

REPORT OF WORKSHOP 4 CPTI IN INTERNATIONAL FORA

Present: David Bassett, Derek Brett, Klaus Ehrler, Hannelore Morgenstern, Dirk Panhuis (leader), Joshi Kanhaiya Prasad, Philip Symons (recorder); joining late: Konrad Borst, Ann Wilcox.

The objective of the workshop was to review the bodies within the United Nations organization where Conscience and Peace Tax International (CPTI) could have an opportunity of persuading UN member nations to pass legislation to allow their citizens to express their Conscientious Objection against Military Service (COMS) and Conscientious Objection against Military Taxes (COMT), or "conscientious objection to the military element in taxation" (as quoted in the Conference Statement). While there are other international organizations with which CPTI could work, for the moment for practical reasons its efforts are directed at the UN, and to this end Dirk Panhuis had prepared a handout for workshop participants listing relevant UN organizations. This list included the Secretary General, the Security Council, and the International Court of Justice, but the most pertinent organization is the Economic and Social Council (ECOSOC) and its associated bodies like the Commission on Human Rights, with the Sub-Commission on the Promotion and Protection of Human Rights, the Human Rights Committee, and the Office of the High Commissioner for Human Rights (OHCHR). The Conference on NGOs (CONGO) and NGO Caucusses (on specific themes) provide possibilities for contact between the NGOs and the formal UN bodies, and among NGOs themselves.

The **Commission on Human Rights (CHR)**, with its 53 voting member states, is where non-governmental organizations (NGOs) accredited with ECOSOC, such as CPTI, can attend the yearly sessions in Geneva during March-April as observers. We are required to submit to ECOSOC a report every four years on what we are doing for human rights, and what we are doing for the United Nations. Accredited NGO observers can speak on agenda items for 3 1/2 minutes per agenda item. Information from these statements may be included in resolutions that the CHR prepares for ECOSOC. The CHR regularly sends Rapporteurs to investigate the HR situation in a particular country, or to study a HR problem (e.g. religious freedom, torture, COMS, women, ...) in some countries. (Rapporteurs research human rights cases, not simply report on meetings.) COMS has been raised under item 11g of the agenda (Civil and political rights, including ... COMS). In 2001 and 2002 COMT has been raised under the same item, but could presumably also be raised under item 18 (religious freedom).

CPTI can also make pre-drafted statements to the **Sub-Commission on the Promotion and Protection of Human Rights**, but cannot participate in debates. However, NGOs may talk to the legal experts who are members of the Sub-Commission and to the appointed Rapporteurs. CPTI could usefully submit written statements to members and rapporteurs on the kinds of legislation that member countries could pass on taxation that would satisfy the human rights of CPTI members. The Sub-Commission wants well-documented evidence of human rights abuses and problems, not simply advice as to what to put in their reports.

The **Human Rights Committee** is a treaty monitoring body consisting of 18 legal experts and has three roles.

- a) It can receive **complaints** of human rights violations. The Committee has heard cases on COMT from Canada (1991, J. Prior), and the Netherlands (1992, Kerkwijk), both of which were outside the scope of protection of article 18 of the **ICCPR** (International Covenant on Civil and Political rights). The Committee has also considered the case of Voigt, 1993, Germany, which it found inadmissible. So far the Committee has not considered the right to freedom of conscience as related to paying taxes, and there is thus no UN jurisprudence.
- b) The Committee can make a **general comment** on aspects of international law, e.g., General Comment 22 (48th session) of 1993, par 11: *"The Covenant does not explicitly refer to a right of conscientious objection, but the Committee believes that such a right can be derived from Article 18, inasmuch as the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one's religion or belief."*
- c) The Committee also hears **periodic reports from member states**, raises additional questions to those states, receives written answers from the States, holds question-answer sessions. The quality of this work consists in the dialogue and the permanent pressure on countries. NGOs may provide, either on their own initiative or upon request from the committee, factual reports on human rights cases (including C.O.) within their countries.

The **Office of the High Commissioner for Human Rights** is an executive office. It is the link between the Commission and the Secretary General of the UNO. The High Commissioner was Mary Robinson (till early September 2002) and is now the Brazilian mr. De Melo.

CONGO and **NGO Caucusses** are semi-official coordinating bodies. Here NGOs can network with one another, and develop strategies with like-minded organizations for achieving their objectives.

Perhaps **the most useful and constructive role CPTI** can play is to inform relevant UN bodies (above) of violations of the human right of conscientious objection not to participate in war, and of any legislation passed in any of our countries that would allow people to re-direct that portion of their taxes which now supports violence and war towards peaceful purposes instead. Such legislation could then be used in other countries to develop legislation there.