



# General Assembly

Distr.: General  
17 March 2010

Original: English

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## Human Rights Council

### First session

#### Summary record of the 13th meeting

Held at the Palais des Nations, Geneva, on Monday, 26 June 2006, at noon

*President:* Mr. De Alba ..... (Mexico)

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Consideration of the report of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action on its fourth session

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*The meeting was called to order at 12.05 p.m.*

**Implementation of General Assembly resolution 60/251 of 15 March 2006 entitled “Human Rights Council” (agenda item 4) (continued)**

1. **Mr. Soufan** (Observer for Lebanon) said that he hoped the Council would help to find solutions to the tragic human rights situation in Palestine and the other occupied Arab territories.
2. In that connection, the grave human rights violations perpetrated in southern Lebanon throughout two decades of Israeli occupation had left an indelible mark on the population. A number of Lebanese missing persons were still unaccounted for, despite international efforts to ascertain their fate, and attempts to portray them as “terrorists” could not obscure the facts about the gross human rights violations to which many of them had been subjected.
3. He called on the Council to continue the work which the Commission on Human Rights had done on that issue, including through the implementation of the relevant decisions and resolutions and the possible establishment of a special mechanism. Lebanon, for its part, would continue to give priority to resolving the fate of the persons concerned.
4. Turning to the subject of the prohibition of incitement of hatred and violence, he said that Lebanon had much to offer in that domain, as it had rich experience in promoting tolerance and dialogue and strengthening fundamental freedoms.
5. **Mr. Almagly** (Observer for the Sudan) recalled that representatives of the Sudanese Government and the Sudan Liberation Movement (SLM) had met with representatives of the African Union, the United Nations, the League of Arab States, the European Union and others to discuss an action plan for reconstruction and a strengthened peace process for Darfur. It had been agreed to set up a core coordination group for Darfur, while a draft reconstruction plan would be examined at a donors’ conference to be hosted by the Netherlands Government in October 2006. He reaffirmed his Government’s commitment to restoring peace in Darfur, and called for continued support of donor countries in implementing the Darfur Peace Agreement.
6. **Mr. Ja`afari** (Observer for the Syrian Arab Republic) said that he endorsed the views expressed by the representative of Lebanon and hoped that the Council would prove more credible than its predecessor, the Commission on Human Rights, in condemning Israel’s human rights violations and the situation in the occupied territories. The issue was one of the most pressing human rights violations facing the Council and must be dealt with courageously, without relativizing international law or engaging in political selectivity.
7. He drew attention to the plight of the thousands of Syrians expelled following the occupation of the Syrian Golan, to the expropriation of their agricultural land by Israeli investors, and to the burial of nuclear waste in the area. He requested that the land should be restored to its Syrian owners.
8. Expressing condemnation for the killings of schoolchildren in the occupied territories by Israeli snipers, he said that the Council must hold Israel to account for its actions: failure to do so would undermine its credibility.
9. **Mr. Abu-Koash** (Observer for Palestine) said that the efficacy of the new Council would be judged on its ability to offer action-oriented solutions to the gross and systematic human rights violations suffered by Palestinians under the Israeli occupation since 1967.
10. The precarious human rights and humanitarian situation in the Occupied Palestinian Territory stemmed from the severe collective punishment imposed on the Palestinian people for exercising their democratic right in the January 2006 parliamentary elections. That punishment, in the form of an economic blockade and repeated Israeli military attacks

against the civilian population, contravened international human rights law and had resulted in unprecedented levels of poverty and unemployment. Israel furthermore continued to withhold Palestinian tax revenues, while its closure policy, especially the closure of commercial crossing points in the Gaza Strip, had led to acute shortages in food and medical supplies and had crippled the ability of the Palestinian Authority to provide social services, including health care and schooling.

11. The Palestinian people suffered under constant Israeli bombardment and military incursions while surrounded by the infamous wall, which encroached on their land and cut off the Palestinian capital, East Jerusalem, from the rest of the West Bank. Israel was furthermore escalating extrajudicial killings, causing death and injury to many Palestinian civilians in the process. Moreover, in one recent incident, missiles fired from an Israeli gunship off the coast of the Gaza Strip had killed many members of a single family on the beach.

12. He called on the Council and the international community to have the blockade lifted in order to prevent any further deterioration in the humanitarian situation in the Occupied Palestinian Territory and to take effective measures to address the gross Israeli violations of human rights. He further called for a high-level inquiry mission to be dispatched to investigate the killing of Palestinian civilians and to report to the Council at its next session.

13. **Mr. Levanon** (Observer for Israel) said that Israel had strong reservations about the agenda item under discussion. Indiscriminate suicide terrorism, the use of human-guided bombs and the rise to power of a terrorist organization which controlled an entire authority were all critical factors to be taken into account when considering the situation in the territories and Israel's operations in response thereto.

14. Despite Israel's withdrawal from the Gaza Strip, rockets continued to be fired indiscriminately at Israeli cities on a daily basis, targeting innocent civilians. It was surprising that no reference had been made at the current meeting to the vile incitement to hatred and anti-Semitism and to the glorification of death found in Government-sponsored media and publications in several countries and in cartoons and television series against Jews and Judaism. Such matters should form part and parcel of any discussion of defamation and of respect for religious tolerance and human rights, if the Council were to have any credibility.

