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HUMAN RIGHTS COUNCIL

Second session

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 20 September 2006, at 10 a.m.

President: Mr. DE ALBA (Mexico)

later: Mr. LOULICHKI (Morocco)
(Vice-President)

later: Mr. DE ALBA (Mexico)
(President)

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The meeting was called to order at 10.10 a.m.

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK (agenda item 1)
(continued)

1. The PRESIDENT recalled the compromise decision taken by the Council at the previous meeting concerning the participation of non-governmental organizations (NGOs) in discussions of the reports of special rapporteurs on the human rights situations in specific countries and said that the Council's acceptance of those arrangements at the current session would not set a precedent for future sessions, nor did it imply acceptance of the arrangements by individual delegations.
2. Mr. FERNÁNDEZ PALACIOS (Cuba), acknowledged his delegation's responsibility for its absence when the decision had been taken at the previous meeting but said that in future the President should inform Council members in advance when such highly sensitive matters were to be discussed. If his delegation had been present, it would have objected strongly to the proposal.
3. As for the substance of the decision, his delegation considered it completely unfair, and certain to worsen the selectiveness of the Council's work. It would in effect limit the Council's consideration of NGO positions to situations in countries covered by special rapporteurs, thus reflecting the same double standard that had characterized the now defunct Commission on Human Rights. NGOs must participate in the Council's work, but in a balanced and fair manner, not in a way that favoured the positions of the Western group and stymied any debate that would include all of civil society. His delegation believed that an entire session, or even two, should be devoted to hearing out NGOs so that subjects of real interest to human rights could be addressed: the prisons run by the United States Central Intelligence Agency (CIA) in Europe, the kidnapping and torture of people in such facilities and the dozens of deaths occurring in countries under foreign occupation as a result of the occupiers' plundering. His delegation considered the decision in question to be unacceptable because it instilled a climate of animosity in the Council. As a Council member, Cuba was ready to defend its interests. He called upon the President to seek another way forward.
4. Mr. TIRMIZI (Pakistan), said that NGOs played an important role in the protection of human rights and agreed that one or two separate sessions should be specifically devoted to NGOs. With regard to the decision on NGO participation taken by the Council at the previous meeting, his delegation would defer to the ruling of the President.
5. Mr. LA Yifan (China) said that the reopening of a debate on procedural matters already discussed the previous day was regrettable, given the time constraints. The idea of holding one or two separate sessions for NGOs was a favourable compromise solution.
6. The PRESIDENT suggested that the procedural matters in question as well as alternatives to the decision taken the previous day could, if necessary, be discussed in separate open-ended consultations with a view to finding general agreement.

7. Mr. RODRÍGUEZ CUADROS (Peru) endorsed the idea of holding consultations but suggested that they should take place in a plenary meeting.

8. The PRESIDENT reminded the Council that the decision in question had been reached in a plenary meeting, and if a change was to be made, it would be made in a plenary meeting.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF
15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL” (agenda item 2) (continued)

Interactive dialogue with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Representative of the Secretary-General on the human rights of internally displaced persons (continued) (E/CN.4/2006/53 and Add.1-5; E/CN.4/2006/71 and Add.1-7)

9. The PRESIDENT invited the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Representative of the Secretary-General on the human rights of internally displaced persons to address the questions raised during the previous meeting.

10. Mr. ALSTON (Special Rapporteur on extrajudicial, summary or arbitrary executions) said that he had been encouraged by the remarks made by the representatives of some of the countries he had visited, in particular Nigeria, Guatemala and Sri Lanka, as they had demonstrated the value of the dialogue in which he had engaged. The representative of Algeria had raised some questions about his comments on the amnesty bill that had been the subject of a referendum. There would always be a difference of opinion between the international community, which was clearly moving towards a strict approach to amnesty laws, and Governments of countries emerging from armed conflict, which had to take practical considerations related to reconciliation into consideration. If he had made his views known in advance of the referendum, it was because it would have been pointless and ineffective to speak out after the results had been determined.

11. The clarifications offered by the representative of Nigeria concerning the penalties for the crimes of sodomy and adultery, which was similar to an explanation he had heard during an hour-long meeting in Kano with a number of judges of the sharia court, were not compelling. Both times the speakers had in essence argued that the law that prescribed stoning people to death would never be invoked in practice. The day after his meeting with the judges in Kano he had visited the town's prison where he had met a person held in atrocious conditions on death row for the crime of consensual sodomy. It was not acceptable to keep such a law on the books and to leave people living in the shadow of uncertainty for years. In any event, the death penalty was inconsistent with Nigerian federal law, and the federal Government should reaffirm its obligation to ensure that the legislation of Nigeria's states was in conformity with federal law.

12. The observer for the Islamic Republic of Iran had claimed that it took time to arrange for a mission. Noting that he himself was not getting any younger, he said that he had already been

waiting to conduct such a mission for three years. He nonetheless welcomed the delegation's assurances that none of the cases he had taken up involved juveniles. In his view, the only way forward would be to authorize a visit so that he could clarify the cases that continued to be brought to his attention alleging the execution of juveniles.

13. It was a source of satisfaction that a number of Asian Governments had expressed support for international cooperation in resolving the conflict in Sri Lanka. The main challenge there was to establish some form of human rights monitoring. The current proposal by the President of Sri Lanka represented a step backward, as it called for the appointment by the President of new national bodies to monitor human rights. Such a measure would be both inadequate and unsatisfactory, as it would lack credibility with the Government's opponents. The political head of the Liberation Tigers of Tamil Eelam (LTTE) had apparently left the door open to the establishment of an international monitoring mechanism. It would be a mistake to juxtapose questions of security and human rights; in Sri Lanka the road to security must be built on the basis of better respect for human rights.

