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#### COMMISSION ON HUMAN RIGHTS

Sixty-first session

# SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva, on Monday, 14 March 2005, at 3 p.m.

Chairperson: Mr. WIBISONO (Indonesia)

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# The meeting was called to order at 3 p.m.

# STATEMENT BY THE DEPUTY PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS OF LUXEMBOURG

- 1. <u>Mr. ASSELBORN</u> (Luxembourg), speaking on behalf of the European Union, said that the acceding countries Bulgaria and Romania, the candidate countries Turkey and Croatia, and the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro, and The former Yugoslav Republic of Macedonia aligned themselves with the statement.
- 2. The diplomatic skills, determination and experience of the recently appointed United Nations High Commissioner for Human Rights would provide valuable support for joint action in the Commission to promote respect for human rights worldwide. He reiterated the importance attached by the European Union to equality of the sexes and the rights of women.
- 3. Every day brought new reminders, internationally and in individual societies, of the distance still to be covered in order to attain full application of the Universal Declaration of Human Rights. The European Union, having enshrined respect for human rights in its constituent instruments, applied to its members the same criteria as were used to guide its external action and its dialogue with other countries.
- 4. Respect for individual liberties could never be taken for granted in any country of the Union. Arbitrary, absolutist and base human conduct was liable to resurface even in peaceful and just societies in response to a chance crisis or threat or as a result of laxity in addressing violations of basic human rights. The Union was well aware of its flaws and of the omnipresent danger of xenophobia, racism and intolerance in European societies. Together with its partners in the Council of Europe, it had established an effective and binding human rights framework and was politically committed to its implementation.
- 5. The European Union willingly assumed its burden of responsibility in the Commission by introducing many thematic and country initiatives aimed at promoting universal and individual human rights. As human rights values were shared by humankind as a whole, the Union was duty bound to examine the situation in individual States and to take a firm stand in each case, through even-handed words of caution and discouragement of any tendency towards disrespect for human rights. While worrying situations sometimes left the Union no choice but to censure the most serious violations, it never lost sight of the value of critical and discreet dialogue with those concerned as a strong incentive to improve respect for human rights.
- 6. The European Union was guided by the principle of dynamic effectiveness. Open and direct criticism could prove effective in terms of exposure or deterrence, but there could also be discreet, encouraging and yet critical dialogue. Conversely, such dialogue should never be viewed as laxity or abandonment of the option of open criticism.
- 7. The European Union intended to participate actively in the process of reflection initiated by the report of the Secretary-General's High-level Panel on Threats, Challenges and Change (A/59/565) with a view to enhancing the Commission's potential. The idea of universal

membership of the Commission or, in the longer term, of the establishment of a Human Rights Council was interesting and should be considered in the broader context of United Nations reform. If the promotion of human rights was to become one of the organization's main goals, the Office of the United Nations High Commissioner for Human Rights (OHCHR) should be able to count on the necessary financial resources, as recommended by the Panel. The European Union viewed the idea of an annual report by the OHCHR on the situation of human rights worldwide as a supplementary basis for country-specific resolutions, which would also make it easier to monitor their implementation.

- 8. The Union supported measures aimed at better integration of human rights into the United Nations system, especially into Security Council deliberations. The Panel's report implicitly recognized that human rights violations constituted a major threat to peace and security. The European Union stressed the importance of human rights in prevention-oriented activities and welcomed the Panel's espousal of the principle of responsibility for protection, on the grounds that widespread human rights violations demanded an active response from the international community.
- 9. The weakest groups were always the most vulnerable at times of crisis. The international community had imposed certain limits on the conduct of war. Non-belligerents should not find themselves in a lawless area without protection during an armed conflict.
- 10. Another area in which there was a risk of absolute priority being assigned to security imperatives at the cost of individual freedoms was the fight against terrorism. The global dimension of terrorism was new, affecting even those who thought they were safe from the temptation to violate human rights. Seeking to shirk debate was the wrong option. However abominable terrorist crimes might be, they could not justify any undermining of the rule of law and the Geneva Conventions. Societies based on the rule of law should not take the abject step of seeking to fight evil with evil, since it would deprive them of the moral authority to judge and punish those who committed terrorist acts. Reconciling respect for human rights with action against terrorism called for a broad discussion that did not shy away from the question of the root causes of terrorism. Investigating the causes of terrorism did not imply the adoption of a lax or permissive approach. On the contrary, it was a prerequisite for eradicating the phenomenon.
- 11. The European Union also attached importance to the absolute prohibition of all forms of torture. Its opposition to such abuse allowed of no exception.
- 12. The most irreparable abuse of State power was the practice of lawful killing. The European Union welcomed the global trend towards abolition of capital punishment as an example of voluntary limitation of State sovereignty in the face of individual rights. Europe had learned from experience that universal abolition of the death penalty was a gradual process. It urged all countries to declare a moratorium as the first step towards total abolition, and to abolish capital punishment without delay for persons with mental disabilities or those who were minors at the time of commission of the offence.
- 13. Another European Union priority was support for the International Criminal Court, an institution that had an essential role to play in ending impunity and preventing crimes against humanity. Those who shared the Union's human rights ideals but were reluctant to subscribe

fully to the Court should acknowledge its potential as a deterrent force. The European Union reiterated its call for ratification of the Rome Statute and full respect for its universality and integrity.

- 14. Human rights violations always involved abuse of the weak by the powerful, and children, being the most vulnerable of all, required the greatest protection. Indignation at the flouting of children's rights both in ordinary circumstances and in armed conflicts was not enough. Resolute action in support of the best interests of the child was indispensable.
- 15. In accordance with the principle established by the Vienna Declaration and Programme of Action, human rights were universal, indivisible, interdependent and interrelated, so that equal importance should be attached to civil and political rights, on the one hand, and economic, social and cultural rights, on the other. Extreme poverty and humanitarian disasters could have a devastating impact on stability and the enjoyment of certain fundamental rights. The European Union and its member States accounted for over half of total international development assistance. An effective poverty reduction strategy should, however, also involve democratic participation in decision-making, the rule of law, good governance and respect for human rights.
- 16. European Governments were effectively assisted in their human rights work by civil society and the media. Those who informed, observed and publicized violations, sometimes at the risk of physical harm, deserved respect and support. Obstruction of their work was an impediment to respect for human rights. The European Union welcomed the role played by NGOs in the Commission and would engage in dialogue with them to ensure greater transparency of the activities of member Governments and the Commission.
- 17. As universal values, human rights could be a source of unity rather than discord. Although the Commission was often the scene of heated discussions, few institutions better symbolized the community of interests of all humankind.

