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COMMISSION ON HUMAN RIGHTS

Sixty-first session

SUMMARY RECORD OF THE 54th MEETING

Held at the Palais des Nations, Geneva,  
on Monday, 18 April 2005, at 3 p.m.

Chairperson: Mr. WIBISONO (Indonesia)

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- (b) HUMAN RIGHTS DEFENDERS

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The meeting was called to order at 3.05 p.m.

PROMOTION AND PROTECTION OF HUMAN RIGHTS:

- (a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS
- (b) HUMAN RIGHTS DEFENDERS
- (c) INFORMATION AND EDUCATION
- (d) SCIENCE AND ENVIRONMENT

(agenda item 17) (continued) (E/CN.4/2005/46, 92-100, 101 and Add.1, Add.2 and Add.3 and Corr.1, 102 and Add.1, 103 and 133; E/CN.4/2005/G/1 and 25; E/CN.4/2005/NGO/6, 15, 27, 53, 70, 89, 96, 99, 114, 119, 122, 127, 133, 135, 151, 167, 178-179, 190, 226, 236-237, 247, 265, 272, 275, 284, 287, 290 and 322; E/CN.4/Sub.2/2004/43; E/2005/3)

1. Ms. EADDY (National Coalition to Abolish the Death Penalty) said that her organization welcomed the fact that an increasing number of States had abolished, imposed moratoriums on or limited the use of the death penalty. The prohibition of the juvenile death penalty by the United States Supreme Court in March 2005 was particularly significant. While she was hopeful that the death penalty would soon be abolished as a form of legal punishment worldwide, she was particularly concerned that death sentences continued to be handed down to people suffering from mental illness in the United States. In June 2002, the United States Supreme Court had banned the execution of people with mental retardation, since the practice constituted cruel and unusual punishment. That protection did not, however, extend to persons with mental illnesses.

2. While a further United States Supreme Court decision had banned the execution of persons who did not understand the reason for or the reality of their punishment, that prohibition did not protect the vast majority of people on death row who suffered from mental illness, and even the minimal protection afforded by that decision had been undermined. At least one federal court had allowed for a death row inmate to be medicated, in order to be deemed “sane” for execution. It was estimated that 5 to 10 per cent of inmates on death row in the United States had a serious form of mental illness. The depression and suicidal tendencies that often plagued those suffering from serious mental illness meant that offenders who were sentenced to death might not challenge their convictions. A considerable proportion of those executed over the past 30 years had been volunteers, who had waived their appeals, approximately 80 per cent of whom had shown evidence of mental illness.

3. Her organization considered that the continued use of the death penalty in the United States constituted a clear violation of human rights, and therefore urged the Commission to reaffirm its calls for the immediate abolition of the death penalty, to pay particular attention to the application of the death penalty to those who suffered from mental disabilities, to strongly urge Member States to implement the recommendations of the Secretary-General on capital punishment, and to adopt the draft resolution on the question of the death penalty.

4. Ms. ADRIANASOLO (International Young Catholic Students) said that public awareness-raising and education activities in human rights were particularly important, since a large number of people were unfamiliar with their human rights, despite the fact that the majority of conflicts in the world stemmed from violations of those rights. Human rights education was imperative for building a fair world, with peace and development. Although considerable efforts had been made in that regard by the United Nations Secretary-General, the Office of the United Nations High Commissioner for Human Rights (OHCHR), States, NGOs and civil society, much remained to be done. Her organization requested the Commission to pay particular attention to education programmes for young people and particularly young people's organizations. States Members of the United Nations should introduce human rights education programmes into school curricula, which must take account of the social and cultural backgrounds of the students. The United Nations should collaborate with Member States, NGOs and the media, in order to promote publications and local radio programmes on human rights issues, particularly in developing countries where there was limited access to new information and communications technologies. Training courses in human rights issues should be available to students at all stages of education. The United Nations must pay particular attention to publishing documents on human rights issues that were based on social reality, rather than on theory, and should develop targeted programmes for particular social groups, such as youth and students, workers, employers, journalists, and persons working in agriculture.

