

Norwegian NGO-Forum for Human Rights: Recommendations to the Norwegian government regarding UN Human Rights Commission 2005

These recommendations are submitted to the Government of Norway on behalf of:

Amnesty International Norway
Anti-rasistisk senter
Church of Norway Council on Ecumenical and International Relations
FoodFirst Information and Action Network Norway (FIAN Norway)
Human Rights Committee of the Norwegian Psychological Association
Human Rights House Foundation
Norwegian Confederation of Trade Unions (LO)
Norwegian Council for the Rights of the Kurdish People
Norwegian Helsinki Committee
Norwegian Humanist Association
Norwegian PEN
Norwegian People's Aid
Norwegian Refugee Council
Norwegian Mission to the East
Norwegian Organisation for Asylum Seekers
Norwegian Youth Council
Save the Children Norway

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Thematic recommendations

Counter-terrorism and human rights

Wherever terrorism constitutes a threat to peace and security, states have an obligation to prevent it. However, violating human rights in the process will only damage the rights and liberties that are supposed to be protected, and most probably render the measures counterproductive.

Many states have enacted laws, purportedly to counter terrorism, but use them to legitimise human rights violations against political or other opponents or critics, minorities and other vulnerable groups, including refugees, asylum seekers and indigenous people. Most domestic laws prohibiting terrorism give broad definitions of the term. There are presently 12 international conventions on terrorism, yet no single agreed definition. The lack of clarity provides scope for abuse. In addition, we are concerned that a climate of fear can cause xenophobia and suspicion, which may in turn cause stricter asylum laws that curb the right to seek asylum and put minorities and other vulnerable groups at additional risk of discrimination and persecution.

A number of countries have introduced new capital offences relating to terrorism, and have weakened human rights protection relevant to fair trials, such as the introduction of arrest without charge or trial, indefinite detention and the use of secret evidence. Safeguards against torture have also been set aside by an increase in secret and incommunicado detention, notably at Abu Ghraib, Guantanamo Bay and elsewhere. In this regard we are alarmed that relevant Special Rapporteurs and Working Groups of the UN Commission of Human Rights are frequently denied access to places of detention, as expressed in a joint statement of the Special Procedures on 25 June 2004.

States must ensure that any measures taken to combat terrorism comply with their obligations under international law, in particular human rights, refugee and humanitarian law, as reaffirmed by the UN General Assembly as well as the Commission on Human Rights in 2004. Such compliance will require political will and vigorous monitoring, domestically and internationally. At the international level, the UN Commission on Human Rights should upgrade the mandate of its Independent Expert to that of a Special Rapporteur on human rights and counter-terrorism; and the role of the UN High Commissioner for Human Rights should be strengthened. Human rights concerns must be fully integrated in to the UN counter-terrorism agenda, especially at the UN Security Council Counter-Terrorism Committee.

We call on the Norwegian government to:

- call on all states to ensure that all measures to combat terrorism comply with their obligations under international law, in particular human rights, refugee and humanitarian law, including in particular the absolute prohibition against torture under all circumstances; fair trial; freedom of expression and belief; the right to seek asylum; and the principle of non-refoulement.

- actively promote a resolution that reaffirms the absolute prohibition against torture and cruel, inhuman or degrading treatment or punishment, and support and promote the work of the UN Special Rapporteur on torture.
- actively promote that the mandate of the Independent Expert on terrorism be upgraded to a Special Rapporteur under the Commission, mandated to monitor and analyse the impact on human rights of measures taken by states to combat terrorism. This implies ensuring sufficient resources and support to enable the new mandate to carry out its functions effectively, including by having the means to liaise effectively with the Counter-Terrorism Committee of the UN Security Council.
- urge all member states to provide information on concrete steps they have taken to ensure that the counter-terrorism measures also meet their obligations under international law, in particular international human rights, refugee and humanitarian law, in their reports to the Counter-Terrorism Committee of the UN Security Council.
- express concern that the 25 June 2004 call by the Special Procedures to visit detainees has not been implemented, and call on all states to immediately and effectively co-operate fully with the Special Procedures.