15. It seemed apt and proper that the Council should take note of the dreadful attack which had taken place the previous day when Palestinian terrorists had raided an Israeli army post, killing two soldiers and kidnapping a third. Israel called for the kidnapped soldier to be treated with due regard for humanitarian principles and for the assistance of the international community in ensuring his safe return to his family.

16. He said that he questioned whether certain countries' desire to raise human rights issues was driven by genuine concern or merely by their desire to use human rights as a weapon against their enemies while shielding their friends from criticism. He urged the members of the Council to ensure that the Council lived up to its promise by taking the path of change.

17. **Mr. Strommen** (Observer for Norway) said that the Norwegian Government condemned any action or statement that expressed contempt for a person based on his or her religion or ethnic background. Norway had always supported the efforts of the United Nations to combat discrimination and religious intolerance. Freedom of expression, an essential human right and one of the mainstays of Norwegian society, entailed tolerance for views that were not shared by everyone. All people had the right to respect for their religion and the right to protection from religious discrimination. The Norwegian Government was

strongly committed to promoting mutual respect and religious tolerance and initiated a meaningful dialogue between the authorities and religious organizations on that theme.

18. On the subject of the Abuja peace agreement, Norway appreciated the African Union's persistent efforts to bring the negotiations to a successful conclusion. It congratulated the parties involved and the African Union on the signing of the agreement. The credible implementation of the agreement was a matter of urgency in order to bring peace and respect for human rights to Darfur. It was critical to develop a strategy and confidence-building measures that would make it possible for refugees and internally displaced persons to return to their homes before the forthcoming rainy season.

19. Since the adoption of the United Nations Declaration on Human Rights Defenders in 1988, there had been an increased focus on the importance of the role and the often precarious situation of human rights defenders. In many countries, such persons faced threats, harassment and insecurity. He therefore called upon all States to take all necessary measures to protect human rights defenders. The Office of the United Nations High Commissioner for Human Rights (OHCHR) should also consider how United Nations personnel and agencies could support human rights defenders and enhance cooperation with them, in particular at the country level.

20. **Mr. Martabit** (Chairperson-Rapporteur of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action) said that, owing to lack of time, his statement would focus on racial discrimination and other forms of intolerance, although he wished to mention also the serious human rights situation in Palestine, the occupied territories and Darfur, as well as the situation of migrants and human rights defenders.

21. The Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action played a key role in discussions on how to combat racism and other forms of intolerance. It viewed human rights education as an essential part of any strategy to create inclusive, culturally and racially diverse and tolerant societies in which there was equality between women and men. Moreover, it considered multiculturalism and respect for cultural diversity as the sine qua non for the eradication of phenomena such as Islamophobia, anti-Semitism and anti-Christian attitudes.

22. In view of the globalized nature of the modern media, discrimination had become a universal phenomenon and therefore it was not possible to combat it within a single country. For that reason, the Intergovernmental Working Group had recommended that the Committee on the Elimination of Racial Discrimination should continue to develop early warning indicators, including on hate speech, and to detect outbursts of racial violence in order to recommend urgent action to prevent dangerous situations from developing.

23. **Ms. Al-Hajjaji** (Observer for the Libyan Arab Jamahiriya) said that she did not wish to enumerate the many human rights violations committed in the Palestinian territories by the occupying power, Israel; they had been highlighted by her colleagues and were recorded on a daily basis in the international press. She expressed disappointment that the situation in Palestine had not been resolved in all the years that it had been on the agenda of the Commission on Human Rights, indeed, it had worsened. She requested that in drafting its future agenda the Council should consider the question of the occupied territories and the curbing of the occupying power as a matter that would remain an absolute priority until it had been resolved.

24. **Mr. Al-Nuaimi** (Observer for Qatar) said that he hoped the Council would build on the successes of the Commission and avoid its failures, in particular the politicization of debates and the use of double standards. Tackling the deteriorating human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the Syrian Golan would be the Council's most important challenge. Israeli forces continued to target innocent

civilians, who suffered from a lack of access to medicines, rising poverty and unemployment. He called on the Council to take urgent and practical action to improve the human rights situation in the occupied territories and to have the Israeli blockade lifted. He requested that the matter should be included in the Council's agenda until the occupation had ended; the title of the item should be: "Situation in the Arab Occupied Territories".

25. Turning to the Abuja peace agreement, he welcomed the efforts of the Government of the Sudan and the international community to bring about lasting peace in Darfur. He expressed the hope that sufficient resources would be devoted to peace and capacity-building in Darfur, and that the Abuja agreement would be implemented with the participation of all parties. He recalled that religious intolerance was one of the biggest challenges facing the international community and urged all parties to promote respect for all religions and beliefs.

26. **Mr. March** (Observer for Spain) welcomed the fact that the Council had demonstrated its willingness to address serious human rights questions in a meaningful way. In that connection, he expressed concern about the need to protect human rights in the context of the fight against terrorism, immigration, to address the situations in the Occupied Palestinian Territory, Darfur and Myanmar and to extend protection to human rights defenders who played an essential role in investigating and documenting Governments' commitment to human rights. Indeed, the space and security extended to human rights defenders was a measure of how seriously Governments took their human rights commitments.