5. Mr. ANTHONY (Asian Legal Resource Centre) said that on 12 March 2004, Somchai Neelaphaijit, a human rights lawyer, had disappeared, pulled from his car in Bangkok, allegedly by five police officers, and had not been seen since. He had been defending clients who had suffered extremely brutal torture at the hands of the police in southern Thailand, and had gone to Bangkok to put their case before senior authorities. His wife had sought information on his whereabouts, and despite the wishes of the public prosecutor she had become the co-plaintiff in a criminal case against the five accused men. She had also inspired the relatives of hundreds of others who had disappeared in southern Thailand. No authorities had contacted her regarding their investigations, since all information was said to be confidential. She had been informed that a high-level government official had been responsible for her husband's abduction, but she had never received any clear information on that issue. She had recently met the deputy director of the Forensic Science Institute, who had informed her that useful evidence had been found in the abandoned car, but the investigating police had failed to cooperate with the forensics department. She doubted the intentions of the authorities, and wondered how justice could be obtained in Thailand. Her husband had been motivated to fight injustice, and had never been reluctant to assist a victim of abuse. Her children were aware that their father's work had led to his abduction, but were proud that he had fought for justice. Her family had been deeply wounded by her husband's disappearance, and had little hope for genuine cooperation from the Thai authorities.

6. The Asian Legal Resource Centre strongly urged the Government of Thailand to resolve the case of Mr. Neelaphaijit's disappearance, and to hold the perpetrators accountable, in order that other human rights defenders in Thailand were protected against suffering the same fate. The Government must introduce a law to criminalize forced disappearances, in accordance with international standards, without delay.

7. Mr. LITTMAN (World Union for Progressive Judaism) said that in 2003, the International Committee of the Red Cross (ICRC) had held a conference on missing persons for governmental and non-governmental experts, with a view to responding to the needs of families that had lost contact with their loved ones, and raising that concern on the agendas of Governments, the United Nations and NGOs. In response to a request for questions put forward by the President of the Islamic Republic of Iran following his lecture on inter-religious dialogue and international relations at the Commission of the Churches on International Affairs, the World Union for Progressive Judaism had submitted a communication requesting information on the whereabouts of 12 Iranian Jews, aged 15 to 45, who had disappeared on their way to the border with Pakistan. A member of the Iranian Parliament had recently informed Iranian reporters that he knew of 10 non-Muslims who were being detained incommunicado in Iranian prisons. The communication had requested the President's assurance that an investigation would take place into the whereabouts of the 12 missing Jews, and had emphasized that the request was a humanitarian appeal, unconnected with politics. To date, no response had been received from the Iranian President.

8. The World Union for Progressive Judaism called on the Government of the Islamic Republic of Iran to observe the international human rights norms set out in the International Covenants, and to end the long silence on the subject of the 12 missing Jews, who had been secretly held in detention for over a decade. Efforts should be made to release the prisoners, who had been detained without trial.

9. Ms. GERSHANIK (Permanent Assembly for Human Rights), expressing support for the report of the independent expert on impunity (E/CN.4/2005/102), urged the Commission to adopt the updated Set of Principles for the protection and promotion of human rights through action to combat impunity. Impunity was conducive to human rights violations such as enforced disappearances, torture, discrimination and genocide, and all branches of government should be fully committed to bringing violators to justice.

10. While condemning terrorism, she expressed concern at the practical implications of the global counter-terrorism campaign, which in some cases condoned selective killing, the establishment of secret detention centres, covert exchanges of prisoners among countries, cruel, inhuman and degrading treatment, refusal to provide family members with information regarding detainees, and denial of access for detainees to defence counsel. The Commission should oppose such violations of international human rights norms.

11. A definition of terrorism and aggression was required. Some countries sought to brand as terrorism the activities of human rights defenders and social movements on behalf of marginalized groups. In Argentina, for example, NGO and trade union activists had been prosecuted or detained. In that connection, she welcomed the mandate assigned to the independent expert on the question of the protection of human rights and fundamental freedoms while countering terrorism.

12. She trusted that adequate human and material resources would be appropriated for the first phase of the World Programme for Human Rights Education, which would focus on primary and secondary education.