Impunity

In the past, the Commission on Human Rights has underlined the importance of combating impunity for genocide, crimes against humanity and war crimes. The progress in fighting impunity for such crimes recently seen at the international level and under several national jurisdictions requires the continued support of the Commission.

The Commission should underline the importance of the Security Council referring situations to the International Criminal Court “in which one or more of such crimes [e.g. genocide, crimes against humanity, and war crimes] appears to have been committed” (Rome Statute of the International Criminal Court, art. 13(b)). In particular, the Security Council should refer the Darfur situation to the International Criminal Court.

US initiatives to ensure immunity for its citizens from International Criminal Court (ICC) jurisdiction through bilateral agreement may undermine the legitimacy and universality of the court, as does the failure of major powers such as China, India and the Russian Federation to ratify the Rome Statute of the International Criminal Court. Both phenomena should be criticised by the Commission, member states and observers. Similarly, universal ratification of the Rome Statute should be encouraged.

We call on the Norwegian government to:

- stress that in line with the Rome Statute of the ICC, national authorities have the principal responsibility for ensuring accountability for international crimes. The ICC and other international courts should, however, be given full support by all States to

ensure accountability when national authorities fail to genuinely prosecute serious humanitarian law violations.

- actively promote universal ratification of the Rome Statute of the ICC, the Agreement on Privileges and Immunities of the ICC, and other instruments necessary for the effective functioning of the ICC.
- encourage referral of situations to the ICC by the Security Council, in particular the Darfur-situation. States and the Security Council should, as a matter of principle, fully support all ICC investigations.
- urge states to honour their obligations to co-operate with international tribunals. Pledges by States for financial support to the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia should be fulfilled in due time, to avoid delays in implementing their completion strategies.
- 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. Norway's plan to establish an office for prosecution of international crimes, and to incorporate articles 6 through 8 of the Rome Statute of the ICC into the Norwegian penal code, should be mentioned.

Indigenous peoples rights

The UN draft Declaration on the Rights of Indigenous Peoples is the first effort by the UN to establish truly comprehensive, global standards for the protection of the human rights of indigenous peoples.

In its current draft, the Declaration calls on states to ensure that indigenous individuals can enjoy the rights and freedoms guaranteed by existing international human rights standards without discrimination, taking the specific contexts in which indigenous peoples live into account. Many of the rights elaborated in the draft Declaration are collective in nature, including the right of indigenous peoples to control their own lives and futures, to maintain and develop their unique cultures and ways of life, and to control and benefit from their traditional lands, territories and resources. A Declaration would provide an important overarching normative framework for many national and international agencies, including UN itself.

The work on the draft Declaration has taken too long. Efforts must be made to adopt a Declaration soon. Further development of the draft should build on a constructive dialogue between states and indigenous peoples in order to provide legitimacy with both indigenous and non-indigenous parties. The conclusions and recommendations from the seminar "Treaties, Agreements and Other Constructive Arrangements between States and Indigenous Peoples" (E/CN.4/2004/111) should be highlighted in this regard.

The International Decade of the World's Indigenous Peoples comes to an end in 2004. We believe that the International Decade of the World's Indigenous Peoples should be extended, in order to keep political attention on this vulnerable group and their rights.

We call on the Norwegian government to:

- explicitly support and otherwise promote a resolution that urges the adoption of a strong Declaration on the Rights of Indigenous Peoples, which builds on the original draft text and the progress made within the Working Group and that sets a realistic process and timetable for finalizing the text of the Declaration.
- actively promote that the full participation of indigenous peoples in the process is ensured.
- explicitly support that the conclusions and recommendation from the seminar on Treaties, Agreements and Other Constructive Arrangements between States and Indigenous Peoples should be reflected in the final Declaration.
- explicitly support and otherwise promote an extension of the International Decade of the World's Indigenous Peoples.