14. Mr. KÄLIN (Representative of the Secretary-General on the human rights of internally displaced persons) welcomed the level of commitment expressed for the Sarajevo process for the return of displaced people in the Balkans, which was crucial to solving the outstanding problems there. That process needed to be stepped up, and he hoped that the commitments expressed would translate into concrete action.

15. The main requirements for securing better humanitarian access to people in need in Darfur were the effective implementation of the Darfur Peace Agreement and the strong presence of peacekeeping forces. The observer for the Sudan had acknowledged that the arrival of African Union peacekeeping forces had had a positive impact on the protection of internally displaced people. That presence had proven insufficient, however, especially as the parties had increasingly distanced themselves from the initial agreement and the peacekeeping forces lacked resources. He urgently appealed to the Sudanese Government to authorize the arrival of United Nations peacekeeping forces in order to enhance humanitarian access in that region.

16. He could not report any improvement in the situation of those persons who had been displaced in Zimbabwe in 2005. Most remained in a dire situation, and the measures taken by the Government to address the problem remained insufficient. He agreed with the representative of Sri Lanka that in emergency situations such as natural disasters, the quality of the domestic response during the first 48 hours was decisive in determining the effectiveness of relief efforts. The response of local civil society in Sri Lanka and other countries affected by the tsunami and following the earthquake there in Pakistan, had been impressive. It was of the utmost importance for countries to prepare themselves for the initial phase of disaster response.

17. There would naturally be some tension between humanitarian workers and those responsible for ensuring their security, and a proper balance must be struck between security and access. Replying to a question from the representative of Azerbaijan, he said the new approach

involving the use of humanitarian clusters would address all kinds of situations, including those where displacement was prolonged and persistent. Following an assessment, the Inter-Agency Standing Committee (IASC) would decide in 2007 which operations would utilize that approach.

18. Some of the steps that United Nations country teams could take to enhance the protection and assistance provided to internally displaced people included ensuring a better understanding of the cluster approach not as a compartmentalization of tasks, but as an improved version of the collaborative approach. It was also necessary to reach a common understanding on the meaning of protection of internally displaced people and to provide for much closer cooperation between the special procedures and the country teams. The criteria he applied for carrying out working visits included the need to follow up on previous visits by such means as discussing the implementation of recommendations. Country missions were conducted in response to various factors, including invitations, emergency situations and the need for discussions with specific agencies. One of the aims of the IASC Operational Guidelines on Human Rights and Natural Disasters was to help agencies implement the Guiding Principles on Internal Displacement; however, the scope of the Guidelines went beyond internal displacement to encompass assistance to non-displaced populations.

Statements in exercise of the right of reply

19. Mr. MAFEMBA (Observer for Zimbabwe) said that the statement delivered the previous day by the representative of Finland concerning Murambatsvina (Operation Clean-Up) had cited figures that did not even tally with the infamous Tibaijuka Report, which was itself unbalanced and had been written at the instigation of a State member of the European Union with the aim of demonizing Zimbabwe. Delegations from Zimbabwe and the Union had met in February to clarify many of the issues in question. It was unacceptable that the representative of Finland should have referred to Murambatsvina without mentioning Garikayi, an operation in which the Government of Zimbabwe, with no assistance, was making slow but steady progress in providing decent housing to the population.

20. The Finnish statement amounted to political mischief, reflected a double standard and selectivity, and called for a political response. Zimbabwe was no one's colony, and the Zimbabwean Government was not blind to the hypocrisy of those who claimed to be the custodians of democratic values. The paternalistic attitude displayed by the representative of Finland should not be entertained, for it reflected an ignorance of the complexities of Zimbabwe's bilateral dispute with a country that dealt with Zimbabwe shamelessly because of its colonial past.

21. Mr. GARCIA (Philippines), replying to the statement made by the representative of the Asian Forum for Human Rights and Development, said that the Philippine Government was pursuing initiatives at the highest levels to address the problem of extrajudicial killings. The President herself had said that the killing of political activists and journalists had no place in the country's democracy or government, and had condemned such killings in the harshest possible terms. The Department of the Interior and Local Government had created a special task force to investigate such acts, and the President had established an independent commission to formulate

measures and policy recommendations to eradicate the phenomenon. The President had also met with Amnesty International to discuss means of combating such crimes, including the possibility of inviting independent experts to assess the situation. Such domestic initiatives should be supported and given the opportunity to fulfil their mission.

22. Reported offences should not automatically be classified as human rights violations: it was necessary to distinguish between the actions of State agents acting in the course of duty and crimes committed for personal ends. Only after a systematic and careful examination should certain offences be classified conclusively as human rights violations. Accusation should not be equivalent to conviction.

23. Mr. JAZAÏRY (Algeria) said that the Special Rapporteur on extrajudicial, summary or arbitrary executions had referred to Algeria's Charter on Peace and National Reconciliation as an amnesty law, despite the fact that he had been supplied with public statements by the Algerian Head of State asserting that that instrument contained no amnesty provisions.

24. Special rapporteurs should give priority to bilateral dialogue and diplomacy before they issued press releases, and the Council should identify criteria for the use of the latter. The Special Rapporteur had not responded to his delegation's call for him to address his correspondence to Governments of Member States through their duly accredited permanent missions in Geneva instead of writing directly to the authorities in question. Most special rapporteurs respected diplomatic practice and law and the role of the permanent missions in that regard. He regretted that the Special Rapporteur was not present in the meeting room to hear his remarks.

