is brought to an end.
- Promote rapid ratification to the Rome Statute and emphasise the importance of the principle of complementarity therein, which gives the International Criminal Court the competence to rule on whether states have fulfilled their primary responsibility to genuinely prosecute serious humanitarian law violations.
- Promote rapid ratification and accession to the Rome Statute
- Take note of and recommend further action on implementation of the Joinet report.
- Promote the principle of universal jurisdiction for crimes against humanity and for war crimes, which obliges States to prosecute such crimes wherever and whenever they occur, and to take all necessary legislative and practical steps to fulfil this obligation, i.a. by including articles 5-8 of the Rome Statute in the Penal Code.
- Promote the obligations of States to co-operate with and support international courts. Without such co-operation, the international mechanisms will remain unable to fulfil their tasks. International peace and stabilisation forces have a special duty to comply with arrest orders and other requests for assistance from international courts.

Indigenous Peoples' Rights

Last year's Human Rights Commission confirmed that there is a central role to be played by the Commission with respect to indigenous peoples' rights also after the establishment of the Permanent Forum for Indigenous Peoples. The special rapporteur on indigenous peoples could also be an important advisor to the Permanent Forum.

The main problem facing the Human Rights Commission is the very slow process with regard to the drafting of the UN Declaration on the Rights of Indigenous Peoples. This process should be finalised before the end of the UN Decade for Indigenous Peoples (1995-2004). Norway has been an active part in international negotiations, and should i.a. attempt to reconcile the different parties with regard to the reluctance towards the concept of "self-determination".

We ask the Norwegian government to:

- Express regrets about the slow progress in drafting a Declaration on the Rights of Indigenous Peoples, and call for a completion of the work well before the end of the Indigenous Peoples' Decade.
- Urge the member states to ratify ILO Convention 169, which is the only legally binding instrument for tribal and indigenous peoples that does not have an assimilating aim.
- Endorse the Permanent Forum for Indigenous Peoples and call for cooperation between the Special Rapporteur and the Permanent Forum.
- Make concrete recommendations concerning the continued work for indigenous peoples' rights in view of the mandate of the proposed ECOSOC Agency for Indigenous Rights.

Internally Displaced Persons

Despite several years of increasing international attention, the number of internally displaced persons (IDPs) in the world continues to grow at an alarming rate while the protection and assistance needs of 20-25 million people often go unmet. National governments, both those experiencing crises of displacement and those willing to help, have to do more to improve access and ensure that the rights of the internally displaced are fully respected. They can do so by taking positive steps to promote further implementation of the Guiding Principles on Internal Displacement.

In 1998 the UN Representative on Internal Displaced Persons, Mr. Francis Deng, presented the Guiding Principles to this Commission. Since then a number of key UN and regional bodies as well as international organisations have expressed their support for the Principles. But if the States are committed to improving protection and assistance for the internally displaced and wish to avoid future crises of internal displacement, they must take further steps to increase adherence to the Guiding Principles. Many governments faced with problems of internal displacement have already seen the usefulness of the Guiding Principles and are seriously trying to implement them. Unfortunately other States only pay lip service to the Principles, while some completely ignore them, to the detriment of their own displaced population.

For those States who continue to intentionally abuse the rights of their citizens, the General Assembly must take a strong stand to ensure compliance with the standards articulated by the Guiding Principles. The Principles are derived from binding human rights and humanitarian law instruments as well as customary law by which all States are bound. As in the case of binding legal instruments there are mechanisms in place to assess and monitor State Parties' compliance. In order further to integrate the Guiding Principles into existing international human rights monitoring mechanisms, the UN General Assembly should encourage all UN Country and Thematic rapporteurs, treaty bodies and human rights field offices to widen their use of the Principles as a yardstick to assess State behaviour.

We ask the Norwegian government to promote these principles at the UN, other international forums and in bilateral relations:

- The Guiding Principles should be further promoted, disseminated and used by UN agencies, international organisations and regional bodies.
- In order to better understand country-specific displacement situations and enhance respect for the rights of the internally displaced, existing human rights machinery should investigate ways to improve human rights monitoring based on the Guiding Principles.
- Governments should make full practical use of the Principles, including legislative reform, training of appropriate government officials, law enforcement agents and military personnel.
- National governments should incorporate human rights and humanitarian standards, including the Guiding Principles, into peace negotiations with such groups.