27. The Spanish Government was firmly of the view that States should fully respect human rights when defending themselves against terrorist threats. The Secretary-General of the United Nations had made a great contribution in that area by drafting a global counter-terrorism strategy. Spain stood ready to participate in any initiative designed to combat terrorism while at the same time protecting human rights.

28. **Ms. Abdel Attif** (Observer for Egypt) said that the report of the Special Rapporteur of the Commission on Human Rights, John Dugard, on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/2006/29) gave a detailed account of the violations to which the Palestinian people had been subjected in direct contradiction of the advisory opinion rendered by the International Court of Justice on the legal consequences of the construction of the separation wall in the Occupied Palestinian Territory. Israel was depriving the Palestinians of their most basic rights to education and health, including through the imposition of an economic and financial blockade. Whatever the pretext, nothing could justify the Israeli occupation, in which innocent civilians had been killed. She requested that the Council should take practical steps in response to the violations by Israel in the occupied territories. The Council should continue to consider the matter until it had been satisfactorily resolved.

29. Egypt supported the efforts of the Government of the Sudan to establish peace in Darfur and hoped that the international community would provide technical and financial aid for development plans in the region. Egypt rejected all forms of discrimination and racism and called for respect for different regional cultures. In that connection, the recent tendency to associate terrorism with Islam was doing serious harm to the perception of Islam, while drawings and cartoons published in the West had offended Muslim feelings. Islam was a religion that promoted tolerance and understanding between different religions and civilizations. Her Government recommended that international human rights law should be amended in order to put an end to all forms of discrimination.

30. **Mr. Alaei** (Observer for the Islamic Republic of Iran) said that the gross and systematic violations of human rights by the Israeli regime in occupied Palestine and other occupied Arab territories was a cause for grave and deep concern for the international

community in general and for the Islamic world in particular. Other situations, like those of migrants and indigenous peoples, particularly in Canada, were also a cause for serious concern.

31. The implementation of General Assembly resolution 60/251 called for bold reforms, and the Human Rights Council should be given the courage and authority to develop new standards and even to reformulate certain concepts in some areas.

32. For decades, freedom of expression had been perceived as a licence to encroach upon religious beliefs and to challenge the validity of other cultures. However, developments in recent years showed that “human security” needed to include spiritual security if human rights were to be promoted and protected effectively. The right to freedom of expression should be realized in harmony with other intrinsic human needs; hence, the Council should focus on enhancing respect for cultural diversity. In that regard, racial discrimination and Islamophobia were contemporary scourges which the Council should find new ways to eradicate. Combating poverty and realizing the right to development should be priority objectives for the Council.

33. **Mr. Al-Bader** (Observer for Kuwait) called on the Council to reaffirm the supremacy of international law and to take all necessary measures to put an end to Israeli violations in the Palestinian and Arab occupied territories. A commission of inquiry should be established to investigate those violations and the question should remain on the Council agenda.

34. Freedom of expression should not be used to justify defamation of religions or cultures. The images shown in recent cartoons had offended millions of Muslims around the world and had caused divisions between different faiths and cultures. He called on all human rights institutions to promote respect for human rights, religions and cultures in order to prevent a recurrence of such incidents.

35. **Ms. Borsiin Bonnier** (Observer for Sweden) said that the Council should work in a cooperative spirit, giving support whenever called for and not shying away from criticism where necessary. Discussions thus far had only touched on some of the most serious human rights situations such as those in Darfur, the Occupied Palestinian Territory and Myanmar. Follow-up on those and other challenges was a question of responsibility and credibility for the Council. In order to make a real difference, the Council should look for different results-oriented ways and means of pursuing the issues before it and plan its sessions accordingly.

36. **Mr. Berzinji** (Iraq), drawing attention to Israel’s violations of the rights of the Palestinians and other Arab peoples, said that the economic situation in the occupied territories had deteriorated to a dangerous degree. The Council should do everything in its power to end the suffering of the Palestinian people and the violation of their human rights. He requested that a commission be formed to investigate the human rights situation in the occupied territories and called on the international community to ensure that humanitarian assistance reached the Palestinian people.

37. He expressed the hope that the Council would live up to expectations by protecting the human rights of Palestinians and ensuring a just and lasting peace in the Middle East. The Council should also play a role in promoting a culture of understanding and tolerance between civilizations. Islam should not be equated with terrorism: indeed, terrorist acts were against the teachings of Islam. Therefore, freedom of expression should be promoted without defaming religions.

38. **Mr. Tichenor** (Observer for the United States of America) said that the success of the Council would rely on its ability to address situations of violations of human rights, including gross and systematic violations in accordance with paragraph 3 of General

Assembly resolution 60/251. To that end, the Council should address the continuing concerns about human rights violations in Belarus, Cuba, the Democratic People's Republic of Korea, the Islamic Republic of Iran, Myanmar, the Sudan and Zimbabwe.

39. Despite the decades-long conflict between Israel and the Palestinians, the ultimate goal, as far as the United States was concerned, remained two independent States living side by side in peace and security. Sadly, with a Hamas Palestinian Government calling for the destruction of Israel, that long sought-after goal remained elusive. The Council must be intellectually honest: all those present were concerned about the violations of the human rights of Palestinians, just as they must be in equal measure about indiscriminate terror attacks on innocent Israelis. The Council should address those concerns, including through the universal periodic review mechanism. Pragmatic solutions such as greater OHCHR engagement in Gaza and the West Bank could also make a real difference in many lives.