13. Mr. MALEZER (Foundation for Aboriginal and Islander Research Action) said that in 1998, native title laws had been changed in Australia, in order that the Government could re-appoint or dismiss the Aboriginal organizations responsible for defending indigenous titles to land. Consequently, two of the bodies had been decommissioned, and the remaining organizations had suffered budgetary cutbacks and had been intimidated, in an effort to reduce indigenous rights advocacy. The Aboriginal and Torres Strait Islander Commission (ATSIC) had been abolished and its budget transferred to the Government. ATSIC had played a key role in the negotiation of native title laws, and had been highly successful in negotiating with the Australian Parliament on any likely changes to government statutes on the rights of indigenous peoples. ATSIC had also participated in many United Nations forums.

14. His foundation was concerned about the abolition of ATSIC, and in particular about the manipulation of the ATSIC grants programme, which had led to widespread job losses in community organizations and public services. All other critics of the Government's racist policies and practices were suffering similar treatment to ATSIC. The Aboriginal legal services were being forced to operate as mainstream services, and criticisms of the Government ran the risk of funding cuts. The Australian Government was imposing a rigid and authoritative model of administration over Aboriginal people. There was no room in the Government's policies for a rights-based agenda. Advocates of human rights had been, and continued to be, ignored in favour of an elitist and racist view of Aboriginal peoples and indigenous rights. The Special Representative of the Secretary-General on human rights defenders should investigate the policies and practices of the Government of Australia, and their impact on defenders of indigenous and land rights. The Government should issue an open invitation to all of the Commission's special thematic procedures.

15. Ms. VAN DE BOEG (General Arab Women Federation), speaking on behalf of 40 NGOs, called on the Commission to look urgently into the situation of human rights in Iraq. Although reports of grave violations of human rights and humanitarian law committed in Iraq since the military invasion and occupation of the country in March 2003 had shocked people across the world, the Commission had remained silent on the issue, and had terminated the mandate of the Special Rapporteur on the situation of human rights in Iraq, which remained without any international scrutiny. The Commission must take the necessary steps to ensure the protection of the Iraqi people, and must at least re-establish the position of Special Rapporteur on the situation of human rights in Iraq, with a mandate to investigate and report on all human rights and humanitarian law violations.

16. Mr. CANO (Agir ensemble pour les droits de l'homme) expressed concern at the deteriorating human rights situation in Colombia, especially attacks on civilians. He called on the Government to protect civilians and to investigate all allegations, particularly those involving public officials.

17. In February and March 2005, violence had been unleashed against the community of San José in the context of demobilization of paramilitary groups in the Uraba region and continuing impunity for the General who had been largely responsible for the massacres committed in 1995 and 1996.

18. Community leaders, human rights defenders and trade unionists in many parts of the country had recently been subjected to harassment, detention and even killings. He himself had

witnessed a massacre of young people in Medellín by paramilitary forces accompanied by uniformed police in October 2002. He had been beaten, shot and left for dead. Complaints had been filed with the Ombudsman in December 2002 and some of the pits in which the victims were buried had been found. However, the perpetrators of the massacre had not been identified or brought to justice, and the presence of members of the armed forces and the police had never been admitted. The Commission should call on the Government to take steps to identify and prosecute those responsible.

19. He urged the Colombian Government and all armed groups to comply with the recommendations of the United Nations High Commissioner for Human Rights regarding respect for human rights and international humanitarian law.

20. Mr. FERNANDO (Asian Forum for Human Rights and Development) said that little had been done by Asian Governments to implement the Declaration on Human Rights Defenders at the national level, as a result of which many defenders were still unable to enjoy the rights and protection enshrined in that Declaration and other human rights instruments. Asian Governments imposed increasing restrictions on the work of human rights defenders through domestic legislation. Slow and expensive bureaucratic procedures had been introduced for the acquisition of legal status by NGOs.

21. His organization was alarmed by the level of impunity for those responsible for the assassinations, disappearances, intimidation, threats and obstruction of which human rights defenders were the victims. The case of Somchai Neelaphaijit, the human rights lawyer who had disappeared in Thailand, remained unsolved, as did the case of the murder of the Indonesian human rights defender Munir. The relatives of defenders had expressed fears of reprisals for their efforts to seek justice, and they continued to be intimidated in apparent attempts to coerce defenders to give up their work. Particular attention should be paid to the commissioners and staff of national human rights institutions in Asia, who often faced restrictions to their work and threats. A member of the Nepalese Human Rights Commission had been prevented from travelling outside the capital to conduct a fact-finding mission. Two members of the Thai National Human Rights Commission and members of their families had received death threats, and Sri Lankan police officers had assaulted officers of the Sri Lankan Commission.