25. Ms. FERNANDO (Sri Lanka) said that the Special Rapporteur on extrajudicial, summary or arbitrary executions had apparently misunderstood her Government's initiative of creating an independent international body of eminent persons to observe investigations into alleged human rights violations. Only the previous week her Government had requested the United Nations High Commissioner for Human Rights to nominate international human rights experts to that body. In addition, the Special Rapporteur had attempted to confuse the Council with regard to the previous day's discussion, during which many countries had expressed their solidarity and sympathy for Sri Lanka, as well as their appreciation for the Sri Lankan Government's readiness to cooperate with all special procedures.

26. Mr. BAKRADZE (Observer for Georgia) said that the representative of the Russian Federation had made groundless and cynical accusations against Georgia, alleging that the Georgian Government was blocking the return of Georgian citizens to their homes in Gali district. The Russian delegation had not carefully read the report of the Representative of the Secretary-General on the human rights of internally displaced persons on his mission to Georgia (E/CN.4/2006/71/Add.7), which stated that the human rights situation in Abkhazia, Georgia, could be enhanced by the opening of a sub-office in Gali town and the deployment of United Nations police on both sides of the ceasefire line, but that the Abkhaz de facto authorities had failed to accept such measures. His delegation once again called upon the Council to consider the situation in Abkhazia and in the Tskhinvali region.

Presentation of reports followed by an interactive dialogue:

Report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2006/61 and Add.1-5)

Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children (E/CN.4/2006/62 and Add.1-3)

27. Ms. ERTÜK (Special Rapporteur on violence against women, its causes and consequences) said that her third annual report (E/CN.4/2006/61) focused on the due diligence standard as a tool for the effective implementation of women's rights. In the report she drew attention to the two major shortcomings in the current application of that standard. First, the standard was applied only after violence occurred rather than as a proactive means of prevention. Secondly, it was applied in an overly State-centric manner. States should consider adopting alternative approaches, such as the empowerment discourse reflected in the Beijing Platform for Action or the "cultural negotiation" discourse, to prevent violence. In addition, non-State actors, including transnational corporations and international organizations, needed to be held accountable when they failed to adhere to international human rights standards. Transnational challenges such as trafficking in women or the regulation of migration and refugees required transnational solutions to ensure that women who crossed borders, whether voluntarily or involuntarily, received adequate legal protection. States needed to work together and employ innovative strategies in fulfilling their due diligence obligations to eradicate violence against women.

28. Her missions to the Russian Federation, the Islamic Republic of Iran, Mexico and Afghanistan were dealt with in four addenda to her report (E/CN.4/2006/61/Add.2-5). She would report in 2007 on the missions she had conducted in 2006 to Turkey, Sweden and the Netherlands.

29. In the Russian Federation, which she had visited in December 2004, the process of political and economic transition had disproportionately burdened women. Moreover, the lack of domestic violence legislation meant that the majority of domestic violence cases involving non-aggravated assault did not receive due attention from the authorities. Gender biases prevailed in law enforcement and the judiciary, and there were insufficient protective mechanisms for victims of violence, such as shelters. It was thus encouraging to learn that an inter-ministerial commission on the promotion of equality of men and women had been established earlier in the year, and she hoped it would be given the mandate and resources to realign the country's priorities where women's rights were concerned.

30. The severe forms of violence against women perpetrated in the Chechen Republic, fostered by the strong patriarchal norms and continuing tensions and insecurities there, were another major concern. She had been receiving an increasing number of reports of acts of violence and intimidation committed by the Chechen authorities against women accused of deviating from societal and religious norms. She had also received reports that women were being targeted by State agents during security operations and armed confrontations. While the Russian authorities maintained that targeted operations were not State policy, that did not relieve the State of its obligation to protect its citizens with due diligence.

31. Early in 2005 she had visited the Islamic Republic of Iran, where gender inequality was a salient feature of the society. While women's access to education was commendable, discriminatory legislative provisions disempowered women in many other areas of public and private life. Urgent and transparent legal reform was therefore necessary. She drew attention in that connection to the case of women who had been sentenced to death by stoning for adultery; recent information she had received indicated that the execution had been temporarily stayed by the head of the judiciary, and she sincerely hoped that the Islamic Republic of Iran would uphold its moratorium on execution by stoning until the practice was completely outlawed. She had also been troubled to learn that on 3 August 2006, the Iranian Ministry of the Interior had declared illegal the Human Rights Defence Centre and had reportedly threatened to prosecute anyone who carried on the Centre's activities. The Centre had been co-founded by Ms. Shirin Ebadi, who had won the Nobel Peace Prize for her efforts to defend the human rights of women and others in the Islamic Republic of Iran.

32. Turning to her visit to Mexico in February 2005, she recalled that the problem of violence against women was particularly acute in the Chihuahua State, where nearly 400 women had been murdered between 1993 and 2005 in Ciudad Juárez alone. Many of the perpetrators continued to enjoy impunity and, worse still, the murders were continuing. While both the state and federal Governments had taken some commendable measures to solve past cases and prevent additional murders, many recommendations from international and national monitoring mechanisms had yet to be implemented. She had been informed that some 1,000 women had been killed over a three-year period in another high-risk area for women, along the southern border with Guatemala.