Integrated missions

In complex humanitarian emergencies, humanitarian agencies increasingly find themselves in contexts where international military forces are also present. There is often a great need for both parties. However, the lines between military and humanitarian actors are becoming increasingly blurred. This has serious implications for the civil population, for humanitarian workers (as the increasing number of attacks on humanitarian personnel in Iraq and Afghanistan has alarming reminded us) and for the quality of humanitarian efforts.

There are profound differences between the principles and mandates of military forces and humanitarian agencies. The core mandate of military forces is to provide security and protection to the civilian population, and often involves operation in a partial or political context. Humanitarian agencies, on the other hand, have a mandate to provide humanitarian aid based on the invariable principles of *neutrality, impartiality and independence*. For these principles to be upheld, it is crucial that the operations of humanitarian agencies are carried out separately from military and political action.

Regrettably, there is a growing tendency that humanitarian assistance becomes an integral part of political strategies. Particularly, we are seriously concerned about the increase of integrated missions under the auspices of the United Nations.

Liberia is one of the countries in which an integrated mission is currently carried out. The Special Representative of the Secretary General coordinates a multidimensional operation of all UN efforts in Liberia, including, inter alia, military and civilian police, criminal justice, civil affairs, human rights, humanitarian assistance and the peacekeeping operation. This implies that the humanitarian efforts have in fact become a part of the overall political

operation in the country. As a result, humanitarian efforts become subject to political priorities, and humanitarian actors become identified with the political actors. The long-term damages to humanitarian efforts cannot be underestimated.

We call on the Norwegian government to:

- actively promote that neutrality, impartiality and independence must always underpin humanitarian action, and that these principles must never be compromised.
- urge member states, as well as the UN, to ensure that soldiers always identify themselves clearly as representing military forces.
- urge that the UN humanitarian operations, including the Office for Coordination of Humanitarian Affairs, always operate independently and never as part of a political structure.
- urge the UN to strengthen the role of the Emergency Relief Coordinator. The Emergency Relief Coordinator's authority must be indisputable, also when the humanitarian efforts are part of integrated missions.
- urge that all humanitarian efforts, also when part of integrated missions, report to the UN Emergency Relief Coordinator as well as to the Special Representative of the Secretary General.

UN human rights norms for business

States have the primary responsibility to ensure that companies act in accordance with human rights. However, as proclaimed in the Universal Declaration of Human Rights, every "organ of society", shall strive to secure universal and effective recognition and observance of human rights. Trans-national corporations and other businesses are important actors in a globalised economy and their policies may have determining influence on the policies of various governments as well as the conditions of the local communities in which companies operate. Therefore, the Commission on Human Rights should develop a set of universally applicable normative standards that provide an interpretation of, and express, the human rights responsibilities of business. The goal of the process must be to adopt and implement universal human right standards for business.

In 2004, the Commission discussed the draft norms developed by its Sub-Commission and requested a report to describe the scope and legal status of existing initiatives and standards and to identify outstanding issues on business and human rights.

We support the draft "UN Norms on the responsibilities of trans-national corporations and other business enterprises with regard to human rights" as a significant interpretation of these obligations and as a starting point for the process. We believe that the discussion of the report will provide an opportunity for the Commission to strengthen the standards on the responsibilities of business.

The norms must continue to be on the agenda of the Commission, inter alia by annual reviews of consultations on the norms. The High Commissioner for Human Rights must remain actively engaged and have a leading position in their development. We call for the establishment of a special advisor to the Secretary-General on this issue, to give advice and focus to the work. Consultations on the norms must be transparent and open to, inter alia, civil society including victims of human rights abuses allegedly committed by companies, or their representatives.

We call upon the Norwegian government to:

- explicitly support a process with the goal to adopt and implement UN norms on the responsibilities of trans-national corporations and other business enterprises with regard to human rights.
- promote a resolution that ensures a transparent and regionally balanced consultation process open to all stakeholders, inter alia civil society including victims of human rights abuses allegedly committed by companies, or their representatives.
- promote a resolution that ensures that the issue of corporate social responsibility remains on the Commission's agenda, inter alia by annual review of the consultation process starting in 2006.
- promote a resolution that establishes a special adviser to the Secretary General on business and human rights.