### STATEMENT BY THE MINISTER OF JUSTICE OF THE SUDAN

- 18. Mr. OSMAN YASSIN (Sudan) said that the attention paid by the Commission to the situation of human rights in the Sudan was welcomed by his Government as encouragement to redouble its efforts to preserve human rights and create conditions conducive to human security.
- 19. In spite of the exceptional and unfavourable circumstances resulting from civil unrest in southern and western Sudan, and the resultant human sufferings, in 2004 and early 2005, the Sudanese people had managed to lay solid foundations for a durable and lasting peace throughout the country. That achievement was a source of pride for the Sudanese people. Moreover, the African Union, the Intergovernmental Authority on Development as well as the United States and the European Union were to be applauded for their involvement and achievements in bringing about peace.
- 20. In 2004 the Government and the Sudan People's Liberation Movement (SPLA) had agreed on six protocols that had paved the way for the signing of the Comprehensive Peace Agreement on 9 January 2005. That Agreement had ended the longest-running civil war in Africa and had laid the basis for democratic, inclusive, representative and accountable

government in the Sudan. The need for autonomy for southern Sudan and other states in the country had been recognized through the devolution of power and the establishment of appropriate structures. The Agreement also provided for the protection of human rights and fundamental freedoms, the establishment of political parties, reconfirmation of the rights to life, personal liberty, a fair trial and privacy, and the rights of the child. It secured freedom of thought, conscience, religion, expression, assembly, association and movement as well as freedom from discrimination and torture. Those rights would be enshrined in the national interim constitution that would be drafted to replace the existing Constitution.

- 21. The Government had also sought to address the conflict in Darfur in western Sudan, and had signed several humanitarian and ceasefire protocols with the two Darfur rebel movements. It was cooperating fully with the Nigerian Chair of the African Union and the Chadian and African Union mediators to resolve the conflict peacefully. A regional summit and ministerial meetings had been held in the Libyan Arab Jamahiriya, Egypt and Chad and the Government had worked actively with the United Nations to address the humanitarian crisis. A further detailed plan for disarming all armed groups active in Darfur was currently being modified in consultation with the African Union.
- 22. The situation in Darfur continued to be of deep concern to the Government. Although the Security Council had acknowledged the improvement in the situation in early March 2005, the agreements between the parties to the conflict had not yet been fully implemented. The vital role of the African Union had to be preserved and strengthened through financial, logistical and technical assistance.
- 23. The root causes of the Darfur problem could be traced back to competition between groups over scarce natural and economic resources such as water, pasture, and arable and residential land in a society which, notwithstanding its religious harmony, was characterized by tribal and linguistic diversity as well as ties with neighbouring countries. The remoteness of the region, its meagre resources and lack of international aid, coupled with attacks by rebels on police stations, had undermined the law enforcement authorities in the area. As a result, in some parts of Darfur, traditional institutions such as tribes and clans commanded greater loyalty than the State.
- 24. The situation had been exacerbated by the protracted war in southern Sudan, which had diverted financial resources that could have been spent on the country's least developed regions, including Darfur. The war had also contributed to the spread of a culture of violence, encouraging individuals and groups to believe that the easiest way to achieve their political objectives was to take up arms against the State. Armed conflicts in neighbouring countries had also contributed to instability, as armed bands, some from ethnic groups that straddled the frontiers, sought refuge in Darfur. The resulting proliferation of weapons had been difficult to monitor owing to the long and porous borders.
- 25. The Government believed that the Comprehensive Peace Agreement provided a framework for settling the crisis in Darfur. It would base its approach on five principles: a federal system of government; acknowledgement of cultural and social diversity as a factor

contributing to national unity; equitable distribution of national wealth as a means of achieving sustainable and balanced development of the whole country; devolution of power between different levels of government on the basis of an agreed model; and peaceful and democratic rotation of power and free political competition.

- 26. The Government also believed that the internationally recognized improvements in the humanitarian situation in Darfur would be enhanced by the humanitarian protocols signed with the rebel movements, which addressed all aspects of the situation and should be fully respected. The Government reiterated its full commitment to their implementation in order to save the lives of Sudanese people affected by the conflict. The international community should call on the rebel movements in Darfur to implement the protocols and should denounce the targeting by the rebels of humanitarian personnel through intimidation, abduction and murder.
- 27. A major impediment to any improvement in the security situation had been the well-documented failure of the rebel movements to abide by the ceasefire agreement and their refusal to move their forces into specific areas as stipulated by the Ndjamena Agreement and African Union resolutions. The Government had agreed to a further increase in African Union monitors and their protection forces in order to consolidate ceasefire monitoring, assist with confidence-building and maintain calm in the camps of internally displaced persons and refugees to facilitate their voluntary return home. The African Union Summit resolution also required that the rebel forces be cantoned.
- 28. The Government further believed that implementing and consolidating the federal system of government in the northern states would provide a solution for the Darfur conflict by ensuring that states had their own constitutions that did not contravene the federal Constitution, as well as their own elected state governors and legislative assemblies.
- 29. The release of the reports of the National Commission of Inquiry and the International Commission of Inquiry on Darfur had been an important development. The former report had taken over eight months to produce while the latter had taken three. The drafters of the international report had drawn attention to the time constraints they had had to contend with, which had obviously had an adverse effect on the Commission's work and findings. However, the two reports agreed on four points: that there had been no genocide in Darfur; that serious human rights violations had nevertheless been committed; that the victims of the violations had to be compensated; and that impunity should not be tolerated.
- 30. On the release of the findings of the National Commission, the Government had immediately established three senior commissions to identify and prosecute those guilty of human rights violations, to compensate war victims and to examine the issue of tribal boundaries in Darfur. The methodology of the National Commission and its conclusions were more to the point, in legal terms, than those of the International Commission. The omissions on the part of the Government to which the National Commission referred had yet to be established and investigated.
- 31. The establishment by presidential decree of the National Commission in May 2004, five months before the establishment of the International Commission, testified to the seriousness with which the Government had sought to address the issue of human rights violations in Darfur. It strongly disagreed, however, with the International Commission's assertion that the Sudanese

judicial system was unable and unwilling to prosecute those suspected of involvement in crimes. The legal system had continued to operate despite rebel attempts to undermine law and order in the region through systematic attacks on judges and policemen. Almost 700 policemen had been murdered in Darfur and more than 80 police stations had been destroyed. The Sudanese legal system was derived from two major universal systems and had a history of efficiency and independence that guaranteed its ability and willingness to adjudicate on the issues placed before it. International human rights and humanitarian instruments to which the Sudan was a party were part and parcel of national law.