33. In July 2005 she had visited Afghanistan, where murder in the name of honour, tradition and religion, combined with forced and early marriages and domestic violence, continued to create an environment of fear and insecurity for women. According to reports, some 185 women and girls had been killed by family members thus far in 2006. Significant changes in the country's legal and constitutional framework that were beneficial to women had occurred during the past four years. Nevertheless there was an urgent need to protect women and girls from violence in the context of the multiple transitions confronting Afghan society, and two priority tasks in that regard were ending child and forced marriages and providing safe houses for women and girls who escaped from violence and had no other alternatives.

34. At the request of the Government of Algeria, her mission to that country, originally scheduled for January 2006, had had to be postponed to early 2007. She had renewed her request to visit the Democratic Republic of the Congo and had requested to undertake official missions to Ghana and Saudi Arabia in 2007. She had accepted the invitation of the Government of Zimbabwe to visit that country on an official mission.

35. With regard to the situation in Darfur, she was sorry to report that the situation since she had last reported to the Commission on Human Rights in 2005 had not improved. The signing of the Darfur Peace Agreement had not resulted in a decline in the incidence of reported rape or other acts of violence against women. In fact, such violence continued throughout Darfur as militia and rebel factions targeted women who were perceived to support opposing factions as well as women in camps for internally displaced persons.

36. The creation by the Commission on Human Rights in 1994 of a mandate of Special Rapporteur on violence against women, its causes and consequences had been a bold step. That mandate was an invaluable tool in the struggle to combat violence against women and a source of hope for women around the world. As the second person to hold it, she expressed the hope that the Council would build on the Commission's achievements in that area and extend and fully support that mandate.

37. Mr. Loulichki (Morocco) took the Chair.

38. Ms. HUDA (Special Rapporteur on trafficking in persons, especially in women and children), introducing her report (E/CN.4/2006/62), recalled the numerous international activities in which she had participated in fulfilment of her mandate. One of her mandated tasks was to receive complaints of trafficking in persons, on the basis of which she addressed communications to Governments. An analysis of those communications could be found in addendum 1 to her report. Communications transmitted after January 2006 would be dealt with in her next report.

39. The present report was based on an analysis of replies from Governments and NGOs to a questionnaire she had circulated regarding the demand side of trafficking. Within that context she had focused on sex trafficking, in particular the role of the prostitute-user in creating demand. The issue of demand was of crucial importance in addressing trafficking of women and children from a human rights perspective. Demand was also the factor that had received the least attention in anti-trafficking initiatives.

40. Laws and policies that penalized victims of prostitution and trafficking should be condemned, and measures to address demand should ensure that victims of trafficking were not subjected to punitive measures that would render them vulnerable to other human rights violations. The report offered examples of good practices in that regard.

41. While criminalization could have the unwanted effect of pushing prostitution out of sight, legalization gave the appearance of legitimizing human rights abuses. The report considered the use of extraterritorial jurisdiction as a means of discouraging demand, particularly from child-sex tourists. It also drew attention to the drawbacks of legalization of prostitution.

42. She recalled the country visits she had made in 2005 to Bosnia and Herzegovina and to Lebanon, which were discussed in documents E/CN.4/2006/62/Add.2 and Add.3 respectively, and said she looked forward to working with those countries' Governments to follow up on those visits.

43. In the coming year she intended to concentrate her work on the issue of forced marriage, as distinct from arranged marriage, as a serious form of trafficking in persons, and she looked forward to cooperating with Council members, Governments and NGOs on that issue. She also looked forward to a constructive dialogue with the Council regarding all aspects of her work. She hoped that the Council would recognize the Commission's endeavours in that area and would extend and fully support her mandate.

44. Mr. OMER (Observer for Afghanistan) noted that his country was undergoing a period of reconstruction after 23 years of war and 5 years of obscurantism accompanied by international terrorism.

45. The reports of the Special Rapporteur on violence against women showed that the world was still far from attaining the objectives and values Afghanistan had endorsed through its accession to various international instruments. Over the past five years his Government had striven to comply with international human rights standards, including those relating to women's rights, and had incorporated the relevant provisions in domestic legislation. The country's president had been elected from a slate of candidates that had included a woman, and the 249 members of parliament included 70 women. In compliance with article 22 of the Constitution, the Government had pledged to promote the advancement of women and a gender policy. Women's issues were also addressed as priorities in Afghanistan's development policy. The Afghanistan Compact adopted at the international conference in London in February 2006 marked a new stage of cooperation with the international community in the effort to establish lasting peace and stability. As the Special Rapporteur had noted in her report on her mission to Afghanistan (E/CN.4/2006/61/Add.5), the commitments made by the international community were crucial to the establishment of democracy.

46. Afghan women were the first to suffer from the lack of security, poverty and malnutrition, and the maternal mortality rate was high. The erosion of social mechanisms had reinforced the traditional patriarchal system. The forced marriage of girls was common, owing not only to custom but also to extreme poverty and the displacement of the population. Afghanistan was also having to deal with terrorist attacks across its borders which did not spare women or children. However, with the aid of the international community, the North Atlantic Treaty Organization (NATO) and NGOs it was successfully encouraging women to take their place in society, although much remained to be done in the country's rural and backward areas.

47. The first example of the elimination of discrimination against women had been the restoration of their right to education: during the 2006 school year, of an enrolment of 7 million children, 47 per cent had been girls. His delegation welcomed the Special Rapporteur's comments on the situation of Afghan women; the points made in paragraph 78 of her report on her mission to Afghanistan largely complemented the Plan of Action drafted by the Inter-Ministerial Task Force on the Elimination of Violence against Women.

48. Mr. MOAIYERI (Observer for the Islamic Republic of Iran) said he hoped that the visit to his country by the Special Rapporteur on violence against women would contribute to the advancement of women's rights, which could be further strengthened only through a fair and realistic attitude on the part of the international human rights bodies. No country could claim to be perfect, and there was always room for improvement.