22. There were also increasing threats against defenders by non-State actors, and defenders in conflict areas continued to face difficulties. It was particularly important to recognize the special contribution of women, lesbian, gay, bisexual and transgender human rights defenders, and attention must be paid to the specific challenges they faced owing to their gender and sexuality, and the specific human rights they defended. Specific attention should be paid to Dalit human rights defenders, Burmese defenders in Thailand and Bhutanese defenders in Nepal and students who defended human rights, since there was a lack of special protection mechanisms for those particular groups. His organization was concerned that some United Nations agencies remained unable or unwilling to protect and support human rights defenders. All States must implement the Declaration on Human Rights Defenders, and should hold accountable and bring to justice the perpetrators of violations of their human rights.

23. Mr. MURHOLA (Collectif des Organisations des Jeunes Solidaires du Congo-Kinshasa) said that an end must be brought to the variety of problems faced by human rights defenders in countries in situations of crisis and with unstable political systems, such as the Democratic

Republic of the Congo. Over the past year, the people of that country had looked on, helpless, as the rights of human rights defenders had been violated. He listed the names of a number of human rights defenders who, since the previous session of the Commission, had been abducted, held in arbitrary and illegal detention, arrested and tortured, killed through improper health care or refused adequate health care after torture and left with serious injuries. The Commission must take measures to ensure that all States implemented the Declaration on Human Rights Defenders.

24. Ms. KIM (MINBYUN - Lawyers for a Democratic Society and People's Solidarity for Participatory Democracy) said that counter-terrorism measures introduced since 11 September 2001 had led to the serious deterioration of the human rights situation in many countries in Asia. Particular attention should be paid to the situation in the Republic of Korea. The Korean Government had attempted to pass several anti-terrorism bills, all of which had been abandoned due to concerns raised by related government ministries and opposition from civil society organizations. A major reason for the opposition was that the proposed bills provided for the extended power of the National Intelligence Agency, which had committed a pattern of serious human rights violations, including the torture of political suspects under the national security law. The proposed bill on the prevention of terrorism contained a clearly unconstitutional provision on the mobilization of military personnel for the purpose of peace and order operations, and contained vague definitions of terrorism, terrorist acts and public and national security. The Government had recently established a new anti-terrorism directive, which amended the Presidential Order No. 47, and also empowered the National Intelligence Agency to mobilize and coordinate all government organizations in the name of counter-terrorism, in the absence of proven threats of terrorism. Her organization urged the Government of the Republic of Korea to end attempts to enact the proposed anti-terrorism legislation and to rescind the Presidential Order, and to thoroughly review and correct all laws and practices relating to security and counter-terrorism in accordance with international human rights obligations. The Commission must recognize that there were significant gaps in United Nations monitoring of national counter-terrorism measures. The relevant Special Rapporteurs should be requested to pay specific attention to the impact of national security legislation on the full enjoyment of human rights in Asia.

25. Mr. ACEBAL (Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos - Spain) said that, since Spain's ratification of the Optional Protocol to the International Covenant on Civil and Political Rights in 1985, the Human Rights Committee had found human rights violations by Spain in nine Views on individual petitions. Five of the Views concerned article 14.5 of the Covenant regarding the right to judicial review by a higher tribunal. The Spanish State had not, however, taken the necessary steps or introduced the necessary legal reforms to ensure full enjoyment of Covenant rights. Moreover, the Supreme Court had stated that Committee findings did not constitute sufficient grounds to require the Spanish State to amend its procedural legislation.

26. Nor did Spain have a procedure to enforce judgements of the European Court of Human Rights. Both the Ombudsman and political parties had tabled bills aimed at implementing the decisions of human rights monitoring bodies, but the bills had been rejected owing to majority opposition by the then ruling party. The present Government had undertaken, in statements to the judicial authorities and the media, to carry out reforms. The Commission



should therefore urge the Spanish Government to take legal steps, as a matter of urgency, to give effect to the Views of the Human Rights Committee and to provide compensation for victims of human rights violations.

Statements in exercise of the right of reply

27. Ms. FORERO UCROS (Observer for Colombia) said that detentions in Colombia were undertaken by the Office of the Attorney-General, with the assistance of the police, on the basis of an investigation and due process of law. There was provision for controls such as habeas corpus, and in cases where testimony, statements and intelligence work were found to be flawed, the prosecutor immediately ordered a criminal or disciplinary investigation.