- 32. Systematic attacks by rebel movements in Darfur had often resulted in the suspension of international humanitarian work, preventing food and medicine from reaching hundreds of thousands of people in need. Those criminal acts of terrorism and wanton violence had been condemned by the United Nations, the African Union and the humanitarian aid community but had not been adequately addressed in the report. The Government, on the other hand, had spared no effort to provide humanitarian agencies with access to all parts of Darfur, an "open door" policy that had been widely recognized.
- 33. The Sudan fully supported plans to reform the Commission on Human Rights to make it more representative, democratic and transparent. The African Group, the Organization of the Islamic Conference and the Non-Aligned Movement had expressed similar if not identical views. In particular, it was agreed that country-specific resolutions had been characterized by selectivity and politicization. Premeditated plans to "name and shame" had resulted in the subordination of fundamental rights such as the right to development to other rights that were more easy to politicize. He was encouraged in that regard by the recent statement of the High Commissioner for Human Rights to the African Group that the right to development should be given the priority it deserved.
- 34. His Government's resolve to seek peaceful and negotiated settlements to situations causing human rights violations had been demonstrated by the signing of the Comprehensive Peace Agreement. It hoped for a helping hand in that regard. Unmeasured, uneven and unbalanced pressure and signals had exacerbated the already volatile situation in Darfur. The Vice-President of the Sudan and the leader of the SPLA, the architects of the Agreement, had both appealed to the international community, in statements to the Security Council in February 2004, to bear in mind that a Government of national unity would lead the country during the interim period. Any undue pressure on that Government would reduce its ability to implement the Agreement, which would in turn deprive the Sudanese people of the benefits of peace. Peace in the Sudan needed a positive environment in which to take root.

# STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SWITZERLAND

35. Ms. CALMY-REY (Switzerland) said that on a visit to Darfur she had witnessed the extent to which inaction was conducive to ongoing and intolerable violations of human rights and international humanitarian law. Since then, notwithstanding the recent peace agreements between the parties, the situation on the ground had remained serious and, as recommended in the report of the International Commission of Inquiry, should now be referred to the International Criminal Court.

- 36. At the sixtieth session of the Commission, Switzerland had sponsored an initiative aimed at drawing attention to serious human rights violations and breaches of international humanitarian law in Nepal. One year later, despite pledges to the contrary, abuses by all parties to the conflict had increased, especially since the declaration of a state of emergency on 1 February 2005. Switzerland, in close collaboration with the international community and in consultation with the Nepalese Government, would again bring the situation in Nepal to the attention of the Commission at the current session.
- 37. More than three and a half years after the attacks of 11 September 2001, a large number of people were still being held in extrajudicial or arbitrary detention in places of detention throughout the world, in breach of international human rights norms and in total disregard of repeated calls for collaboration or dialogue with the United Nations special procedures.
- 38. The devastating tsunami of 26 December 2004 in South-East Asia had generated a welcome movement of international solidarity. The disaster attested to the validity and relevance of the Guiding Principles on Internal Displacement and the need to put them into practice in order to ensure respect for the basic rights of displaced persons.
- 39. The examples just mentioned had not been chosen in order to lay blame arbitrarily for a particular conflict or worrying situation. Her purpose had been to question whether the international community had access to the resources it needed to take effective action against the most serious violations of international human rights norms. Unfortunately, despite best efforts and goodwill, the means available were still inadequate.
- 40. Switzerland had therefore decided to give high priority to reform of the United Nations human rights system in the context of the recent report of the High-level Panel on Threats, Challenges and Change and the United Nations Millennium Project's report on implementation of the Millennium Development Goals. In the short term, it would focus on revitalizing the Commission. For instance, countries standing for membership of the Commission might, on a voluntary basis, list their specific commitments on behalf of human rights, during the high-level segment or in an information note to the Commission. If it was felt that the imposition of criteria for membership of the Commission might prove counterproductive, declarations of good intent should nevertheless be put into practice. Being a member of the Commission meant, above all, assuming certain responsibilities in respect of human rights, both nationally and internationally.
- 41. The High Commissioner should also publish a report on the situation of human rights worldwide. Switzerland was currently preparing a country-by-country compilation based on official United Nations sources that might serve as the basis for such a report.
- 42. Switzerland actively supported an increase in the appropriation for human rights in the regular budget of the United Nations. The current appropriation of 1.7 per cent was wholly inadequate.
- 43. In the longer term, Switzerland supported the idea of creating a Human Rights Council on an equal footing with the Security Council or the Economic and Social Council, so that the institutional status of human rights would correspond to their political importance for

international peace and security throughout the year. The Security Council would do well to request a regular report from the High Commissioner on the implementation of its resolutions pertaining to human rights. Moreover, it should prohibit the exercise of the veto in situations that might result or had already resulted in serious violations of human rights and international humanitarian law, particularly genocide, war crimes or crimes against humanity.