49. The unemployment rate for women was indeed high, but unemployment was a national problem that affected men and women alike. It was, however, difficult to understand the allegations that women's political activities were restricted, given the existence of women's NGOs and the participation of women in Parliament and in high-level executive offices.

50. The issue of “honour crimes” had been duly addressed in the reform of the judiciary: the number of cases had fallen sharply, and the Islamic Republic of Iran had become the country least affected by that phenomenon in its region. Early marriage was increasingly viewed as undesirable but remained a concern, especially in remote areas. The Special Rapporteur did not provide any evidence of denial of fair trial in her report; currently all trial proceedings were conducted in the presence of a public prosecutor, the judge and the legal counsel of the accused.

51. No analysis of the situation in any other country that failed to take multiculturalism and diversity into consideration could produce fruitful conclusions. It was in the light of that consideration that the Special Rapporteur’s recommendations would be carefully considered.

52. Mr. MACEDO (Mexico) welcomed the report of the Special Rapporteur on violence against women on her mission to Mexico and noted her acknowledgement of the cooperation she had received from the Government. The Government’s response (E/CN.4/2005/G/5) contained information on the analysis of her recommendations with a view to their implementation.

53. The Mexican Government recognized that discrimination against women persisted, but, as the Special Rapporteur pointed out, significant steps were being taken to promote a culture of human rights for women, even though the results had been modest so far. Various authorities were evaluating the recommendations and refocusing their programmes to combat violence against women. One recommendation on which action had already been taken concerned the establishment under the auspices of the Attorney-General’s Office of a special office to investigate crimes of violence against women; one of its main functions was to coordinate the local investigation of such crimes.

54. The final report of the Special Federal Prosecutor on the murder of women in Ciudad Juárez, which had been issued in February 2006, found that the murders had been committed for many different motives. The Special Prosecutor had established a database of DNA samples and a computerized database and consolidated physical records on the murders committed between 1993 and 2005. A system of geographical and statistical information was close to completion under the auspices of the Juárez Commission.

55. In August 2006 the National Commission for the Development of Indigenous Peoples had introduced a programme to prevent and address domestic and gender-based violence.

56. The Government of Mexico was aware that the campaign to eliminate violence against women in Mexico would have to be sustained over the long term, for altering cultural patterns called for constant efforts and the implementation of public policies designed to change society’s attitudes gradually. The Government was committed to continuing those efforts.

57. Ms. KORUNOVA (Russian Federation) said that in inviting the Special Rapporteur on violence against women to visit the Russian Federation her Government had counted on an objective analysis of the current situation with regard to the exercise by Russian women of their rights. It had furnished all necessary information and facilitated direct contacts with federal and regional authorities and women’s NGOs. It was therefore regrettable to have to note the

politicization and bias of the report of that visit (E/CN.4/2006/61/Add.2), which gave the impression that the Russian Federation had virtually no policies on violence against women. Such an impression must seem strange to anyone acquainted with the actual role played by women in Russian society: there were more women than men in the country's population, and women made up almost half the labour force. It was thus simply absurd to talk about a policy of discrimination and violence against women.

58. Like any other country, the Russian Federation had unsolved problems: instances of crimes of violence could be found everywhere, and there were families in which women and other family members suffered violence. There were no panaceas for solving such problems. The Russian Federation had taken the approach of including the necessary provisions in its general criminal legislation, and the absence of a separate domestic violence act did not mean that it was disregarding the problem.

59. The Special Rapporteur had based her conclusions on information from "alternative" sources. Such an approach was unacceptable, as were recommendations based on unreliable information. The Russian Federation hoped that the Special Rapporteur would accept its observations and that her mandate and methods of work would undergo substantial revision.

60. The Special Rapporteur on trafficking in persons had been right to stress in her report that demand was the main reason for the increased level of trafficking. The first step must therefore be to remove the factors stimulating demand by legalizing prostitution and the sex industry and dealing with the grey areas of the economy which demanded a constant influx of cheap labour unprotected by rights. Severe measures must of course be taken against the criminal groups that were the chief organizers of such illicit trafficking.

61. Her delegation would like to hear the Special Rapporteur's opinion of the idea of pooling the efforts of all the main bodies combating trafficking in persons in a single coordinated task force under the auspices of the United Nations Office on Drugs and Crime. Such a move was a central proposal of a draft resolution on the subject that Belarus intended to submit to the General Assembly at its sixty-first session. The Russian Federation intended to join in sponsoring the draft resolution.

62. Mr. RIZVO (Observer for Bosnia and Herzegovina) thanked the Special Rapporteur on trafficking in persons for acknowledging the cooperation extended to her during her visit to Bosnia and Herzegovina and for stating that the Government was sparing no effort in combating such trafficking. The situation with regard to trafficking had indeed changed substantially since the adoption of the National Plan of Action, and major legislative and institutional changes had been made. However, weaknesses persisted, and the effort to break the trafficking cycle must be continued. Traffickers were in fact adapting their methods in order to frustrate the Government's strategy, which must therefore be constantly reviewed.

63. Combating trafficking would remain a high priority, and further improvements would be made. The Council of Ministers had adopted a new National Plan of Action for 2005-2007

which contained strengthened arrangements in several areas. Many of the Plan's goals had already been achieved and the overall situation had improved: there had been an increase in the numbers of convictions of traffickers since the Special Rapporteur's visit and measures to help victims and witnesses had been introduced.