Migrant Workers

The Plan of Action from the World Conference Against Racism reaffirms the necessity of eliminating racial discrimination against migrants, including migrant workers, in relation to employment, social services, including education and health, as well as access to justice, and that their treatment must be in accordance with international human rights instruments, free from racism and racial discrimination, xenophobia and related intolerance. It urges states to design or reinforce, promote and implement effective legislative and administrative policies, as well as other preventive measures against such human rights violations. Special attention should be given to protecting people engaged in domestic work and trafficked persons from discrimination and violence, as well as to combating prejudice against them.

The UN Commission on Human Rights remains the single most important arena for the protection of migrant workers' human rights. A key issue in 2002 is another three-year extension of the mandate of its Special Rapporteur for migrant workers.

The promotion of the Convention on Migrant Workers and Their Families is in an important phase as only a few ratifications are missing for the Convention to enter into force. Norway has shown some interest in the Convention, which is commendable although a clearer strategy with a view to signature and ratification should be adopted. Regardless of whether it will ratify the Convention or not, Norway should take action to protect the human rights of

migrants at home and abroad, in particular in the implementation and promotion of proactive programmes.

Violations of the human rights of migrant workers are particularly grave and widespread in the Gulf states. A visit by the Special Rapporteur to these countries should be encouraged, but Western countries should also support the mandate of the Special Rapporteur by extending standing invitations.

We ask the Norwegian government to:

- Support the work of the Special Rapporteur for migrant workers, and actively promote a three-year extension of his mandate at the forthcoming session of the UN Human Rights Commission.
- Promote the Plan of Action from the World Conference against Racism concerning protection of migrant workers' human rights in the Commission of Human Rights.
- Stress that states that have not signed the Convention on Migrant Workers still have an obligation to protect their rights. Even though Norway has not ratified the Convention, it must still support improvements in the protection of migrant's rights in Norway, and in the Commission on Human Rights and other international forums.
- Address the situation of Asian girls and women in several Gulf states, many of whom enjoy no protection against human rights abuse.

Protection of refugees

The United Nations High Commissioner for Refugees (UNHCR) has expressed concern over the gradual corrosion of international protection of refugees and the replacement of refugee status by subsidiary protection schemes on the national level. Human Rights Watch has noted that the countries that initially played a crucial role in establishing the Geneva Convention of 1951 are now weakening its foundation. Limited access to territories or to procedures, increased use of detention, reduced welfare rights and restrictions on the right to family reunification have also been highlighted by the UNHCR as elements in this international trend. Partly in response to these developments and in order to address concerns about refugee protection not properly covered by the Convention and its Protocol, the UNHCR in 2001 initiated global consultations on the interpretation of the Convention. Following the terrorist attacks in New York and Washington September 11 2001, there has been concern that the need to fight international terrorism might also give rise to procedures and mechanisms that would be at odds with the basic tenants and requirements of international refugee protection.

We ask the Norwegian government to:

- Contribute to safeguard the principle of international protection as one of the fundamental and lasting components of the States' obligation to the United Nations.
- Promote development of international protection in a way that will strengthen the position of the groups and situations that are not fully covered by the Geneva Convention and its Protocol, and resist the current corrosion of the position of the groups protected by the Convention.

- Make sure that measures undertaken to fight international terrorism does not infringe upon basic human rights principles, such as the right to international protection for persons who have a well-founded fear of persecution and the prohibition against returning anyone to a place where their life or freedom might be in danger, or where there is a serious risk of torture or inhuman or degrading treatment or punishment.

Security legislation and “anti-terrorism measures”

In the wake of the shocking criminal acts which took place in New York and

Washington on 11 September 2001 many states have taken steps to change their legislation and administrative practices in order to hinder similar criminal acts.

We note that in 2000 and 2001, the UN Commission on Human Rights reaffirmed that "all measures to counter terrorism must be in strict conformity with international law, including international human rights standards."

We consider human rights to be interdependent and indivisible, as well as universal. We are concerned that the definitions of "terrorism" in domestic security legislation can be excessively vague and broad, and can lead to the criminalisation of peaceful activities that are entirely unrelated to politically motivated violence. Such legislation may infringe the right to freedom of expression and freedom of association, and constitute a breach of the standards regarding clarity and certainty in criminal law. Reports confirm that some states are drafting new laws that allow persons of certain racial or ethnic groups, non-citizens or persons with a particular immigration status to be subject to particular controls, even to the extent of detention and deportation without a fair and satisfactory hearing. This is in contradiction to Article 4 (1) of the International Covenant on Civil and Political Rights (ICCPR).