Recommendations on countries and areas

Colombia

Colombia has been an issue on the agenda of the Commission for a number of years. In 2004 recommendations to the authorities were given in the report of the High Commissioner for Human Rights to the Commission and in the Chairperson's Statement adopted by the Commission. Regrettably, it appears that the government has generally failed to implement these recommendations. Human rights problems persist and the Colombian conflict continues to constitute a serious threat to regional peace and security.

Since 2002, the government has embarked on so-called “democratic security measures”, which it claims have led to a decrease in homicides, abductions and acts of terror. However, instances of torture and “disappearances”, committed by all sides to the conflict, have increased, as have reports of extra judicial executions attributed directly to the security forces. The strategy has drawn even more civilians into the conflict. Of special concern is the establishment of a “militia” of one million civilian informants that will be expected to provide intelligence information to the armed forces, as well as the establishment of a “peasant army” comprised of civilians that will receive weapons and training from the armed forces. The establishment of “Consolidation and rehabilitation zones”, where military rule has been introduced, is also of great concern.

The situation for the civilian population is deteriorating, in particular for the internally displaced and the increasing number of civilians seeking refuge in neighbouring countries. More than three million Colombians have been displaced since 1985. The IDP crisis has become one of the world's worst, disproportionately affecting Afro-Colombians and indigenous people, who make up some of the country's poorest people. Displacement still continues in the border areas. As many IDPs avoid to officially registering themselves for fear of reprisal attacks by armed groups, they are often denied even the limited welfare services that the state offers. The fact that humanitarian organisations are often denied access to populations in need compounds the problem.

Access is often denied to domestic and international human rights NGOs. The deliberate targeting of local and international human rights organisations and activists makes Colombia one of the most dangerous places in the world to human rights defenders.

We call on the Norwegian government to:

- condemn all violations of international human rights and humanitarian law, committed by guerrilla groups, paramilitary groups and government forces, and call for the perpetrators to be held to account. This includes expressing concern about policies that may lead to impunity for human rights abuses.

- call on the government of Colombia to implement in full recommendations and views of the Human Rights Committee and the Committee Against Torture, as well as the recommendations of the Commission on Human Rights; the Office of the High Commissioner for Human Rights; the UN Guiding Principles on Internal Displacement, including prevention of forced displacement, protection of the internally displaced, access to humanitarian aid and the right to return, resettlement or reintegration in conditions of safety and dignity. The displaced population must also be able to retrieve their properties upon return.
- call on the government of Colombia to cooperate fully with the UN human rights treaty monitoring bodies, as well as the Special Procedures of the Commission, in particular to facilitate the visit by the Working Group on enforced or involuntary disappearances.
- call on the government to guarantee the safety of all human rights defenders, and respect their right to carry out their work freely and without harassment.
- call for tangible measures to end violence against women. This implies, inter alia guaranteeing access to the justice system and to health services for survivors of sexual violence, and demobilising women and girls through gender-sensitive demobilisation programs.

Democratic Peoples Republic of Korea

In 2003 and 2004 the Commission passed resolutions on North Korea. It expressed, “deep concern about reports of systemic, widespread and grave violations of human rights,” and called on North Korea to respect basic human rights. In 2004, the Commission created a Special Rapporteur mandate. Unfortunately the Special Rapporteur has not been able to visit.

The Democratic People’s Republic of Korea has one of the world’s most repressive regimes; a small elite rules ruthlessly. The government controls virtually all aspects of political, social and economic life. Political dissent is a treasonable offence and there is officially only one political party and essentially no free elections. Basic services, such as health care and education are allotted according to perceived political loyalty.

There is no freedom of press, expression, religion or belief. There are upwards of 200,000 political prisoners in prisons and labour camps. There are many independent reports of beatings, torture, forced labour and execution of inmates from these prisons and camps.