64. In fact, the current situation entitled his Government to disagree with the Special Rapporteur's assertion that the entire anti-trafficking agenda had been developed by the international community, with Bosnia and Herzegovina playing only a limited role. His Government also disagreed with some parts of the report (E/CN.4/2006/62/Add.2) which contained misunderstandings of legislation and institutional arrangements and mistaken situation analyses. The Special Rapporteur's recommendations were welcome, but some of them failed to take account of the country's difficult political, social and economic circumstances and could not be acted on in the short or medium term.

65. Mr. SOUFAN (Observer for Lebanon) said that his Government had welcomed the visit to Lebanon of the Special Rapporteur on trafficking in persons, for it acknowledged the need to continue to address the issue and intended to do so transparently. It had not taken offence at the "strong words" referred to in paragraph 6 of the report (E/CN.4/2006/62/Add.3). The Ministry of Justice, in particular, was grateful for a report that would be helpful to Lebanon and to the international community, and the Ministry of Labour had helped to clarify the content of many of the paragraphs. The Special Rapporteur had praised the Ministry for establishing special committees in response to some of her concerns.

66. For the sake of clarity, however, his delegation wished to stress a number of points: trafficking in children was not a problem in Lebanon; the root causes of trafficking should be addressed in transit and destination countries as well as in sending countries; and Lebanon's ability to improve its performance depended on the technical assistance received. While the safe houses for abused migrant workers had been described as an "exemplary institution" by the Special Rapporteur, expansion of that initiative would require additional resources. A National Human Rights Action Plan had been adopted by the parliamentary Human Rights Committee. Lastly, the open society and human rights culture referred to in paragraph 2 of the report were deeply rooted in Lebanon's traditions and way of life.

67. The Lebanese Government was grateful to the Special Rapporteur for her constructive criticism and for her assertion that Lebanon's "vibrant civil society" distinguished it in the region.

68. Mr. De Alba (Mexico) resumed the Chair.

69. Mr. ALEINIK (Observer for Belarus) said that his delegation welcomed the intention of the Special Rapporteur on trafficking in persons to give more attention to the question of demand. Despite its importance, the trafficking problem had yet to prompt an adequate response from the international community in practical terms. The Special Rapporteur must be given the necessary support by the Council and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

70. His Government regarded its active involvement in thematic procedures as having significance for the improvement of its domestic law enforcement system and had invited the Special Rapporteur to visit Belarus in the near future. It was hoped that she might use the visit to make recommendations for the expansion of regional cooperation on the problem. An international conference was in fact to be held in Minsk at the end of October on the expansion of cooperation between countries of origin and destination. Belarus welcomed the Special Rapporteur's intention to attend that conference and hoped that its outcome would be reflected in her next report.

71. Mr. CERDA (Argentina) said that the Special Rapporteur on trafficking in persons should certainly continue her work and take up the questions of demand, supervision of legal prostitution and the sex trade in greater detail in her next report. She should also look at best practices in dealing with the problem and interact with the Committee on the Rights of the Child.

72. Ms. DE BELLIS (Uruguay) said that her delegation endorsed many of the points made by the Special Rapporteur on violence against women and noted in particular her thinking on new approaches to the obligation to prevent and compensate. The Special Rapporteur had said that one of the biggest deficiencies in the fulfilment of that obligation was the lack of services such as reception centres; that meant that a woman often had no alternative to living with the man who was abusing her. Furthermore, the services tended to concentrate on short-term assistance, making it difficult for victims to avoid returning to their former lives. She would like the Special Rapporteur to indicate the extent to which the lack of services and financial resources affected the treatment of victims and the role that international assistance might play in that regard.

73. Mr. VARELA QUIROS (Observer for Costa Rica) said that Costa Rica welcomed the frank treatment of a highly sensitive topic by the Special Rapporteur on trafficking in persons. Her delegation was particularly concerned about trafficking in children and endorsed the Special Rapporteur's view that education campaigns were an essential means of combating that problem. In Costa Rica such campaigns were carried out by the child-protection agencies, which encouraged children to report any violation of their rights. His delegation would like to know what measures the Special Rapporteur thought the international community should take to prevent the use of the Internet for disseminating child pornography.

74. Ms. HILL (Observer for New Zealand) said that the Special Rapporteur on violence against women had given a comprehensive answer to the questions raised by the New Zealand delegation two years ago on the concept of due diligence, holding it to be an international human right. Yet States still required guidance on the delivery of due diligence. The Special Rapporteur's advice was an invaluable resource, especially with regard to the forthcoming debate in the General Assembly and the question of how States could use the opportunity afforded by that debate to help prevent violence against women.

75. The report indicated that women with disabilities might be subjected to torture because of behaviour resulting from their disability; such women were in fact all too vulnerable to human rights violations. The Special Rapporteur might assist with the implementation of the new Convention on the Rights of Persons with Disabilities and explore the question of violence

against women with disabilities in her subsequent reporting. New Zealand hoped that the cooperation between States and the Special Rapporteur would continue and that her recommendations would be given careful consideration.

76. Mr. UTRERAS (Observer for Chile) commended the Special Rapporteur on violence against women for her excellent report, which provided valuable insight into the multifaceted nature of violence against women. Eradicating the phenomenon was a common objective but required better compliance with their obligations under international human rights law on the part of States. It was important to ensure that the concept of due diligence was interpreted properly, and he endorsed the Special Rapporteur's call to broaden the scope of that concept to include prevention and reparation. Cultural negotiation should be used in situations of violence rooted in cultural practices.