In time of public emergency measures derogation from human rights obligations may only take place under very strict and specific conditions. ICCPR requires that such measures be undertaken only to an extent strictly required by the exigencies of the situation, that is not inconsistent with other obligations under international law and not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin. A group of rights are mentioned specifically in some treaties as being non-derogable and cannot be limited under a state of emergency. For example, ICCPR lists the rights to life, not to be tortured, not to be enslaved, recognition under the law, freedom of thought, conscience and religion and the prohibition against retroactive criminal legislation as non-derogable.

We call on the Norwegian government to promote the following principles:

- Human rights standards must always govern how states treat people under their jurisdiction. Non-derogable rights must be protected at all times. The strict limitations to derogation must be respected.
- The principle of non-discrimination on the grounds of race, colour, sex, language, religion, ethnic and social origin and other impermissible grounds is fundamental in international law, and must be protected and promoted.

- The provisions of international human rights law regarding access of a detained person to a court to rule on the legality of detention should be upheld in all situations, and a suspect and his or her legal representative should have access to the evidence on which the state relies to justify detention. The obligations not to detain arbitrarily and to allow effective judicial supervision, have explicitly been ruled to apply to "preventive detention" by the Human Rights Committee. The provisions of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment will also apply.
- Fair trials must be ensured. A fundamental principle and prerequisite of a fair trial is that the court charged with the responsibility of making decisions in a case must be competent, independent and impartial. International human rights treaty bodies have expressed concern about security legislation that allows for secret trials and "faceless judges", in violation of the right to be tried in public, which is important to ensure the fairness of the procedure. In all cases, the presumption of innocence must apply, which means that the prosecutor must prove that the accused person is guilty beyond reasonable doubt.

Sexual Abuse and Exploitation of Children

International research suggests that children are most at risk of being sexually abused by people whom they trust in and around their home environment. According to reports, 30 % of children in Zimbabwe have been sexually abused, in Nicaragua 20% of men and 26% of women had experienced sexual abuse in childhood. In European countries reports of the prevalence of child sexual abuse vary from 7 to 20 %.

Trafficking, child pornography and prostitution of children are increasing, and there appears to be a growing demand for younger girls and boys. UN sources estimate that every year, one million children become victims of the sex industry, an industry that already makes use of millions of children.

Commercial sexual exploitation of children receives ever more attention, particularly as a consequence of the First and Second World Congresses against Commercial Sexual Exploitation of Children, held in Stockholm (1996) and Yokohama (2001), which generated global media coverage.

We ask the government of Norway to:

- Focus on sexual abuse of children within the family and local environment, and call for the development of domestic legislation and organisation of a child welfare system, increasing the protection of children against abuse.
- Encourage states to ratify the UN Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime and the ILO Convention 182.
- Support comparative studies on child sexual abuse and exploitation, with the aim of increasing national governments' focus on the rights of the child according to the Convention on the Rights of the Child and other instruments.

- Support the role of the UN Committee on the Rights of the Child and the UN Special Rapporteur in their work to follow up the work of the states against sexual exploitation of children.
- Seek to strengthen the principle that children who have become victims of sexual exploitation shall not be regarded as criminals, but rather as victims in need of assistance from the state or from the state into which they have been trafficked.
- Promote international harmonisation of national legislation concerning child sexual abuse and exploitation.

Social and Economic Rights

The Special Rapporteurs on Structural Adjustment Programmes and Extreme Poverty respectively should concentrate their efforts on ensuring that Poverty Reduction Strategies that are under development explicitly acknowledge the fulfilment of human rights as the central goal for development and as a main premise in the development of strategies towards that end.

In addition, the need to address the so-called "sustainability" of debt servicing must be addressed. Present levels of what constitutes a "sustainable" debt burden are far above the levels that were found acceptable in the past.

The link between fulfilment of the Millennium Declaration Development Goals and human rights obligations should be stressed, and countries should be made able to fulfil those Development Goals, and thereby improve their records on economic and social rights.