- 44. Once the Secretary-General's report on United Nations reform was published, Switzerland wished to continue discussions with interested partners on the best way of implementing the report's recommendations, especially those relating to human rights. It was essential that the proposals did not remain a dead letter but were discussed in a constructive spirit and put into practice.
- 45. The human rights observer missions of the High Commissioner's Office to crisis areas required very careful preparation and the members needed to have expertise in human rights and a special understanding of the context, culture and customs of the country in question. The Office should create a pool of professionally trained human rights observers. Switzerland was prepared to contribute actively to such a project.
- 46. One year previously, Switzerland had launched the initiative of bringing together women ministers attending the Commission in order to give increased visibility to the recurrent problem of violence against women throughout the world both in peacetime and in time of war. It was time to break the silence on the issue and to change the prevailing attitude of indifference and fatalism. The informal women's network was a fertile ground for exchanges of views on policies and for furthering joint action such as that taken by South Africa and Switzerland in support of the Special Rapporteur on Women's Rights of the African Commission on Human and Peoples' Rights. She hoped for more practical initiatives of that kind.
- 47. The network of women ministers, organized by Sweden in 2005, had decided to focus on the fight against trafficking in women and girls. In the area of prevention, Switzerland supported awareness campaigns for potential victims, for instance through their representative missions abroad. Switzerland was also giving increased attention to structural factors such as poverty and the absence of economic opportunities, which were often the root causes of discrimination against and trafficking of women. In development cooperation, it was promoting women's access to resources and supporting income-generating projects on behalf of young women who were potential trafficking victims.
- 48. Another area of action was human rights awareness-raising and training for civil and military personnel on mission for international organizations. Switzerland stressed the need to ensure strict respect for international humanitarian and human rights norms and obligations, and severely condemned abuses such as sexual exploitation and all forms of trafficking perpetrated during such missions. Switzerland had initiated, in the context of the Partnership for Peace, the development of training modules for international peace mission personnel, which she was sure would be of interest to organizations including the United Nations.
- 49. Violence and rape perpetrated against women and girls often served as weapons in armed conflicts to spread political terror, to break a community's resistance or to reward combatants, regardless of the resulting spread of disease, especially HIV/AIDS. While many victims suffered isolation and shame, their torturers enjoyed total impunity. While international justice could

punish those who bore the greatest responsibility for such tragedies, impunity at all levels of responsibility should also be fought at the national level as a precondition for rebuilding the social fabric and consolidating peace.

- 50. Although it was difficult to introduce new themes in the Commission such as non-discrimination on grounds of sexual orientation, Switzerland intended to work actively in a number of highly important areas during the session because of the growing tendency to undermine international human rights norms. Any erosion of legal and moral support for the principles underlying basic human rights was unacceptable. Every Government and Parliament had a responsibility to ensure that such rights were protected. For instance, it was inadmissible for Governments or political figures to contemplate cases in which torture could be authorized by law. Such signals were deeply worrying and should be unreservedly condemned.
- 51. On a more positive note, she welcomed the progress achieved by the Commission in certain thematic areas, for instance the greater attention given to economic, social and cultural rights, the private sector's responsibility for human rights, reflection on the links between human rights and the environment, the prevention of genocide, the protection of human rights in the fight against terrorism, the fight against impunity and human trafficking. Switzerland supported the creation of new special procedures for the protection of minority rights and respect for human rights in the fight against terrorism.
- 52. Switzerland would submit a draft resolution to the Commission on human rights and transitional justice, the main objective being to identify key conditions for the promotion and protection of human rights and for strengthening the role of the High Commissioner's Office in the context of United Nations activities in societies in transition. To ensure that the initiative secured broad support in the Commission, Switzerland would seek dialogue and consultation with members.

# STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF MALAYSIA

- 53. <u>DATO' SERI SYED HAMID ALBAR</u> (Malaysia), congratulating the High Commissioner for Human Rights, Ms. Louise Arbor, on her appointment, expressed his country's resolve to further the cause of the Commission on Human Rights during its current session.
- 54. In spite of significant economic, social, scientific and technological advancement, poverty, violence and disease continued to prevail in many parts of the world. In addition to traditional obstacles to the effective and universal implementation of human rights, new challenges had emerged in the context of the fight against international terrorism and new theatres of conflict. Growing inequalities dampened the prospects for achieving the Millennium Development Goals in many countries. Social progress, improved standards of living and the enjoyment of fundamental freedoms for all required a global partnership that promoted universal acceptance and implementation of internationally agreed human rights standards. While it was

the primary responsibility of States to promote and protect the human rights of their citizens, the international community and civil society organizations should contribute to strengthening States' capacity by providing resources and technical support.

- 55. His Government supported international efforts to reform the human rights machinery. Such a process should be guided by the principles enshrined in the relevant international instruments and take account of the interests, concerns and priorities of developing countries. While the report of the High-level Panel on Threats, Challenges and Change constituted a useful tool in such efforts, it was regrettable that the document failed to address the factors that contributed to existing culture and attitudes vis-à-vis human rights issues. Also, measures to improve the situation with regard to health and socio-economic prospects in developing countries had not been granted due attention.
- 56. The erosion of the credibility and professionalism of the Commission was a consequence of double standards, selectivity and hidden political agendas exercised in addressing human rights issues. An expansion to universal membership, as proposed by the Panel, was unlikely to address that problem and would have repercussions on, inter alia, the Commission's status in relation to other United Nations bodies that had not been considered.
- 57. The creation of an independent council or panel to organize the work of the Commission was unnecessary and his delegation would welcome further information on the impact of such a body on the work of the Sub-Commission on the Promotion and Protection of Human Rights and existing special mechanisms.
- 58. An annual report on the situation of human rights worldwide would need to be objective, fair and well-substantiated, taking into account the wide range of existing human rights perspectives and country-specific characteristics.
- 59. It was desirable for the High Commissioner for Human Rights to continue reporting to the United Nations General Assembly; however, in cases of breaches of international peace and security that involved serious violations of human rights, such as genocide, reporting to the United Nations Security Council could be envisaged.
- 60. His Government was concerned that the implementation of the Panel's recommendations might diminish the role of national governments. While the increased attention accorded to human rights issues worldwide was commendable, certain States exploited the issue to pursue their own political agenda. It was therefore essential to adopt a comprehensive and innovative approach to human rights protection. Technical cooperation and assistance, especially in the areas of national capacity-building and human rights education, were likely to be more effective than the adoption of country-specific resolutions under agenda item 9, and both OHCHR and national Governments had an important role to play in building partnerships.
- 61. He appealed to the Commission to take concrete action that would result in the realization of the human rights of the Palestinian people, including their right to self-determination. All parties to the peace process should remain committed to working towards a two-State solution as envisaged in the Road Map.

62. A comprehensive approach to human rights also required respect for religious values, and he urged the Commission to take a firm stand against the increasing defamation of Islam and the profiling of Muslims. In Malaysia, the protection of human rights went hand in hand with the promotion of racial harmony and equitable socio-economic development, taking into account both individual rights and the well-being of society as a whole. As a result, his country had made considerable progress towards the achievement of the Millennium Development Goals.

#### STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF BELGIUM

- 63. Mr. de GUCHT (Belgium), after welcoming the new High Commissioner for Human Rights, expressed his delegation's full support for the statement made by the representative of Luxembourg on behalf of the European Union, in particular with regard to the death penalty, the fight against terrorism, the rights of women and children, the prohibition of all forms of torture and the protection of civilians in armed conflicts.
- 64. His Government endorsed the recommendations contained in the report of the High-level Panel on Threats, Challenges and Change to improve the integration of a human rights perspective into the work of all United Nations bodies, thus making human rights a vital element in efforts to meet the challenges currently facing the international community. Such a strategy could best be implemented through credible and efficient institutions, and the application of internationally agreed standards should be made a priority. The Commission on Human Rights was the main international human rights body and one of the principal pillars of the United Nations system. The envisaged reforms must therefore seek to strengthen the institution; endow it with a status and structure that enabled it to discharge its mandate fully; and ensure the allocation of sufficient and predictable financial resources through the United Nations regular budget. There was a choice to be made between universalization of the Commission and respect for clear human rights commitments as a condition for participating in the Commission's work.
- 65. His Government supported the establishment of a closer link between the Office of the High Commissioner and the Security Council. Increased cooperation between United Nations bodies would enhance the integration of a human rights perspective into all of the Organization's activities.
- 66. The Panel's recommendations concerning the emerging norm of an international responsibility to intervene to protect civilians, and the possibility of using force, should also be applied to situations involving widespread human rights violations or imminent, large-scale threats to human life. Preventing serious human rights violations, especially crimes against humanity and genocide, must be the United Nations' first priority. The appointment of a Special Adviser on the Prevention of Genocide and the High Commissioner's decision to establish an early warning unit were important steps, and his Government intended to contribute to the financing of that unit.
- 67. The fight against impunity was crucial to post-conflict reconstruction. By establishing the International Criminal Court, the international community had endowed itself with an appropriate legal instrument to try and punish the most serious of crimes, including the crimes against humanity identified by the International Commission of Inquiry on Darfur.

- 68. The High Commissioner's Office played an important role in strengthening States' capacity to protect human rights and fundamental freedoms at the national level by assisting in the establishment of democratic institutions and an independent and effective judiciary.
- 69. Belgium recognized the role of regional organizations in the protection of human rights at the global level and had prepared a relevant draft resolution. It also participated actively in the activities of, inter alia, the Council of Europe and the Organization for Security and Cooperation in Europe aimed at strengthening human rights protection. Respect for human rights and fundamental freedoms was enshrined in the Constitution of the European Union, which had established an effective and binding legal framework for enforcing that principle.

# STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS AND WORSHIP OF COSTA RICA

- 70. Mr. VINICIO VARGAS (Costa Rica) expressed his country's solidarity with the people of Indonesia and other States suffering from the consequences of the natural disaster of December 2004.
- 71. The promotion and protection of human rights were receiving increasing recognition as the responsibility of contemporary societies and States. Important developments in the area of human rights included the adoption of international legal instruments and the overall improvement of the human rights situation worldwide. However, persistent large-scale human rights violations, inequalities, hunger and disease, as well as newly emerging challenges posed by the spread of organized crime and terrorism, were hampering attempts to place mankind at the centre of development efforts.
- 72. That situation required an international response and urgent reforms were needed to enhance the effectiveness of the relevant policies and institutions. The Commission on Human Rights, as one of the main pillars of the structure for international human rights protection, was at the heart of efforts to reform the United Nations system. In both the reforms to be undertaken and the human rights debate in general, precedence must be given to the modern concept of human security over the traditional notion of State security. The principles of human security and respect for human rights were closely related, and strengthening the United Nations' capacity to promote and protect human rights was crucial to conflict prevention. Human security must be a constituent element of any response to threats to international peace and security.
- 73. The conclusions of the High-level Panel on Threats, Challenges and Change provided a valuable opportunity to reflect on ways of increasing the legitimacy and effectiveness of the Commission's activities. A move to universal membership could potentially undermine the institution's operational capacities and effectiveness. Instead, it might be useful to consider the establishment of selection criteria to ensure transparency and the moral authority of Commission members. He drew the Commission's attention to a proposal made by Costa Rica in the Rio Group that contemplated a system of voluntary adherence to binding human rights criteria designed to encourage those countries that aspired to becoming members of the Commission to commit to a number of pre-established application requirements.

- 74. An annual report on the situation of human rights worldwide would be a useful analytical tool that could provide guidance to States in identifying needs and setting policy priorities.
- 75. The protection of the environment as an element of sustainable development was closely linked to the implementation of human rights. His delegation had prepared a draft resolution that urged States to recognize that important link.
- 76. His Government welcomed the proclamation by the General Assembly of a World Programme for Human Rights Education; human rights education was a lifelong process and one of the pillars of human coexistence.
- 77. His Government also supported the draft "Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law". That document could be useful in the implementation of other human rights instruments and help consolidate the human rights protection system.
- 78. He was hopeful that work on the draft international convention on the protection of all persons from enforced disappearance would progress with a view to its adoption during the next session of the Commission.

### STATEMENT BY THE MINSTER FOR FOREIGN AFFAIRS OF PERU

- 79. Mr. RODRÍGUEZ-CUADROS (Peru) said that no other organ of the United Nations ought to have greater legitimacy and authority than the Commission on Human Rights, yet the High-level Panel on Threats, Challenges and Change had discovered serious defects in the way it functioned, which were impairing its effectiveness. The greatest achievement of the United Nations had been to secure universal recognition of human rights through the adoption of the conventions and standards which made up international human rights law. As the beneficiaries of those efforts were the actual and potential victims of human rights abuses throughout the world, it was essential to completely reform the Commission, so that its protective mechanisms had a real impact and so that States had a genuine incentive to honour their human rights obligations. At the same time, any reform should be based on an intergovernmental model of protection not only permitting promotion of human rights, but also allowing States to safeguard their national interests without outside political interference.
- 80. In his opinion, the root cause of the Commission's current difficulties was the initial decision taken when the Commission had first been set up in 1946 that its members should be States chosen on the basis of equitable geographical distribution, rather than independent experts; a Commission comprising Government representatives would always find it hard to maintain the requisite impartiality. He therefore suggested that the new Commission should consist of 53 independent experts in human rights law. Forty of them should be elected by the General Assembly of the United Nations and 13 should be appointed on the basis of equitable geographical representation by the Office of the High Commissioner for Human Rights after consultation with Member States and NGOs.