77. Mr. EGUIGUREN (Observer for Chile) expressed his appreciation to the Special Rapporteur on trafficking in persons for her report. Trafficking in persons was one of the most profitable types of trade, after drugs and arms trafficking. In Chile it was an emerging issue that State and civil society bodies were starting to address. Initiatives had been taken to identify child victims, and NGOs that provided assistance to victims received support. A criminal law which penalized those who exploited child prostitutes had recently been enacted.

78. The report referred to the criminalization of the use of prostitutes in various countries. It would be interesting to know whether the objectives of such laws had been achieved or whether those efforts had been counterproductive.

79. Ms. AJAMAY (Observer for Norway) welcomed the emphasis that the Special Rapporteur on trafficking in persons had placed on sex trafficking in her report, in particular on the role of the prostitution-user in creating demand. There was a fine line between the commercial sex industry and trafficking in human beings. In Norway, the Government had opted to combat prostitution with social measures, but would consider making the use of prostitution services a punishable offence. She agreed that any criminal sanctions imposed against the sex industry should not be applied to victims. She asked the Special Rapporteur to describe her efforts with the Special Rapporteur on the sale of children, child prostitution and child pornography to strengthen the focus on trafficking and the sale of children. Her delegation would also appreciate the Special Rapporteur's views on follow-up to the Secretary-General's Study on Violence against Children, which was to be presented to the General Assembly at its sixty-first session. She believed that the issue of regional cooperation should be addressed in future reports.

80. Ms. NAVES (Brazil) said that her Government had ratified the United Nations Convention against Transnational Organized Crime and two of its Protocols in 2004. During the same year Brazil joined with other countries of the Southern Common Market (MERCOSUR) in launching a public awareness campaign on trafficking in persons. MERCOSUR countries had strengthened border controls to ensure maximum protection for children. The Brazilian Government had also introduced measures to facilitate the access of women and girls to education, health services and the labour market as a means of preventing

prostitution. Brazil endorsed the view that efforts to combat trafficking in women and girls would be successful only if Governments combined judicial and repressive action with social measures.

81. Turning to the question of violence against women, she stressed the need to concentrate more on preventing violence. To that end, Brazil had set up a special secretariat for women that had spearheaded various measures relating to women's rights such as the law on violence against women. That law clearly defined the sanctions to be applied against perpetrators and established prevention measures such as educational and capacity-building campaigns. In addition, police units for the protection of women had been created to receive complaints from victims of violence and to provide protection and psychological assistance.

82. Mr. O'BRIEN (Observer for Australia) said that the report of the Special Rapporteur on violence against women (E/CN.4/2006/61) highlighted the challenges faced by the international community in addressing gender-based violence. The report suggested that the response to the issue of violence against women had been fragmented and treated in isolation from the wider concern for women's rights and equality, as a result of a narrow interpretation and application of human rights law. He invited the Special Rapporteur to provide further details about the two ways in which States could implement the due diligence standard.

83. He drew attention to paragraph 66 of the report, which referred to certain decisions of Australian courts in cases involving violence against women and said that Australia concurred that the judicial response to domestic and community violence and sexual abuse must reflect the seriousness of the crimes, irrespective of customary law or cultural practices. All jurisdictions in the country agreed that their laws should reflect that, and would amend them to that end if necessary. He asked the Special Rapporteur to clarify that the unfortunate comment reflected at the end of paragraph 91 had not been made by an Australian official.

84. Mr. ENDO (Japan) noted that trafficking in persons had become a global threat and called on the international community to cooperate in the implementation anti-trafficking measures. The demand for commercial sexual exploitation was a crucial factor to consider when addressing the problem from a human rights perspective. Accordingly, Japan had amended its Penal Code to ensure that prostitute-users as well as persons involved in trafficking were liable to punishment and had introduced legal measures to grant victims of trafficking in persons special permission to reside in the country. His Government believed that the success of counter-trafficking initiatives was dependent on cooperation between countries of origin and countries of destination, and it had established a joint task force to address the problem.

85. Ms. POHJANHUKKA (Finland), speaking on behalf of the European Union, Bulgaria and Romania, said that the report of the Special Rapporteur on violence against women highlighted the fact that insufficient protection of victims stemmed largely from a lack of adequate protection by the police and judiciary. She wondered whether the Special Rapporteur could provide specific examples of how States could ensure that the rule of law was effectively implemented in that context. She likewise invited her to elaborate on ways in which attempts to control women's sexuality and gender identity could be tackled by the international community.

86. Referring to the Special Rapporteur's mission to Afghanistan, she asked if there had been any follow-up on implementation by the courts, prosecutor's offices and the police of the work plan of the Inter-Ministerial Task Force on the Elimination of Violence against Women. Did she have any information on how the report of the Afghan Independent Human Rights Commission entitled "A call for justice" had been received and whether it had resulted in any action to end impunity?

87. Turning to the report of the Special Rapporteur on trafficking in persons, she welcomed the report's definition of trafficking, which provided a necessary basis for action. She wondered whether the Special Rapporteur could specify the most efficient measures that could be implemented at domestic and international levels to discourage the demand that led to trafficking. Her report made a significant contribution to clarifying the normative basis for combating trafficking, and her suggestions on further ways of developing an effective regional and global normative framework would be welcome.

88. Ms. MUSTAFA (Observer for the Sudan) wondered why the Special Rapporteur on violence against women had focused specifically on Darfur, since gender-based discrimination was observed in many regions of the world. The Special Rapporteur had claimed that her findings were obtained from credible sources. Perhaps she could identify those credible sources and explain why her report had not been communicated to the Government of the Sudan.