Many North Koreans attempt to flee their country. The vast majority, cross the northern border into China. There are an estimated 30,000 to 300,000 North Korean refugees in northeast China. China’s policy is to forcibly return these refugees, labelling them economic immigrants. China expelled the UN High Commissioner for Refugees from this region in 1999. NGOs and individuals in the area who attempt to help North Korean refugees, face harassment, fines and imprisonment at the hands of Chinese authorities. Refugees who were returned to North Korea are considered “defectors” and risk prolonged detention,

interrogation, torture and in some cases execution. Returned refugees suspected of contacts with South Koreans or Christian aid workers are especially singled out for strict punishment.

We believe that all relevant UN mechanisms should be employed to address the situation, including the plight of the refugees.

We call on the Norwegian government to:

- address the Commission regarding the situation in the DPRK and support the adoption of a resolution on the human rights situation in DPRK, to include inter alia,
 - the renewal of the mandate of the Special Rapporteur on the Human Rights situation in DPRK;
 - strong condemnation of China's policy towards refugees from DPRK;
 - a call for protection of NGOs and others working for North Korean refugees in China.
- request all relevant Special Mechanisms of the Commission on Human Rights to report on and analyse the situation for North Korean refugees in China.
- encourage the Special Rapporteur on DPRK and the High Commissioner for Human Rights to liaise with the UN High Commissioner for Refugees to develop a strategy to gain access to North Korean refugees in the north-eastern region of China bordering North Korea. This should be done, inter alia, by encouraging the UN High Commissioner for Refugees to use its mandate to request binding arbitration with the Chinese government.

Russia, including the Republic of Chechnya

There is a grave and on-going human rights and humanitarian crisis in Chechnya, as recognised by the Commission. In resolution 2001/24, it is stated that numerous human rights violations are reported from Chechnya, such as "widespread violence against civilians, .. forced disappearances, extra judicial, summary or arbitrary executions, torture". According to the resolution, the human rights crisis continues and there is a lack of will to engage in a political dialogue to find a solution and to bring perpetrators to justice.

Regrettably, the Commission failed to pass a resolution on the situation in Chechnya in 2002, 2003 and 2004, despite that fact that the problems have persisted since the passing of resolution 2001/24. Human rights violations continue to occur with impunity in Chechnya; over the last two years there appears to have been a further increase in the attacks against human rights defenders in Chechnya and neighbouring Ingushetiya. There have also been a growing number of reports of serious human rights abuses in republics of the Russian North Caucasus.

The international community cannot ignore the gross and systematic violations of human rights and humanitarian law that continue to take place in Chechnya. Russian non-compliance

with resolution 2001/24 should not be awarded. Failure to deal with the issue might in effect lead to increased antagonism, the spread of crime and further destabilization in the region.

We call on the Norwegian government to

- express in a statement, and otherwise promote the understanding, that:
 - the gross and systematic violations of international human rights and humanitarian law in Chechnya are not considered as legitimate or appropriate regardless of Russia's references to "terrorism", and that the situation constitutes a threat to regional peace and security;
 - Russia has failed to comply with UN resolutions, in particular it has failed to co-operate fully with the Special Rapporteurs and Working Groups. All relevant mechanisms should be given access, as should humanitarian and human rights NGOs and the media;
 - an international commission of inquiry of human rights and humanitarian law violations must be established, in accordance with Parliamentary Assembly of the Council of Europe resolution no 1323 (2003), and that in addition all relevant international mechanisms to document and respond to abuses should be utilised;
 - the Russian Federation should protect and support human rights defenders in the North Caucasus in line with its obligations under international law;
 - the causes of the conflict must be address, inter alia through dialogue with genuine representatives of the Chechen population;
 - Russia must provide protection to internally displaced persons from Chechnya and actively prevent forced return of Chechen internally displaced persons to Chechnya.
- actively promote the adoption of a resolution on the human rights situation in the Russian Federation, with particular reference to Chechnya.