- 81. The new Commission should have standard-setting duties. It should draft international legal instruments designed to extend human rights protection, which should be presented to the appropriate United Nations organs for approval. Its worldwide protective and supervisory functions should cover civil, political, economic, social and cultural rights. It should be competent to receive communications and complaints of human rights violations occurring anywhere in the world from victims, their families, NGOs or States. If those communications or complaints proved to be well founded they should give rise to Commission resolutions and recommendations. The Commission should be empowered to adopt preventive measures, but if complaints related to matters coming within the jurisdiction of treaty monitoring bodies, they should be referred to the latter so as to avoid duplication of effort.
- 82. The reformed Commission should publicly debate the human rights situation in individual countries. In the event of serious or repeated violations of human rights, the Commission could demand the restoration of the rights which had been infringed and the cessation of abuses. In order to monitor the situation, it could send observer missions to the State in question, or it could appoint a Special Rapporteur. Similarly, it could set up working groups or appoint special representatives to investigate particular themes. The human rights situation in countries should be kept under review by means of an annual report on the situation of human rights worldwide, which would be prepared by OHCHR and discussed and approved by the experts on the Commission. The latter should also advise and coordinate peacekeeping missions set up by the Security Council.
- 83. The new body's methods of work should be streamlined. It should hold a regular, three-month session every year, but it could convene special sessions if massive human rights violations warranted such action. All sessions could be attended by observers from States, NGOs, regional human rights organizations and national protection mechanisms. If a resolution on the human rights situation in a given country were to be adopted, representatives of that country should be allowed to present the case for the defence, or to explain government action to halt the violations in question.
- 84. His proposals were aimed at eliminating political interference in the supervision of human rights and ensuring that any decisions adopted by the Commission would be motivated solely by a desire to secure the real enjoyment of human rights and protect victims of human rights abuses. The overall reform of the United Nations should make sure that the security system was predicated on the values of peace and respect for the freedom and dignity of human beings through the inclusion of a human rights component, because, as Antonio Cassese had once observed, human rights were the modern world's attempt to introduce reason into history.
- 85. Lastly, recalling the earlier reference by the High Commissioner for Human Rights to the importance of justice for the restoration of peace in societies once riven by human rights violations, he urged the Government of Japan to extradite Alberto Fujimori, former President of Peru, so that he could stand trial for his alleged involvement in torture, forced disappearances, summary executions and acts of corruption. Peru was a democratic State governed by the rule of law, where a fair trial and due process were guaranteed.

#### STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF KYRGYZSTAN

- 86. Mr. AITMATOV (Kyrgyzstan) said that the Commission's work laid the foundations for fruitful international cooperation to promote the global human rights agenda. The protection of human rights and basic freedoms was, however, currently being undermined by the tendency of some States to interpret international law in such a way as to further their own geo-strategic interests, by conflicts where racial and gender discrimination was frequent and by a number of other factors destabilizing regional and world security. He concurred with the Secretary-General that, despite the acute danger posed by international terrorism, it should not be fought at the expense of basic values or freedom of religion. His country therefore supported the creation of the position of a Special Rapporteur who would examine the compatibility of anti-terrorist measures with international human rights standards.
- 87. Since the struggle against all forms of intolerance was inseparable from the strict observance of existing human rights law, his country was striving to adhere to the universal principles enshrined in United Nations conventions and protocols. Hence it was gradually developing a comprehensive human rights protection structure in keeping with the norms of international law. To that end, it had introduced a Democratic Code, it had set up a Council for Democratic Security and it had amended the Constitution so as to provide better protection of human rights and fundamental freedoms. It was also committed to the promotion of human rights in the sphere of inter-ethnic relations. A national strategy was being implemented with a view to heightening the effectiveness of human rights activities. The appointment of an ombudsman had also contributed to the promotion and protection of human rights.
- 88. Furthermore, the Government of his country was endeavouring to provide a propitious environment for the continued development of political rights and freedoms. A plethora of political parties and NGOs benefited from genuine freedom of speech and freedom of the press. An independent printing house had been founded to train journalists in accordance with international standards. Special attention was paid to freedom of religion. The judicial, legal and prison systems were being reformed and the education system was being improved so as to increase citizens' knowledge and respect for the law. A moratorium on the death penalty had been introduced and abolition of capital punishment was under discussion.
- 89. While his country attached paramount importance to cooperation with international organizations and welcomed fair and objective criticism of its human rights record, it could not accept subjective approaches which ignored its particular socio-political, cultural and historical features. Double standards and unilateral attempts to impose democracy from outside were counterproductive. Democracy had to grow within a society. For that reason, his Government fully supported the implementation of a four-year regional project aimed at enhancing public comprehension of human rights issues in Central Asia and it was always ready to hold a dialogue with the Commission and its special procedure mechanisms. In countries where democratic institutions had not yet struck deep roots and where legal awareness was poor, human rights violations would still inevitably occur and those countries therefore needed the help of the Commission if they were going to overcome such obstacles to a truly democratic, law-abiding society.

- 90. The recent elections in Kyrgyzstan, which had been conducted in a transparent, fair and democratic manner, marked the transition from a presidential to a presidential-parliamentary system and had coincided with the Paris Club's decision to write off 60 per cent of the country's bilateral debt. That gesture was evidence of the international community's support for the country's ongoing democratic and economic reforms.
- 91. Turning to the debate on the reform of the United Nations, he agreed with the proposal to designate eminent human rights experts as heads of delegations to the Commission. Members of the advisory council or panel should be chosen in accordance with the principle of equitable geographical representation. It would also be advisable to review the methods of appointing members of the council, their functions and their terms of reference.
- 92. Lastly, he reaffirmed his Government's commitment to its human rights obligations and to cooperation with the High Commissioner's Office, as well as its determination to remain on the path towards greater democracy.

#### STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF CANADA

- 93. Mr. PETTIGREW (Canada) said that conflicts, terrorism and the commission of crimes against humanity marred recent progress towards more democracy and greater protection for human rights. In the Middle East, although the promise of peace might herald more constructive action on human rights, the Islamic Republic of Iran had failed to honour many of its international obligations with respect to human rights. It was therefore high time that serious human rights violations in that country stopped.
- 94. The Summit of Heads of State and Government, which would meet on the occasion of the sixtieth anniversary of the founding of the United Nations, would afford an unprecedented opportunity to reform the multilateral system to heighten its effectiveness and to enhance its capacity to meet current challenges. His Government, which was still in favour of a strong multilateral system, planned to participate actively in the discussion of United Nations reform. It believed that such a system should promote the development of standards, monitor respect for human rights worldwide, foster constructive dialogue, support the strengthening of Member States' capacities to promote and protect human rights, and intervene to protect vulnerable populations. It should be flexible enough to fight gender discrimination, ensure respect for human rights in the battle against terrorism, and combat torture, racism and suppression of opinion.
- 95. For that purpose, a coherent plan should be drawn up to make sure that safeguarding human rights became an integral part of all United Nations activities, since the situation in Darfur had highlighted the links between conflicts and human rights. Universal membership might help to restore the Commission's credibility, because it would give all Member States an opportunity to make a positive contribution to the protection of human rights.
- 96. The Commission's methods of work should be improved and it might be advisable to hold several, possibly shorter, sessions during the year. If serious human rights violations occurred in specific situations, the Commission must respond with more than general

prescriptions. "No action" motions, which were still used to stall debates on country resolutions, were an abuse of the rules of procedure. To encourage a culture of transparency and accountability, it might be appropriate for the Commission to consider, over time, the human rights situation in each Member State.

- 97. OHCHR must be provided with more funding from the United Nations regular budget so that it could pursue its activities in various key areas. Special procedures, treaty monitoring bodies and technical and operational assistance should likewise be improved.
- 98. Canada would support all measures to ensure better integration of human rights into the work of the United Nations and strengthen human rights structures. The effectiveness of such measures would depend on the international community's will and capacity to respond quickly and effectively to crisis situations where serious violations of human rights were committed. Responsibility to provide protection should be the foundation for the reform of the United Nations system, and Canada welcomed the recommendations of the High-level Panel in that regard. The 2005 United Nations Summit declaration should recognize sovereignty as a responsibility, which included not only rights but also obligations, particularly in respect of civilian protection. It was imperative for the United Nations Security Council to negotiate and adopt a resolution that embodied the guidelines on the use of force recommended by the High-level Panel. The implementation of reforms depended on support from all States Members of the United Nations, in particular the members of the Commission on Human Rights. Canada was committed to fulfilling its responsibilities, notably by participating actively in the dialogue on reform, increasing its financial support to OHCHR, and making a significant contribution to the work of the Commission.
- 99. Combating impunity through national and international institutions such as the International Criminal Court was a priority for Canada. Justice and reconciliation within societies emerging from conflict could only be achieved by establishing accountability for human rights violations. The Commission should welcome the updated Set of Principles on impunity, and must support the High Commissioner in assisting States and United Nations bodies to protect the victims of human rights violations. The draft declaration on the rights of indigenous people was a priority for Canada, and it was to be hoped that a strong and effective declaration would be produced in 2005. The promotion of women's rights and gender equality was at the core of the Government's foreign policy. All States must respect the universal and indivisible nature of women's rights. For the past 11 years Canada had been proud to sponsor a Commission resolution on violence against women.
- 100. All Member States must ensure the implementation of international norms, and to that end must collaborate fully with the multilateral human rights system. His Government was committed to fulfilling its responsibilities both to its own citizens and to the international community. Canada was a State party to many international human rights instruments, and respected its reporting obligations towards treaty monitoring bodies. The Government reiterated its open invitation for visits from the special procedure mechanisms of the Commission. The recent visit of the Special Rapporteur on racism had been an opportunity for the Government to

reaffirm its commitment to combating racial discrimination and pursuing its efforts to develop a national plan of action against racism. The visit of the Special Rapporteur on indigenous peoples had been a positive contribution to Canada's efforts to improve the lives of its indigenous communities. His Government was committed to maintaining an open and constructive dialogue with Canadian civil society on all human rights issues.

101. Over the past 20 years, since the entry into force of section 15 of the Canadian Charter of Rights and Freedoms relating to non-discrimination, Canada had moved towards an era of equality. Equal treatment for all, combined with the accommodation of differences, had become a part of the Canadian identity of which the Government was proud.

#### STATEMENT BY THE DEPUTY PRIME MINISTER OF SPAIN

- 102. Ms. FERNÁNDEZ de la VEGA (Spain) said that one year had passed since the terrorist attack in Madrid, and on 11 March 2005, Spain had paid tribute to the victims of that terrible event. Despite the considerable suffering involved, Spanish society had demonstrated political and moral maturity in not allowing the attack to threaten its democratic values or legal norms. The Government believed that terrorism could only be combated effectively through respect for human rights.
- 103. The sixtieth anniversary of the creation of the United Nations was an opportunity to reflect on the international community's achievements. Over the past 60 years, a binding legal framework for the protection and promotion of human rights had been adopted, which had influenced the lives of people in all corners of the world. The work of OHCHR was fundamental to the universal protection of human rights. While the proposals of the High-level Panel for the reform of the Commission on Human Rights, including its universalization, were interesting, Spain did not consider that they went far enough. The Government believed that the role of the High Commissioner's Office and the system for the promotion of universal respect for human rights must be strengthened. Spain offered the High Commissioner its full support in her efforts for a comprehensive overhaul of the system.
- 104. Civil society efforts must be recognized, and tribute must be paid to the individuals and bodies working to defend human rights. Spain was determined to remain at the forefront of human rights protection, a commitment that had been reaffirmed by Prime Minister Zapatero to the United Nations General Assembly and the recent Madrid Summit on terrorism.
- 105. Spanish society had placed great trust in the new Government, which was committed to tolerance and the pursuit of equality. Spain was party to almost all the international human rights instruments, and submitted to the scrutiny of the treaty monitoring bodies. The Government collaborated effectively with all of the Commission's special procedure mechanisms, had increased its financial support to OHCHR, in particular to the Voluntary Fund for Victims of Torture, and supported the initiatives for legislative development that were being taken by the Commission in regard to disappearances, indigenous people's rights, economic, social and cultural rights and the rights of the disabled. A framework agreement had recently been adopted and signed between the Government of Spain and the United Nations Development Fund for Women (UNIFEM). The Government counted on collaboration with civil society, in particular through NGOs, which served as mouthpieces for all those committed to human rights protection.