40. In Darfur, the Government and Government-supported militia and rebel groups continued to commit serious human rights and humanitarian law abuses, which had led to an increasing number of deaths and mass population displacement. Some 26,000 people had been displaced in December 2005 in South Darfur alone, and the Janjaweed had killed many hundreds of civilians, razed villages and committed acts of rape, torture and violence against women. Rebel groups had attacked many people in Darfur, including aid workers. The new peace accord provided room for hope, and the Council should bolster its implementation.

41. The military regime in Myanmar continued to retain all the governing authority in a country with a complete absence of basic human rights, no free press, no rule of law and severely restricted political activities. The United States was committed to helping the people of Myanmar and called on the military regime to cease its persecution of ethnic minorities, to release all political prisoners and to engage in genuine dialogue on national reconciliation and democracy. The military junta should also address the country's critical humanitarian problems, including by lifting restrictions on international aid workers.

42. **Ms. Martin** (Observer for Nicaragua) said that two of the most pressing humanitarian issues before the Council were international migration and corruption. Migrants, especially women and disabled migrants, were often vulnerable to abuse and to violations of their human rights, as the Special Rapporteur on the human rights of migrants had shown in a number of reports. All States must take responsibility for eliminating racial discrimination and xenophobia and destination States should play their part by ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

43. Countries of origin should also take action to eliminate the corrupt practices which deprived their citizens of their economic, social and cultural rights. In that connection, the Nicaraguan Government had initiated an anti-corruption campaign, since corruption stifled development and continued to burden institutions in the country.

44. **Mr. Acharya** (Observer for Nepal) expressed deep concern over the escalating violence and the deteriorating security and human rights situation in the Middle East and called for action to improve the human rights situation in Palestine. It was to be hoped that a negotiated settlement, based on a two-State solution, could be reached, as it would have a positive effect on human rights in the Middle East.

45. The promotion of religious and racial harmony and tolerance was indispensable for progress, the orderly development of human civilization and the achievement of prosperity. The Council was aware of the impact of religious strife and racial conflicts in different parts of the world. Nepal had recently declared itself to be a secular State in order to reinforce and consolidate religious harmony in the country.

46. Nepal considered the protection of migrants' rights to be an important issue as many of its own citizens worked all over the world, contributing to the economies of both the host and the home country. Migration had been a defining element of globalization, and no society could ignore the concerns of migrant workers, irrespective of their status. The protection of human rights must be approached through a dynamic and inclusive process.

47. **Ms. Alqassimi** (Observer for the United Arab Emirates) said that the creation of the Human Rights Council marked the beginning of a new phase in dealing with human rights issues. There had been many human rights violations in recent decades for which solutions had yet to be found, including the situation in the occupied Arab territories, which persisted despite many international resolutions and appeals from humanitarian organizations. The state of siege under which many lived affected the most vulnerable and had all but destroyed the services provided by the international community. The extrajudicial killings and other crimes warranted an investigation into the situation in the Occupied Palestinian Territory by a commission of inquiry.

48. Another subject of considerable concern was the denigration of religion, and of Islam in particular, which had taken place in some countries. States should combat such discrimination through education and the promotion of tolerance and respect for different cultures and religions.

49. The United Arab Emirates expressed support for the Government of the Sudan and other members of the international community in their efforts to bring peace to Darfur.

50. **Ms. Kessler** (Coordinating Board of Jewish Organizations), speaking also on behalf of B'nai B'rith International, United Nations Watch and nine other non-governmental organizations, said that the eyes of the world were turned towards the newly formed Council in the hope that it would protect and promote human rights universally.

51. In addressing human rights violations on the ground, the Council could not shy away from the most relevant situations in the world. The United Nations High Commissioner for Human Rights had drawn attention to situations in a number of countries, including Belarus, where protesters had been arrested for demonstrating about elections in their country, and the Russian Federation. In Uzbekistan, a massacre in Andijan had gone unpunished, independent journalists and civil society institutions were in peril and torture was routine. In Pakistan, violence against women remained a pressing issue. In Nepal, violence had escalated and the army had committed torture and performed summary executions. In the Democratic People's Republic of Korea, a dictatorship controlled every aspect of political and social life and there were an estimated 200,000 political prisoners.

52. In East Timor, violence had escalated and in Turkmenistan there were violations of the freedoms of speech, movement and assembly. Violence, unjustified imprisonment, torture and loss of innocent lives persisted in the Libyan Arab Jamahiriya, the Democratic Republic of the Congo, the Sudan, Zimbabwe and Equatorial Guinea. There were particularly serious human rights concerns in Saudi Arabia and the Islamic Republic of Iran. She urged the Council to consider those matters.

53. **Ms. Ahmadi** (Human Rights Watch), speaking also on behalf of the International Federation for Human Rights and the International Commission of Jurists, urged the Council not to disappoint the expectation that it would be a true and effective advocate for victims of human rights abuses. The Council should build on the success of the Commission, address its shortcomings and act more swiftly, given that it would be able to convene more frequently and to hold special sessions.