Sudan

Since 2003, massive human rights abuses, including war crimes and crimes against humanity, have been reported from Darfur. According to the reports, all sides, including the Sudan Liberation Army, have committed abuses, but the Janjaweed (local militias armed and paid by the Sudanese government, often acting in concert with government armed forces) has perpetrated the majority of them.

From the start, grave abuses were reported from Darfur amidst the silence of the international community. The mediators of the North-South peace process were not willing to criticize publicly the actions of the Sudanese authorities in Darfur, at a time when delicate negotiations were continuing to end the civil war in southern Sudan. This silence most probably contributed to the rapid spread of the conflict.

War crimes reported from Darfur include: murder, torture, rape and intentional attacks against civilians and civilian objects. Crimes against humanity reported from Darfur include murders, forced displacement and rape committed as part of a widespread or systematic attack against the civilian population.

In September 2004, the UN Security Council asked the Secretary-General to establish an international commission of inquiry with a mandate to investigate and report any violations of international human rights and humanitarian law by any party, and to determine whether acts of *genocide* have occurred, and to identify perpetrators of such violations to ensure that they be held accountable. The commission of inquiry is expected to report before the start of the 61st session of the Commission on Human Rights.

Last year the major UN human rights bodies dramatically failed to deal adequately with the crises. The UN General Assembly decided not to consider a draft resolution on the human rights situation in Sudan. The Commission on Human Rights was only willing to discuss the issue under the heading of technical assistance, and only appointed an Independent Expert to deal with follow up. These measures are woefully inadequate given the Sudanese government's obvious lack of good will.

Given the gross and systematic violations of human rights and humanitarian law in Sudan, the UN and its member states must provide a strong, urgent and co-ordinated response to the crises, exploiting all avenues available. The report of the international commission of inquiry must be given a proportionate response.

We call on the Norwegian government to:

- call for immediate, credible and proportionate UN action to counter the ongoing gross and systematic violations of international human rights and humanitarian law, which may constitute genocide in Darfur, including Security Council referral of the situation to the International Criminal Court.
- to actively support and promote a resolution that:
 - replaces the Independent Expert mandate with a Special Rapporteur mandate with a clear monitoring component; and recommend the strengthening of the UN human rights monitoring presence throughout the country, including by ensuring public and transparent reporting and adequate funding.
 - calls on the government to ensure free access throughout the country for international and national human rights and humanitarian organizations;
 - addresses impunity by supporting recommendations for accountability mechanisms to be established throughout the country to investigate abuses of human rights and humanitarian law, including past abuses, and calling on the government to implement reform of the legal system to ensure justice for all;

- urges guarantees for the safety of civilians by ensuring the safe, dignified and voluntary return, resettlement or reintegration of IDPs and monitoring of the human rights situation of returnees;
- support the African Union peace-keeping forces in Darfur to carry out their mandate to monitor and verify the disarmament of the militias;
- urges guarantees for respect of freedom of thought, conscience and religion and freedom of expression; such guarantees must be integral to the peace agreement to enable genuine monitoring and reporting.

Tunisia

The UN World Summit on the Information Society (WSIS) due to be held in November 2005, is scheduled for Tunis, which is inappropriate given the working conditions that can be expected there. At the first WSIS session in Geneva, Tunisian agents appearing as “NGOs” and “journalists” harassed a number of representatives from international NGOs.

On 24-26 June 2004, there was a preparatory meeting in Hammamet, Tunisia, in view of the upcoming summit. According to reports from some of the main participants, all interventions from international delegates were made very difficult. The negative attitude of the hosts nearly resulted in a walk-out of the whole international delegation.

At the first WSIS session, human rights, including freedom of expression were reaffirmed as fundamental principles for the international information community. The Tunisian government’s frequent and systematic denial of freedom of expression makes the choice of venue for the summit particularly inappropriate.