28. The Presidential Human Rights Programme provided for continuous dialogue between the Government and both national and regional organizations of human rights defenders. At the national level, such meetings, totaling 60 hours in 2004, were chaired by the Vice-President of the Republic and senior officials responsible for specific issues. The President himself had also met twice with NGOs.

29. It was unacceptable and irresponsible to link the unfortunate deaths of trade unionists in Colombia with alleged Government repression. The Government's action to prevent violence was reflected in a 55 per cent decline in the number of workers killed between 2001 and 2003 and a further decline of 38 per cent in 2004. The annual budget appropriation for the Protection Programme for victims of threats and intimidation, including trade unionists, had been increased by 45 per cent.

30. It was irresponsible to claim that human rights defenders were victims of State-authorized paramilitary groups. There was no institutional link between the illegal self-defence groups and the armed forces. Such allegations ignored the historical and social background of those groups, which enjoyed military and financial autonomy, and the State's action against all illegal armed groups.

31. It was wrong to allege that the Government had proposed a legal framework that guaranteed impunity for paramilitary groups. The President had recently reaffirmed that crimes against humanity had never been and never would be treated as political offences in Colombia.

**EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS:**

- (a) TREATY BODIES
- (b) NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS
- (c) ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS

(agenda item 18) (E/CN.4/2005/5, 104-109 and 133; E/CN.4/2005/NI/1-3; E/CN.4/2005/NGO/1, 7, 54-55, 100, 121, 221, 291 and 311; E/CN.4/2005/CRP.2; A/59/299)

32. Mr. LOUTFY (Egypt) said that the Egyptian Government had sought to promote joint action with civil society by establishing independent specialized bodies, such as the National

Council for Maternity and Childhood and the National Council for Women, which developed strategies to protect the rights of vulnerable groups. The National Human Rights Council established in 2003 was also an independent body that operated in accordance with the Principles relating to the status and functioning of national institutions for protection and promotion of human rights (Paris Principles). The law establishing the Council stipulated that its purpose was to promote awareness of and respect for human rights by drawing up a national human rights action plan; making proposals and recommendations to competent bodies; receiving complaints and referring them to the appropriate authority; monitoring implementation of international human rights instruments and making relevant comments and recommendations; cooperating with national and international human rights bodies; and promoting a human rights culture in cooperation, inter alia, with educational institutions and the media.

33. The Council, chaired by former United Nations Secretary-General Boutros Boutros-Ghali and composed of 26 members with expertise in human rights, had started work in 2004. It had published its first report on the human rights situation in Egypt a few days previously, putting forward a number of recommendations for improvements. The Government had established a Committee composed of representatives of the Ministries of Foreign Affairs, Internal Affairs and Justice, the Public Prosecutor's Office and the National Human Rights Council to study the recommendations and refer them to the appropriate authorities for implementation. The Committee also looked into complaints referred to it by the Council.

34. The lower house of Parliament had also established a human rights committee to draft bills aimed at promoting human rights, and the establishment of a similar committee in the upper house was being considered. Human rights units had been established in the Ministries of Foreign Affairs, Internal Affairs and Justice and the Public Prosecutor's Office. The Government also cooperated with the NGOs operating in Egypt, of which there were currently some 17,000.

35. Mr. NIRK (Observer for Estonia), speaking also on behalf of Denmark, Finland, Iceland, Latvia, Lithuania, Norway and Sweden, said that national human rights institutions, established in accordance with the Paris Principles, were crucial national-level actors for the promotion and protection of human rights, and should have an opportunity to contribute to the work of the Commission. Information provided by such institutions on a wide range of national particularities and practical experiences of the implementation or non-implementation of human rights norms would contribute significantly to the Commission's work on national implementation, and would thus enhance the Commission's efficiency.