54. The issues requiring the Council's attention were numerous. She applauded the High Commissioner for Human Rights for outlining the situations that would require the Council's attention in the following months. In order to tackle those situations the Council



would need to use all the tools available to it, including technical assistance, capacity-building and dialogue. There were human rights situations that could not be tackled by cooperative means alone, however. In that connection, the Council should not forget the Commission's role in addressing human rights violations in apartheid South Africa, for example, as well as in the Occupied Palestinian Territory and the Sudan. The Council should place those suffering human rights abuses at the centre of its discussions and give adequate attention to the many pressing issues on its agenda.

55. **Mr. Littman** (Association for World Education), speaking also on behalf of the World Union for Progressive Judaism, requested that the Council should issue a statement condemning calls for violence, terror or killings in the name of any religion or god.

56. Regarding incitement to hatred based on religion in the occupied Arab territories, including Palestine, the current Government of the Palestinian Authority had adopted an instrument characterizing initiatives to find peaceful solutions as contrary to the aims of the Islamic resistance movement, Hamas. It appeared then that a peaceful solution could not be found as long as Hamas remained in power.

57. Concerning the Darfur Peace Agreement, the Association for World Education had submitted two written statements on the issue and a letter on the subject had been signed by 43 non-governmental organizations. It should be noted that the President of the Sudan had indicated that he would not accept the presence of United Nations troops in the country. He urged the Council to take prompt action on Darfur.

58. The issue of protecting human rights defenders had been highlighted in a dramatic case in which 200 Sudanese nationals had sought refuge in Israel after crossing the Sinai Desert but had been imprisoned on reaching that country. He called on Israel to release the persons concerned and to find a suitable haven for them.

59. **Ms. Pomeon** (International Federation for Human Rights), speaking also on behalf of the World Organisation against Torture, expressed deep concern about the repression to which human rights defenders were subjected worldwide. She wished to draw attention to the legitimacy of the work done by human rights defenders and their increasing need for further protection.

60. Human rights had suffered a serious setback across the world as a result of the fight against terrorism. Human rights defenders continued to pay a heavy price in terms of violations of their rights, while the authors of those violations enjoyed complete impunity. In 2005, the Observatory for the Protection of Human Rights Defenders had documented the situations of 1,172 defenders facing repression in some 90 countries. Moreover, in many countries, trade unionists and defenders of land rights, environmental rights, and the rights of sexual minorities were subjected to repeated harassment and intimidation. In 2005, many States had made extensive use of legislation in order to control independent civil society and to suspend or dismantle non-governmental organizations and limit their access to funding from abroad.

61. **Ms. Nomura** (Asian Forum for Human Rights and Development), speaking also on behalf of the Centre for Organization, Research and Education, the International Women's Rights Action Watch Asia Pacific and the Asia Pacific Forum on Women, Law and Development, welcomed the inclusion of an item on human rights defenders on the Council's agenda. In Asia, the mandate of the Special Representative of the Secretary-General on the situation of human rights defenders had been key in protecting human rights defenders, given the lack of a regional human rights mechanism in Asia, the low number of ratifications of international treaties and the many reservations entered to ratified treaties, as well as the inadequacy of national mechanisms and of the environments in which defenders could operate.

62. In Asia, freedom of association, assembly and expression was continuously undermined as Governments introduced so-called anti-terrorism initiatives which in fact restricted the work of human rights defenders. In particular, women human rights defenders suffered multiple forms of exclusion and discrimination under the oppressive patriarchal structures in the region. The statutes of most human rights institutions made no reference to human rights defenders and the need to protect them. Yet, as illustrated recently in Nepal, human rights defenders played a crucial role in promoting democracy, freedom, human rights and the rule of law.

63. During her six-year mandate, the Special Representative of the Secretary-General on the situation of human rights defenders had only visited Asia once, and only three countries in Asia had issued standing invitations to the special procedures; it was worrying that no Asian countries had given pledges to do so when presenting their candidacies to the Council.

64. She looked forward to a Council that would maximize the participation of human rights defenders in its work and establish a mechanism for follow-up and evaluation of the protection afforded to human rights defenders as an integral part of the universal periodic review.

65. **Mr. Kirkyacharian** (Mouvement contre le Racisme et pour l'Amitié entre les Peuples) (Movement against Racism and for Friendship among Peoples) (MRAP) said that it was not necessary to denigrate the Commission on Human Rights, which might not have been perfect, but at least had reflected the realities of the human rights situation in the international community, which was dominated by political rivalry. The Commission had accomplished valuable work, which the Council would be ill-advised to dismiss. The Council should adopt a holistic approach rather than placing too individualistic an interpretation on human rights. There should also be an awareness of new human rights challenges, whether they took the form of new types of slavery or armed conflict.

66. He requested that the Council should maintain on its agenda the issue of human rights violations in Palestine, the deteriorating situation there having been highlighted by the relevant Special Rapporteur of the Commission on Human Rights.

67. **Ms. Molina Faidutti** (World Federation of United Nations Associations) welcomed the establishment of the Council, which would build on the legacy of the Commission, particularly through the special procedures. The Special Rapporteurs and the working groups played a vital role in prevention and in providing a voice for victims, which the Council should never ignore. Urgent situations should be brought to the attention of the Council when gross and systematic violations became a threat to peace and security. The Council must address questions of concern to the international community such as those concerning religion, the clash of cultures and civilizations, and population displacement.

68. With regard to the universal periodic review, equal treatment of all Member States would foster dialogue and help with the fulfilment of human rights commitments. Council members should be the first to undergo the universal periodic review process, which should begin within the shortest possible time. Non-governmental organizations and civil society representatives should be considered as partners in that venture.