We ask the Norwegian government to:

- Promote human rights as the basic premise of Poverty Reduction Strategies.
- Promote international understanding and acceptance of the need to significantly reduce the debt burden in order to enable indebted countries to better fulfil their human rights obligations.
- Promote the understanding that the fulfilment of the Millennium Development Goals depends on focusing on human rights obligations and approaches.
- Support efforts at the UN towards the establishment of an international individual communication procedure for violations of economic social and cultural rights.

Torture: Draft Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

A Working Group of the UN Commission on Human Rights has been meeting every year since 1992 to review the draft text of an Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, originally submitted by Costa Rica in 1991. The aim of the Protocol is to establish an expert body, a Sub-Committee to the Committee against Torture, to carry out inspection visits to places of detention and subsequently submit confidential reports to the relevant authorities with concrete

recommendations for how to prevent torture and ill treatment. By focussing on prevention of torture and ill treatment, rather than response to ongoing violations, this global mechanism would be unique within the UN system.

To be strong and effective, we believe that it is essential that the following five principles are included in the draft Optional Protocol:

1. The notion of no-prior consent: A standing invitation to the Sub-Committee to visit the territory of any state party to the Protocol is central and needs to be clearly stated in the text. The Sub-Committee must be able to carry out visits to any state, which has ratified the Protocol without having to seek further permission for each individual visit.
2. Scope of missions: The Sub-Committee should be guaranteed unlimited access to all places of detention and to all detainees and have the right to interview detainees in private.
3. Publication of Sub-Committee reports in special cases: In the event that a state refuses to cooperate or only partially releases the Sub-Committee's report, the Sub-Committee should be able to make a public statement or publish its report.
4. No reservations: The Protocol does not include any new substantive norms, but merely creates a mechanism designed to help states parties implement their existing obligations to prevent torture, as stipulated by the Convention against Torture, and therefore reservations to the Protocol should not be permitted.
5. National legislation: National legislation should not be permitted to limit or restrict the work of the Sub-Committee.

We ask the Norwegian government to:

- Give full support to the Working Group and ensure that a strong Optional Protocol to the Convention against Torture is adopted which reflects the above five principles and which provides for an effective system in which ratification of the Protocol serves as consent of the state party concerned.
- Torture: UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

On June 26 1987, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment entered into force. Despite numerous commitments by governments to ratify it, the Convention against Torture remains the least ratified of the six international human rights treaties with 127 states parties. To date only 45 states have made the declaration to Article 22 of the Convention to provide for individual complaints.

We call on governments to use the occasion of the 15th anniversary to renew their commitment to the eradication of torture by making a public statement at the 2002 session of the Human Rights Commission of their intention to ratify the Convention against Torture, making the necessary declarations under Articles 21 and 22, and withdrawing any limiting reservations, in particular, to Article 20, which provides for the Committee against Torture to receive and consider, in a confidential procedure, reliable allegations of the systematic practice of torture in countries which are parties to the Convention.

We ask the Norwegian government to call on the UN Human Rights Commission to:

- Adopt a resolution on the question of torture, which urges all states to ratify the Convention against Torture without reservations and to make the necessary declarations under Articles 21 and 22 as a matter of priority and preferably by June 26 2002, the 15th anniversary of the entry into force of the Convention against Torture.
- Urge all state parties to comply with their reporting obligation, by filing their Initial or Periodic Reports on time before the Committee against Torture.
- Urge all state parties to fully implement their obligations arising from the Convention against Torture and to implement the recommendations of the Committee against Torture.

Trade Union Rights – Focus on the Middle East

Trade unions rights are abused all over the world. The problem is especially severe in the Middle East. In many countries of the region, trade unions are under the control of the government. In other countries trade unions are banned. In Qatar, where the WTO meeting was held in November 2001, unions are banned. Neither in Oman, Saudi Arabia nor in The United Arab Emirates are there unions. No collective bargaining takes place. In Bahrain organisation is forbidden. The government controlled labour committee in that country suggested some time ago that the law should be changed to allow trade unions. The result was severe harassment of the committee members themselves. Many of the countries have a single union structure, imposed by the government.

In Israel, Palestinian workers from the West Bank and Gaza strip who work in Israel cannot join Israeli trade unions or organise their own unions there. They are, however, obliged to pay monthly fees to the Histadrut at the same rate as Israeli workers. Trade Union freedom is far from being respected in Egypt.