89. Her country had demonstrated its commitment to combating violence against women by establishing a new unit to combat violence against women and children within the Ministry of Justice in each of the three Darfur states. A special mission involving various United Nations agencies was currently providing medical and legal follow-up in cases of gender-based violence; eight cases of rape had already been reported in 2006 and the perpetrators had been brought to justice.

90. Mr. CORMIER (Canada) said that the report of the Special Rapporteur on violence against women made a valuable contribution to the efforts to address that problem. The collection of indicators on gender-based violence would provide a concrete tool for addressing the root causes of the phenomenon and would assist in the common prevention effort. He was pleased to note that the Secretary-General's Study on Violence against Children would be released shortly, and he would be interested to learn how her work would relate to that study.

91. Ms. MAGNUS (Observer for Iceland), commenting on the report of the Special Rapporteur on violence against women (E/CN.4/2006/61), agreed that full compliance by States with international human rights law was crucial to combating violence against women. It was very important to sustain national efforts and international cooperation to eradicate such violence, and to keep the issue under constant review and discussion. Non-State actors must also be held accountable for acts of violence. She would welcome further information on "honour crimes", referred to in paragraph 4 of the report: how extensive was the problem, and what possible measures could be taken by the international community to address it? Iceland urged those States that had not acceded to the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol to do so without further delay.

92. Mr. LOULICHKI (Morocco) said that combating violence against women was a complex task requiring the full cooperation of Governments and civil society, including the media, which had an important role to play. The elimination of violence against women was an integral part of the emancipation of women and of their full involvement in public activities. The implementation of the Beijing Declaration and Platform for Action and the achievement of the Millennium Development Goals were essential to that end.

93. To translate its commitments into action, Morocco had taken a number of steps which included: the adoption of a new Family Code establishing de facto equality between men and women in the family and in society; announcement of the royal decision to grant Moroccan citizenship to children born of Moroccan mothers; the establishment of a ministerial department dealing with the family; the criminalization of sexual harassment; the establishment of special units in prosecutors' offices and toll-free helplines for women victims of violence; and the development of NGOs to combat violence, which received active support from the Government. He drew attention in that connection to the importance of partnerships between civil society and the State in eradicating the problem of violence against women.

94. Mr. VIGNY (Switzerland) noted that the Special Rapporteur on violence against women had suggested in her report that the due diligence standard could be used as an effective tool to ensure that States honoured their international obligations by attacking the root causes of violence against women and holding non-State actors responsible for their actions. He wondered whether the Special Rapporteur had observed a growing tendency among States to apply the due diligence standard to strengthen women's fundamental rights and asked what practical steps could be taken to ensure that States did so.

95. With regard to the report of the Special Rapporteur on trafficking in persons, he questioned the desirability of criminalizing prostitution, given that such a step might render sex workers and victims of trafficking even more vulnerable. He asked the Special Rapporteur if she could provide new empirical data and findings to substantiate her assertion that criminalization was an effective means of combating trafficking since it acted as a deterrent. He also wished to know what messages she would recommend for inclusion in the information, education and advocacy campaigns she had suggested.

96. Ms. MAHILUM-WEST (Philippines) agreed with the Special Rapporteur on trafficking in persons that the human rights of victims of trafficking should be upheld and that it would be an injustice to attribute responsibility for trafficking to victims. The Special Rapporteur might wish to include an assessment of the measures implemented to discourage the demand in trafficking in her future reports, with a view to compiling a list of best practices. The Government of the Philippines was pleased to announce that it was holding its first National Anti-Human Trafficking Conference that same day.

97. Mr. JAZAÏRY (Algeria) said that as part of its efforts to promote women's rights, Algeria had amended its Family Code with a view to granting additional rights to divorced women and criminalizing sexual harassment, inter alia. His Government regretted not being able to extend an invitation to the Special Rapporteur on violence against women in 2006, but it

would be glad to receive her at the beginning of 2007. Violence against women was considered a priority issue in Algeria, since women had been particularly subjected to violence during the 1990s, the worst years of terrorism. The Penal Code condemned all forms of violence, including violence against women, both in the home and in society. Penalties were imposed and publicized as much as possible in order to raise public awareness of the issue. Study days were also jointly organized by the authorities and civil society, particularly women's organizations, for the same purpose.

98. Mr. RAHMAN (Bangladesh) pointed out that law enforcement measures had thus far been the main line of approach to combating trafficking in persons. He supported the view of the Special Rapporteur on trafficking in persons that as long as there was a demand for sexual exploitation, trafficking in women and children would continue, no matter how stringent the measures applied in the source or transit countries were. It should be borne in mind that legalization of prostitution in recipient countries would merely fuel the demand side of trafficking. He hoped that the Special Rapporteur would provide the Council with a workable plan of action in her subsequent reports.

99. Mr. NETAYASUPHA (Observer for Thailand) commended the two Special Rapporteurs who had just introduced their reports for their constructive work. His Government attached importance to women's empowerment and the promotion of fair and equal treatment among men and women in society. To address the problem of violence against women the Government was currently drafting an anti-domestic violence act, which should advance women's right in society and in the context of marriage.

100. On the issue of trafficking in persons, he noted that his country had signed the United Nations Convention against Transnational Organized Crime and its protocols. Trafficking in persons was an offence under the Thai Penal Code. Thailand also participated actively in combating the scourge in the wider South-East Asian region. His delegation wished to take the opportunity to invite the Special Rapporteur on trafficking in persons to visit Thailand at the beginning of 2007.

The meeting rose at 1 p.m.