69. **Ms. Moussa** (International Women's Rights Action Watch Asia Pacific) expressed concern that the rise in cultural and religious extremism had resulted in fewer rights for women. Increasingly, Governments were applying more restrictive interpretations of culture and religion that violated women's fundamental human rights and manifested themselves in harmful cultural practices against women and in dual legal systems for Muslims and non-Muslims.

70. Recalling that the Universal Declaration of Human Rights and other instruments established the fundamental human rights of all persons, irrespective of their ethnicity, sex or religion, she called on the Council to make clear to Governments that, where culture or religion conflicted with fundamental human rights, human rights prevailed.

71. She expressed support for the renewal of the mandates of the United Nations Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and recalled that special rapporteurs performed an important function where States were failing in their obligations. The efforts made by special rapporteurs to include the women's rights perspective were particularly appreciated. In determining which items to include in its agenda, the Council should involve all stakeholders, including civil society.

72. **Ms. Barcia** (International Service for Human Rights) welcomed the inclusion of the subject of human rights defenders on the Council's agenda. She drew attention to the specific vulnerability of women human rights defenders and agreed with previous speakers that impunity and the failure to investigate violations increased the vulnerability of human rights defenders. Many previous speakers had drawn attention to the worrying trend of introducing legislation that restricted the work of human rights defenders. She joined others in expressing full support for the Special Representative of the Secretary-General on the situation of human rights defenders and in recognizing the important role of human rights defenders.

73. The Council had a key part to play in protecting human rights defenders and in ensuring an environment that was conducive to their work. Human rights defenders and non-governmental organizations were partners and stakeholders and should be allowed to participate in the Council's work and decision-making processes.

74. **Mr. Sanchez Thorin** (Colombian Commission of Jurists) said that a great challenge was before the Council in responding to the serious situation faced by human rights defenders. The Council should reinforce the mandate of the Special Representative of the Secretary-General on human rights defenders and ensure that States recognized the positive role of human rights defenders and took effective measures to ensure their protection.

75. The situation for human rights defenders in Colombia was deteriorating. Indeed, the Inter-American Commission on Human Rights had recently called on the Colombian Government to provide the necessary safeguards to allow human rights defenders to continue their activities. The European Union had also expressed concern about growing threats and attacks against organizations and individuals who defended human rights. By contrast, the Colombian Government had taken an unhelpful approach, with the Vice-President criticizing national and international human rights organizations. Paramilitary organizations appeared to operate in Colombia with impunity, as indicated in a recent ruling of the Colombian Constitutional Court to which the Colombian Government had failed to respond. The Council had a major role to play in protecting human rights defenders faced with similar situations throughout the world.

76. **Ms. Dugal** (Baha'i International Community) said that while freedom of expression was important in a progressive society, any social good that exceeded the bounds of moderation, including unbridled freedom of expression, could have dire consequences. Incitement to hatred and violence based on religion was especially pernicious. Organized religion, whose very reason for being was to promote peace and justice, had often been the greatest obstacle to that ideal. By discouraging the freedom to raise questions and to express thought openly, religious institutions bore the responsibility for leaving their followers vulnerable to influences that aroused hatred towards those of other beliefs. An

untrained mind with no access to independent sources of information provided fertile soil for that type of manipulation.

77. The strong connection between freedom of expression and freedom of religion should be acknowledged. Where contentious opinions about religion were expressed, the State must provide others with the right to reply. Both sides should be given the means to discuss such matters in a peaceful and lawful manner in order to allow the public to arrive at its own conclusions. She was profoundly concerned that the Iranian media had conducted an intensive, defamatory campaign against the Baha'i community in the Islamic Republic of Iran, with the Government's sanction. In the past, such campaigns had resulted in serious acts of violence. Despite the grave nature of the accusations, Baha'is were denied the right to respond. They were not recognized by the Iranian Constitution as a religious minority and had neither freedom of expression nor freedom of religion. She called on Member States to bear their responsibility for facilitating understanding between people of different faiths and beliefs.

78. **Mr. Brown** (International Humanist and Ethical Union) said that all civilized people must deplore incitement to hatred based on religion or for any other reason, but it was vital to distinguish between incitement to hatred, defamation of religion and valid criticism of human rights abuses carried out in the name of religion. He did not believe that any new sanction was needed against incitement to hatred based on religion, as the matter was already covered under national and international laws. He viewed with disquiet calls by certain States to outlaw defamation of religion and noted that some sponsors of that measure had poor human rights records themselves, particularly in the area of freedom of religion or belief. Furthermore, the absence of an adequate definition of the term "defamation" added to the suspicion that some States might be seeking a resolution on the issue in order to shield their own human rights record from criticism.

79. The right to question religion and to freely express one's views on religious matters was a human right. Human beings had human rights; religions did not. The Council had a solemn duty to protect people and not religions, beliefs, customs or traditional practices, especially when they were used as a justification for the abuse of human rights. It was the believer and not the belief that must be protected. Freedom of expression was protected under article 19 of the International Covenant on Civil and Political Rights, which made no exception on the grounds of religion, and it would ill-become the Council to attempt to impose such a restriction. He drew attention to a written statement which the Union had submitted to the Economic and Social Council in March 2006 (E/CN.4/2006/NGO/244), which addressed the matter in more detail.

