

## **10 December HUMAN RIGHTS DAY: INDEPENDENT EXPERTS REMIND STATES OF OBLIGATION TO UPHOLD FUNDAMENTAL FREEDOMS**

The following statement was issued today by 17 Independent Experts of the Commission on Human Rights:

"On the occasion of the United Nations Human Rights Day, the undersigned Independent Experts of the United Nations Commission on Human Rights strongly remind States of their obligations under international law to uphold human rights and fundamental freedoms in the context of the aftermath of the tragic events of 11 September 2001.

**We express our deep concern** over the adoption or contemplation of anti-terrorist and national security legislation and other measures that may infringe upon the enjoyment for all of human rights and fundamental freedoms.

**We deplore human rights violations** and measures that have particularly targeted groups such as human rights defenders, migrants, asylum-seekers and refugees, religious and ethnic minorities, political activists and the media. Concerned authorities have already been requested to take appropriate actions to guarantee the respect for human rights and fundamental freedoms in a number of individual cases drawn to the attention of relevant independent experts. We shall continue to monitor the situation closely.

**We remind States** of the fundamental principle of non-discrimination which guarantees that everyone is entitled to all rights and freedoms "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." (Article 2 of the Universal Declaration on Human Rights)

**We also remind States** that under international human rights law some rights cannot be derogated from under any circumstances, including in times of public emergency. These include: the right to life, the prohibition of torture or cruel, inhuman or degrading treatment or punishment, the freedom of thought, conscience and religion, as well as the principles of precision and non-retroactivity of criminal law except where a later law imposes a lighter penalty.

Furthermore,

**we call upon States** to take appropriate measures to uphold the respect for fundamental rights such as the right to liberty and security of person, the right to be free from arbitrary arrest, the presumption of innocence, the right to a fair trial, the right to freedom of opinion, expression and assembly and the right to seek asylum.

**We call upon States** to limit the measures taken to the extent strictly required by the exigencies of the situation. Public policies must strike a fair balance between on the one hand the enjoyment of human rights and fundamental freedoms for all and on the other hand legitimate concerns over national and international security. The fight against terrorism must not result in violations of human rights, as guaranteed under international law".

**continues**

**The Independent Experts are:**

**Abdelfattah Amor**, Special Rapporteur of the Commission on Human Rights on Freedom of Religion or Belief

**Enrique Bernales Ballesteros**, Special Rapporteur of the Commission on Human Rights on the Use of Mercenaries as a Means of Impeding the Exercise of the Right of Peoples to Self-determination

**Theo van Boven**, Special Rapporteur of the Commission on Human Rights on Torture

**Radhika Coomaraswamy**, Special Rapporteur of the Commission on Human Rights on Violence against Women, its Causes and Consequences

**Dato' Param Cumaraswamy**, Special Rapporteur of the Commission on Human Rights on the Independence of Judges and Lawyers

**Francis Deng**, Representative of the Secretary-General on Internally Displaced Persons

**Maurice Glèlèlè Ahanhanzo**, Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance.

**Abid Hussain**, Special Rapporteur of the Commission on Human Rights on the Promotion and Protection of the Right to Freedom of Opinion and Expression

**Asma Jahangir**, Special Rapporteur of the Commission on Human Rights on Extrajudicial, Summary or Arbitrary Executions

**Hina Jilani**, Special Representative of the Secretary-General on Human Rights Defenders  
Louis Joinet, Chairman-Rapporteur of the Working Group on Arbitrary Detention

**Miloon Kothari**, Special Rapporteur of the Commission on Human Rights on Adequate Housing as a Component of the Right to an Adequate Standard of Living

**Anne-Marie Lizin**, Special Rapporteur of the Commission on Human Rights on Human Rights and Extreme Poverty

**Juan Miguel Petit**, Special Rapporteur of the Commission on Human Rights on the Sale of Children, Child Prostitution and Child Pornography

**Gabriela Rodríguez Pizarro**, Special Rapporteur of the Commission on Human Rights on Human Rights of Migrants

**Katarina Tomasevski**, Special Rapporteur of the Commission on Human Rights on the Right to Education

**Jean Ziegler**, Special Rapporteur of the Commission on Human Rights on the Right to Food.