The debate concerning the location of the summit makes it even more compelling to address freedom of expression in Tunisia at the UN, including at the Commission on Human Rights. In Tunisia, the broadcasting corporation is still dominated by the authorities, newspapers and web sites adopting a critical attitude towards the authorities are hindered or closed down, censorship of the Internet has become routine, and citizens exercising their right to express themselves freely are still imprisoned. For instance, a group of young men were convicted in April 2004 of trumped up charges, including charges of terrorism and violence, for downloading web sites from the Internet. They received up to 26 years in prison. Five of the accused complained about having been tortured, but the court failed to authorize any medical examination. Security forces and the police quickly stopped manifestations in Tunis supporting freedom of expression on 19th February and 27th March 2004.

We call on the Norwegian government to call on Tunisia to:

- extend clear guarantees concerning the WSIS summit, inter alia, all local and international human rights and other civil society organisations must be free to participate in the summit and to publish, broadcast or otherwise distribute and receive material at and from the conference site without threat or any form of censorship

- allow civil society, including NGOs, and particularly human rights defenders, to operate freely in Tunisia without harassment or undue hindrances, inter alia, to be allowed to have offices and to communicate without surveillance and to receive international prizes without presidential approval.
- ensure access to information without prior authorization for independent journalists, human rights activists, foreign media, journalists and the public, including unhindered access to independent media and the Internet.
- amend the Anti-terrorism law of December 2003 so that writing and publishing an article is not considered a terrorist act, and the law of June 2004 on the protection of private information so that it can not be used to imprison journalists, nor used to invade the privacy of journalists.
- drop charges against and grant the release of journalists and individuals jailed for exercising their right to freedom of expression, and free persons jailed solely for having viewed pages on the Internet.
- permit visits of the UN Special Rapporteur on Freedom of Expression and to extend an open invitation to all rapporteurs and working groups of the Commission.

Uganda

The war between the government and rebels in northern Uganda has created what may be the world's most serious protection crisis. Gross abuses of international humanitarian and human rights law are perpetrated against civilians on a grand scale, with culpability on both sides.

Civilians have become the principle strategic targets and victims of violence. Most obviously, and most seriously, there is an ever-present risk and fear of murder and abduction by the rebel group Lord's Resistance Army (LRA) amongst civilians. The effect on the local population, especially on women and children, has been devastating. It has led thousands of civilians to seek refuge in IDP camps and in night-dweller centres across the region, and has contributed to the collapse of many livelihood systems in northern Uganda.

Estimates now suggest that in the three northern districts (Gulu, Kitgum and Pader), the number of IDPs living in camps has increased to a total of more than one million. In total, the number of IDPs in the region is close to 1.6 million. The Government of Uganda has refused to declare the districts as emergency areas and has failed to provide protection for the affected population. On the contrary, it has contributed to their plight by ordering people into camps where living conditions are often abhorrent. Most IDPs are entirely dependent on food distribution. The government has proclaimed that its minimal efforts are due to lack of resources. However, the fact that funding from international donors make up almost 50 percent of Uganda's national budgets, suggests otherwise.

The government has done little to achieve a peaceful solution. Despite an ongoing dialogue on how to get the peace talks going, it has so far been reluctant to seriously engage in negotiations with the LRA.

The international community has also failed at adequately fulfilling its obligation to protect the people of northern Uganda. The protection gap faced by civilians has not been effectively closed, neither via the provision of appropriate levels of effective humanitarian assistance, nor via political avenues.

We call on the Norwegian government to:

- bring the rapidly deteriorating humanitarian situation in northern Uganda and the massive human rights violations, committed by both sides in the conflict, to the attention of the Commission on Human Rights and the Security Council.
- encourage the UN Special Representative on children in armed conflict to pay particular attention to the situation of children in northern Uganda.
- use its influence as a major donor country to persuade the Government of Uganda to seriously engage the LRA leadership in a political process aimed at finding a peaceful solution to the conflict. Such a process should not exclude international mediation.
- use its influence as a major donor country to encourage the Government of Uganda to take responsibility for the humanitarian and protection needs of its internally displaced population. This could be done by giving development aid only according to performance, based on clearly defined indicators on how the plight of the affected population is alleviated.