We ask the Norwegian government to:

- Raise the issue of trade union rights in the UN, focusing especially on the violations of trade union rights in the Middle East.
- Propose a General Assembly resolution calling for the respect of trade union rights on a global level, reiterating the need for UN member states to implement the eight ILO core conventions.

Women and Human Rights

Inequality between men and women is a global problem. Women make up 70% of the world's poor, 2/3 of the world's illiterates and have control of a minor part of the world's property. Lack of formal recognition of women's rights to entitlements and inheritance contributes to unpredictability and inequality. Women work longer hours than men in nearly all countries while only 1/3 of this work is paid. Women receive lower salaries than men. Strengthening women's rights is a question of fulfilling basic human rights. This includes women's access to resources such as education, property and income on an equal basis to men's, to political and economic power, as well as their right to freedom from violence. In order to contribute to

gender equality and fulfilment of women's human rights it is necessary to secure a gender perspective in all UN resolutions, decisions and interventions, which means to undertake measures to eradicate the different forms of subordination and discrimination that women experience, in all appropriate ways.

Violence against women, because they are women, represents serious violations of women's human rights. The prevalence of such gender-based violence is impossible to estimate, but it is a universal problem that represents a serious impediment to development all over the world. Research indicates that the abusers and survivors of gender based violence come from all classes, nationalities and economic strata. Examples of gender-based violence are domestic violence, genital mutilation, trafficking in women and rape in time of peace and as a weapon of war. The United Nations High Commissioner for Refugees (UNHCR) has for several years expressed support for an interpretation of the 1951 UN Refugee Convention that defines as a legitimate reason for attainment of refugee status persecution that in its form is gender specific. Still, many countries follow practices contrary to this interpretation. In national refugee laws and practices, a gender sensitive interpretation of political and religious activities, is also crucial.

We ask the Norwegian government to:

- Include a gender perspective in UN resolutions and Norwegian interventions in all relevant areas.
- Support measures to eradicate the following grave human rights violations:
 - o Violence against women in general and the unwillingness in many countries to introduce judicial, social and economic measures to prevent such violence.
 - o Trafficking in women and children for purposes of sexual exploitation.
 - o Genital mutilation.
- Acknowledge and focus on gender specific persecution and encourage all countries to follow UNHCR's recommendation for interpretation of the Refugee Convention and to fully implement the said recommendation in its own handling of applications for refugee status.
- Promote a gender sensitive interpretation of political and religious activities in the domestic refugee laws and practices in Norway and other countries.

Women in War and Conflict

Men and women are exposed to different threats in armed conflicts. Women are to a larger extent exposed to sexual violence than men. While the men, voluntarily or involuntarily, often become part of the armed conflict, the women have to secure the family's survival and care for the injured and the children. It is estimated that 80 % of the world's refugees and internally displaced are women and children. It is important for the society's ability to survive that the women are supported so that they can take care of both their old and their new tasks.

Protection measures must be taken against sexual abuse in refugee situations.

Violence against women, because they are women, represents a serious violation of women's human rights. Examples of gender-based violence are domestic violence, genital mutilation and so-called "honour killings". Other examples of human rights violations based on gender are forced marriages and denial of education and income generating work. The United Nations High Commissioner for Refugees (UNHCR) has for several years expressed support for an interpretation of the Refugee Convention from 1951 that defines gender-based persecution and persecution which in its form is gender specific, as reason for attainment of refugee status. There are still many countries in the world that do not follow UNHCR's recommendations.

We ask the Norwegian government to:

- Promote protection measures for women who live as refugees or internally displaced and measures to prevent and stop abuse and exploitation of women. This also includes measures to find financial alternatives and to secure protection in co-operation with transit- and receiving countries, inter alia, to prevent and stop prostitution.
- Acknowledge and focus on gender specific persecution and encourage all countries to follow UNHCR's recommendations for the interpretation of the Refugee Convention.
- Promote implementation of UN Security Council Resolution 1325 (October 2000) regarding women, peace and security in all relevant areas. This includes prevention of abuse by participants in international peace building operations and to secure the gender perspective in these operations by increasing the number of women in the operations, education measures, recruiting gender conscious persons and promoting local women's influence by e.g. consulting women's groups.
- Support and promote women's active participation and influence at all levels in peace processes and reconciliation work.