36. The implementation of international human rights standards was often a more complex issue for States than their original adoption of those standards. The work of the treaty monitoring bodies was vital to the efficient and transparent implementation of the human rights treaties. Since the number of States parties to the treaties was constantly increasing, so was the burden on the treaty monitoring bodies. States parties must therefore make an effort to submit their periodic reports on time. Treaty-body funding should be increased. The monitoring bodies must be made more effective, and the reporting process for States parties must be streamlined. In that regard, his delegation welcomed the introduction of the expanded common core

document, which would simplify procedures for preparing periodic reports and would help to reduce the backlog of work faced by treaty bodies. Care must be taken to ensure that the guidelines for the common core document were not expanded in such a way as to exceed the capabilities of States parties. The work of treaty bodies should be further harmonized. Reports submitted by States parties should be considered without delay, to ensure that the information they contained was up to date. His delegation welcomed the new trend of addressing lists of issues to States parties before the presentation of the periodic report, since the procedure focused the discussions during meetings and helped States to better prepare themselves before the presentation of their reports. OHCHR measures to follow up the treaty bodies' conclusions and recommendations, and to provide technical assistance to Governments for drafting their periodic reports, were welcome.

37. Mr. HU Bin (China) said that over the past 60 years, the United Nations human rights mechanisms had undergone developments and improvements, and had made major contributions to the promotion and protection of human rights. However, they still faced serious challenges. The credibility of the Commission and plans for its reform had become popular topics of discussion in recent years. China believed that the principal point of reform was to move away from the politicization of the Commission's work and return to the principle of international cooperation.

38. OHCHR played an important role in assisting States in the promotion and protection of human rights, and the role of the Office should be further strengthened. However, any additional resources provided to the Office should not be to the detriment of the United Nations budget for development. Measures must be taken to address the issue of unequal geographical distribution of OHCHR staff. In 2004, the Secretary-General had launched an initiative to promote coordinated actions by the United Nations inter-agency country team for the promotion and protection of human rights at the country level. His Government believed that the focus of that country team must be to provide assistance to the country in question and that the initiative should not have a negative impact on development objectives and programmes. Full consideration must be given to the economic and social conditions and historical and cultural traditions of different regions and countries.

39. The human rights treaty bodies contributed to the efforts made by States parties to fulfil their treaty obligations. His delegation had participated actively in the consultation process on the harmonized guidelines on reporting, and hoped that the opinions of all States parties would be fully respected, in order to ensure that the reform would result in a simplified procedure. Little if any progress had resulted from the reform of the Commission's special mechanisms. Many problems still existed in the appointment of mandate-holders. He encouraged all delegations to make preliminary comments on the working paper that had been submitted by the Asian Group. His delegation hoped that the current session of the Commission would see a basic consensus on the promotion of the reform process for special mechanisms.

40. Mr. BARREIROS (Paraguay), speaking on behalf of the States members of the Common Market of the South (MERCOSUR) and associated States, said that States should promote regional and subregional human rights mechanisms to back up the international human rights system and to supplement national human rights bodies. Representative and pluralist democracy based on the rule of law was the best guarantee of the full enjoyment not only of civil and political rights but also of economic, social and cultural rights.

41. Regional and subregional agreements also laid the basis for constructive dialogue and the development of joint integrated human rights strategies. For example, the 1991 Asunción Treaty, which had started out as an economic and trade agreement, had been gradually expanded to include other instruments with a political and social dimension, culminating with Decision No. 18/98 establishing the MERCOSUR Political Consultation and Coordination Forum. Ministers of Education, Justice, Culture, Internal Affairs and Social Development coordinated their policies through the Forum. An ad hoc human rights body had held regular meetings from 2000 to 2004 on legislative reform, best practices, implementation of decisions by international human rights bodies, joint positions in international forums such as the Commission, and regional candidacies. In 2004, by Decision 40/04, the Common Market Council had established the Meeting of High-level Human Rights Authorities and Ministries of Foreign Affairs, which would be convened for the first time in May 2005 to discuss, inter alia, human trafficking, rights of the child, implementation of international norms and decisions by international bodies, and the right to the truth. The meeting would also promote dialogue between MERCOSUR, the specialized agencies of the United Nations and the Organization of American States (OAS), and civil society.

42. Mr. VASSYLENKO (Ukraine) expressed support for measures aimed at strengthening the United Nations machinery for the promotion and protection of human rights. Priority should be given to ensuring that existing instruments were implemented more effectively. Where States manifestly failed to meet their human rights commitments to their own citizens, the international community had a duty to take remedial action.