80. **Mr. Moreira** (Human Rights Advocates) urged the Council to take specific action to protect the right to life along State borders and to affirm the labour rights of migrants, whatever their status.

81. Although migrant workers were protected under the International Covenant on Civil and Political Rights, their lives continued to be threatened, as exemplified in the recent increase in the number of vigilante groups operating along the border between the United States of America and Mexico. Those groups had hunted, beaten and sometimes killed migrants entering the United States. In addition, the United States had begun to build a wall along the border. Governments should carefully consider the effects of building border walls on the right to life.

82. In Africa, migrants had been killed by law enforcement officials while attempting to cross the border fence from Morocco to the Spanish enclaves of Ceuta and Melilla. Governments should investigate, prosecute and punish violations committed by border officials and private individuals.

83. Migrant workers around the world suffered violations of their labour rights. Without the right to freedom of association, for example, migrant workers were more vulnerable to discrimination and exploitation. Many countries violated their international and regional treaty obligations in respect of migrants as well as their own labour laws. In some countries, migrants were reportedly subjected to restriction of movement, forced confinement, denial of adequate food, physical and sexual assault and murder. He urged the Council to continue to consider the rights of migrants and to maintain the mandate of the Special Rapporteur on the human rights of migrants. Member States should be encouraged to train Government officials to enforce immigration laws fairly and private groups should be prevented from enforcing border controls. Governments should also be encouraged to investigate reports of human rights violations impartially and to guarantee remedies and protection to all workers, regardless of their migration status.

84. **Ms. Al Khayar** (Union de l'Action Féminine) said that she wished to draw attention to the disastrous situation of families living in camps in the Tindouf region of southern Algeria, where many innocent civilians had been detained and injured, in particular following recent protests. Some families had been taken to secret detention centres in order to keep their plight from the view of the international community. For 30 years, families in detention had been subjected to violence, daily humiliation and unbearable living conditions. She appealed to Member States to halt the repressive practices of the security services concerned. She appealed further to the Algerian Government to assist in bringing peace and stability to the region.

85. **Mr. Shiokawa** (International Association of Democratic Lawyers), recalling that paragraph 5 of Commission on Human Rights resolution 2005/56 entitled "Promotion of peace as a vital requirement for the full enjoyment of all human rights by all" stated that the preservation of peace and its promotion demanded that the policies of States should be directed towards the elimination of the threat of war, particularly nuclear war, and the renunciation of the use or threat of use of force in international relations, and that, under article 9 of the Japanese Constitution, the Japanese people had forever renounced war as a sovereign right of the nation and the threat or use of force as means of settling international disputes, explained that the International Association of Democratic Lawyers, at its sixteenth congress, had adopted a resolution that defended article 9, any change to which could threaten peace and security in the world.

86. **Mr. Musa** (Observer for Palestine), speaking in exercise of the right of reply, said that he wished to assure the representative of Israel and the Council that the Palestinian Authority had been working intensively to secure the release of the Israeli soldier captured on the previous day and to ensure his well-being. The military base from which the soldier had been captured had been used to fire missiles indiscriminately into Rafah and Khan Younis and, on 13 June 2006, one such missile had killed 18 members of the same family. It should also be recorded that the occupying power had abducted Palestinian civilians during its daily incursions into Palestinian towns. Some 9,000 civilians, of whom 600 were children, were currently imprisoned in Israel. The Council should call on Israel to set them free.

87. **Mr. Ja`afari** (Observer for the Syrian Arab Republic), speaking in exercise of the right of reply, said that the human rights violations committed in the Occupied Palestinian Territory, which included an economic blockade and famine, were without parallel. Lebanese, Palestinian and Syrian victims who lost their lives as a result of Israeli action went unacknowledged. Israel had ceaselessly attacked its neighbours for 39 years. Incitement of hatred and defamation of religion, including vis-à-vis Islam and Muslims, could be found in the material provided in Israeli school programmes. His delegation could provide a documentary film showing that Israel had turned mosques into barns for breeding animals and into nightclubs. A successful resolution of the Arab-Israeli conflict would

require Israel to accept a solution acceptable to all and not just to one side. Any peace in the region would need to be based on Security Council resolutions 242 (1967) and 338 (1973), as well as the Madrid and Arab peace initiatives.

88. **Mr. Gala** (Cuba), speaking in exercise of the right of reply, said that he felt compelled to take the floor following the remarks about Cuba made by the United States representative. It was all the more disappointing to hear those remarks as the first session of the Council was an opportunity for a new beginning. Yet the representative of a Government that was a significant violator of human rights presented his country as a champion of human rights.

89. It should not be forgotten that the economic, financial and commercial embargo imposed on Cuba by the United States constituted a massive and flagrant violation of human rights. Cuba did not recognize the moral authority of the United States' Government to criticize others while its soldiers committed acts of torture in the name of freedom, as evidenced by the terrible situation at Guantanamo. A Government had no right to criticize when it could not take care of thousands of its own citizens, as had been the case following Hurricane Katrina. Lastly, the United States could not give lessons to others on terrorism when it harboured on its soil the terrorist Luis Posada Carrilles.