- 106. The new Government gave priority to combating all forms of discrimination and based its policies on equality and affirmative action. Decisive action had been taken on gender equality, and the Government aimed to achieve parity in all public policies and social sectors. In December 2004, an organic law on combating gender violence had entered into force in Spain, which was the first of its type in Europe. The law combined decisive civil and criminal measures with others designed to prevent violence before it occurred. On 8 March 2005, International Women's Day, the Government had launched 53 measures for the promotion of gender equality, and important steps had been taken to eliminate discrimination based on sexual orientation. Priority was also given to regulating immigration and legalizing immigrants, with due attention being given to the importance of immigration in the social, cultural and economic development of Spain and Europe and at the same time to the need to combat trafficking in persons.
- 107. The city of Córdoba would be hosting the forthcoming Organization for Security and Co-operation in Europe (OSCE) Conference on Anti-Semitism and Other Forms of Intolerance. The Government was also working to increase the enjoyment of economic, social and cultural rights, particularly by improving the health service and access to housing, expanding the right to free education, upholding cultural diversity and protecting the environment. A national plan of action on human rights was currently being drafted. Spain had signed the Optional Protocol to the Convention against Torture, which was expected to be ratified in the near future. The Government hoped that the United Nations Economic and Social Council would demonstrate confidence in Spain by accepting its candidacy for membership of the Commission on Human Rights for the period 2007-2009.
- 108. The Commission must give priority to the issue of the protection of human rights in the fight against terrorism. Terrorism constituted a serious threat to international society, and the attacks in New York, Istanbul, Bali, Madrid, Beslan and many cities in the Middle East had aimed to deprive thousands of people of their fundamental human rights, beginning with the right to life. The Commission must condemn terrorist acts as serious violations of human rights, and must strive to make the victims of such acts aware of international support and solidarity. Spain welcomed the first report of the independent expert on terrorism, which contained several important ideas and proposals, notably for the appointment of a Special Rapporteur on terrorism and human rights. Suffering victims and future generations looked to the international community for substantive progress towards the goal of the effective universal enjoyment of human rights: it must not let them down.

#### STATEMENT BY THE SECRETARY OF STATE FOR FOREIGN AFFAIRS OF FRANCE

- 109. Mr. MUSELIER (France) said that he had recently visited Jakarta and witnessed the devastation caused by the tsunami. France fully supported the efforts made by the Government of Indonesia to rebuild the country's infrastructure and address humanitarian problems.
- 110. The United Nations had a vital role to play in respect of massive violations of human rights that occurred all over the world, and must exercise its responsibility for protecting victims. The Commission on Human Rights and the High Commissioner's Office must alert the international community to covert and overt violations, which bore the seeds of future conflicts.

There had been many failures to prevent serious crises in the past, and in the face of recent atrocities, too, the international community's reaction had been hesitant. The situation in the Sudan had not even been discussed at the latest session of the General Assembly, and the perpetrators of human rights violations in the Sudan had not been brought before the International Criminal Court established specifically to deal with such situations. Other disturbing situations in such countries as North Korea, Burma and Belarus were not being dealt with effectively, while convincing action was called for in Nepal and Uzbekistan. The Commission possessed a number of useful tools including the international human rights instruments, the universal ratification and effective implementation of which must be ensured. Respect for the law must be the determining factor in all cases, including the legitimate fight against terrorism. It was imperative for all States to cooperate fully with the Commission's special procedures.

- 111. Prevention, warning and monitoring capacities must be strengthened and aid to vulnerable States and those emerging from crisis situations must be increased in order to strengthen the rule of law and prevent human rights violations. The reform of the United Nations was of particular importance. The forthcoming United Nations Summit in New York and the next General Assembly must address the fact that existing international instruments no longer met all contemporary requirements. Decisive measures must be taken, based on responsibility and collective will to defend human rights and peace.
- 112. France supported the idea of enlarging the Commission on Human Rights to include all States Members of the United Nations, since human rights issues were of universal concern. Such a reform must not, however, undermine the role of the General Assembly or that of NGOs. Discussion on the details of such a reform was therefore necessary. OHCHR had a vital role to play in crisis prevention, and France had increased by 20 per cent its voluntary contribution to the Office, including for projects to assist indigenous peoples, victims of torture and victims of contemporary forms of slavery. OHCHR funding should be increased in order to give the High Commissioner the means necessary to fulfil her mandate. Moreover, an annual report on the human rights situation worldwide would be particularly useful. Other United Nations bodies must commit themselves: the Security Council had a clear role to play in Haiti, Côte d'Ivoire and Darfur. Reform of the United Nations system was essential, in the human rights field as in others.
- 113. During the current session of the Commission, his Government would espouse its positions based on the pre-eminence of law, the universality of human rights and the indivisibility of civil, political, economic, social and cultural rights. Despite the existence of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Transnational Organized Crime and its Protocol on trafficking in persons, especially women and children, the development of contemporary technologies and transport had led to increased exploitation of women. States must take measures to rectify that situation, by strengthening international cooperation.
- 114. Enforced disappearances occurred all over the world, notably in countries in conflict situations, and were a particular threat to human rights defenders. France called on all States to work towards the swift adoption of a universal convention for the protection of all persons against enforced disappearances. In addition, his Government fully supported all measures to combat impunity, in particular the Set of Principles on impunity that had been drafted under the

aegis of the Commission and constituted a useful guide to all countries that were emerging from crisis situations. Moreover, France and its partners in the European Union were continuing to campaign actively for the universal abolition of the death penalty.

115. Although progress had been made in respect of human rights protection, the international community must be vigilant and must not slip back by, for instance, allowing security concerns to undermine the prohibition of torture in all circumstances. France paid particular attention to all manifestations of religious intolerance, anti-Semitism and racial discrimination. Extreme poverty affected all societies, particularly developing countries, and France was making particular efforts to address that problem and reconcile human rights, democracy and development. Poverty and underdevelopment were major obstacles to fundamental freedoms, and the fight to protect human rights must be accompanied by substantial aid for development. All States must recognize the universality of human rights, and take measures to promote global tolerance and mutual respect. France hoped that across the world the pre-eminence of law would be acknowledged and would become the basis for the structure of all democracies.

# Statement in exercise of the right of reply

116. Mr. ARAI (Japan), replying to the statement made by the Minister for Foreign Affairs of Peru, said that his Government agreed that punishment for serious crimes should be meted out appropriately. The Japanese Government was considering carefully the request for the extradition of former Peruvian President Mr. Fujimori, and had requested further information from the Peruvian Government.

The meeting rose at 5.55 p.m.