90. **Mr. Alaei** (Observer for the Islamic Republic of Iran), speaking in exercise of the right of reply, said that he felt obliged to respond to the comments of the United States representative and to draw attention to the massive and systematic violation of the human rights of innocent people committed by the United States all around the world, including in Guantanamo and Abu Ghraib. The Human Rights Council must investigate the human rights violations committed by the United States, including against prisoners in solitary confinement and innocent people slaughtered during illegitimate and unlawful wars.

91. The Government of the Islamic Republic of Iran was committed to realizing the rights of all individuals, including Baha'is. Baha'is who broke the law were prosecuted in the same way as Muslims. It was the policy of the Government that no one's rights would be violated, as long as they were not engaged in unlawful acts.

92. **Mr. Choe Myong Nam** (Observer for the Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that his Government categorically rejected the inclusion of the Democratic People's Republic of Korea in a United States list of so-called violators of human rights. His delegation reserved the right in future to draw attention to the gross human rights violations carried out routinely by the United States both domestically and internationally. He furthermore rejected the preposterous allegations of some non-governmental organizations concerning the human rights situation in his country.

93. **Ms. Gonzalez Ariza** (Observer for Colombia), speaking in exercise of the right of reply, said that terrorist action by armed groups had made it very difficult for the Government of Colombia to protect human rights defenders. The Government had nevertheless put in place a programme to protect vulnerable groups, including human rights defenders, and to enable them to continue their work. Since 1999, over 1,000 people had benefited from a protection programme which had been funded at considerable cost. The Government was improving the situation for human rights defenders by disbanding armed groups; the level of violence and numbers of deaths had decreased as a result. The Ministry of Interior and Justice had launched an awareness campaign aimed at protecting human rights defenders and improving public understanding of the important and legitimate work which they performed.

94. **Mr. Almagly** (Observer for the Sudan), speaking in exercise of the right of reply, said that certain delegations including his own, took the view that the Council should not duplicate the practices of its predecessor, namely, selectivity, lack of transparency and objectivity and a disregard for certain human rights issues. The United States of America

and Canada had made unfounded allegations against the Government of the Sudan. Human rights violations were by-products of conflicts, and those who lived in glass houses should not throw stones. The Council should focus on more pressing questions such as the killing of civilians in Iraq and the precarious conditions in Abu Ghraib prison or at Guantanamo, where three prisoners had recently committed suicide.

95. **Mr. Jazairy** (Algeria), speaking in exercise of the right of reply, said that he had been surprised by the statement made on behalf of l'Union de l'Action Féminine concerning Saharans detained in the Tindouf camps. Fortunately, a delegation from the Office of the United Nations High Commissioner for Human Rights (OHCHR) had visited both the Western Sahara and Tindouf and would be able to inform the Council on the real human rights situation there. The Council should focus on issues that united rather than divided it.

96. **Mr. Obidov** (Observer for Uzbekistan), speaking in exercise of the right of reply, said that it appeared that certain non-governmental organizations were biased in their assessment of human rights violations. Uzbekistan had provided information to the Commission on Human Rights on the measures it had taken to protect human rights and to combat torture. He believed that the comments made about his country were politically motivated and not founded in fact.

*The meeting was suspended for five minutes.*

**Consideration of the report of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action on its fourth session (E/CN.4/2006/18)**

97. **Mr. Martabit** (Chairperson-Rapporteur of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action), introducing the report of the Working Group contained in document E/CN.4/2006/18, said that the role of the Intergovernmental Working Group was to provide a forum for high-level reflection and dialogue on human rights threats. In that connection, discrimination had a negative effect on human rights and freedoms, while racial discrimination had increased as a result of anxieties related to terrorism and competition for employment. Moreover, certain acts fuelled religious and cultural tensions, in particular the promotion of crude stereotypes and the making of insults that were deeply offensive. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Doudou Diène, had noted a rise in discrimination, due in part to public hostility to immigration, together with an increasing number of cases of defamation of religion, the rejection of multiculturalism and a certain legitimization of racism. All those themes were included in the mandate of the Working Group. It was accepted that the Durban Declaration and Programme of Action provided the most concrete and stable means for combating discrimination and for formulating national strategies and plans to fight racism. Those issues were highlighted in the report before the Council.

98. In order to fulfil its mandate and develop a more focused and rational approach, the Working Group would draw inter alia on the work of the Special Rapporteur on contemporary forms of racism, the eminent experts on the implementation of the Durban Declaration and Programme of Action and the Committee on the Elimination of Racial Discrimination. Even more support from OHCHR would be needed, for instance, in gathering and disseminating "good practices" and in encouraging ratification of the International Convention on the Elimination of All Forms of Racial Discrimination.

99. The Working Group should continue to develop its role in promoting dialogue and cooperation. It should also produce concrete recommendations on the implementation of the Durban Declaration and Programme of Action.

100. At its fourth session, the Working Group had participated in a high-level seminar on racism and the Internet and on complementary international standards for combating racism. It had then produced a number of recommendations on prevention and awareness-raising, and had also undertaken a thematic analysis of racism and globalization. Substantive gaps had been identified in existing international human rights laws and strategies for strengthening those in place had been discussed. A group of five highly qualified experts would be convened to study the substantive gaps in existing legislation. The Committee on the Elimination of Racial Discrimination had been encouraged to develop mechanisms to monitor hate speech.

*The meeting rose at 3.15 p.m.*