43. The Secretary-General's report "In larger freedom: towards development, security and human rights for all" (A/59/2005) was a good starting point for dealing with global challenges. Ukraine particularly welcomed the measures aimed at expediting progress towards achieving the Millennium Development Goals (MDGs).

44. The establishment of a human rights council would demonstrate the increased importance that was being attached to human rights in the United Nations and could raise the standard of debate on human rights issues. However, the mandate and membership of the proposed council and its relationship with other United Nations bodies required careful consideration.

45. He supported the idea of integration of human rights issues throughout the United Nations system. In particular, he welcomed the recommendation that the High Commissioner for Human Rights should be involved more actively in Security Council deliberations. As human rights violations presented a major threat to international peace and security, it was important to underline the need for preventive action to protect human rights.

46. Ukraine saw merit in the idea of a report on the human rights situation in the world by OHCHR. Any such report should cover every country without exception.

47. Ms. ABREU DE POLANCO (Dominican Republic) said that the Dominican Republic had established an Inter-Agency Commission for Human Rights by Executive Decree 408-04 on 5 May 2004, a body based on the Paris Principles. In establishing that Commission, account had been taken of the Dominican Republic's obligations under the international human rights treaties that it had ratified and incorporated in its domestic legislation.

48. The Commission was chaired by the Secretary of State for Foreign Affairs and composed of representatives of the different ministries responsible for implementing international human rights instruments and of civil society. It would assist and support the State in all matters pertaining to human rights through recommendations to the executive and through the submission of periodic reports to human rights treaty bodies.

49. Mr. MEYER (Canada), speaking also on behalf of Australia, New Zealand and Norway, said that the Commission's special procedures, the treaty bodies and national institutions were the core mechanisms for the implementation of human rights. National institutions were independent bodies that promoted awareness of and respect for human rights, provided a forum for complaints of discrimination and reported on major human rights issues. Internationally, they assisted in the development of human rights principles, good governance and human rights capacity-building. Their contribution to the work of the Commission should also be enhanced.

50. The special procedures were vital to efforts to advance human rights internationally, and there was a growing consensus in favour of cooperation to strengthen their effectiveness. Larger reform discussions should not overlook the need for long-term strengthening of the Commission's existing mechanisms. In his 2002 report "Strengthening of the United Nations: an agenda for further change" (A/57/387), the Secretary-General had highlighted in "Action 4" the need to review the special procedures and made recommendations on enhancing their effectiveness. He had recognized the challenges posed by the exponential growth in their number; the lack of ground rules for their operation; the need to improve the quality of their reports and analyses; the inadequacy of their resources; and the need for greater secretariat support. As key stakeholders, Canada, Australia, New Zealand and Norway believed that the OHCHR secretariat should play a central role in enhancing the effectiveness of the special procedures and would welcome an update by the High Commissioner on the implementation of Action 4.

51. The report of the Intersessional Open-Ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112) must serve as a starting point for such action. Special procedure mandate-holders needed to conduct country missions, to request information and to ensure that their recommendations were followed up. States also needed to look constructively at how to assist mandate-holders in their work. Moreover, the special procedures should look critically and constructively at their own working methods. Their forthcoming annual meeting was an important forum for dialogue among mandate-holders, sharing of best practices, ideas for innovation and reform, and suggestions for harmonization of working methods. The plan for an informal dialogue with States at the meeting was a welcome development. The voice of civil society should also be heard. All interested stakeholders must be involved in a constructive exchange of views: Member States, OHCHR, other United Nations bodies and NGOs.

52. With regard to reform of the treaty bodies, there was still some way to go to ensure their effective functioning. However, efforts by the treaty bodies themselves, States, the secretariat and civil society were making real improvements in the system. Such collaborative efforts provided an excellent model for cooperation in strengthening the special procedures. Meaningful improvements needed to be matured through a process of confidence-building and consensus-building on new proposals. An informal workshop or brainstorming event, bringing all stakeholders together, would make a vital contribution to that effort.

53. Mr. OWADE (Kenya) said that his Government had established an Inter-Ministerial Committee on Human Rights Reporting Obligations composed of representatives of relevant government ministries, the National Human Rights Commission and civil society to undertake the task of preparing and producing country reports under the United Nations human rights treaties. Kenya had engaged in a fruitful dialogue with treaty bodies, whose concluding observations had guided domestic institutional and legislative reform efforts.

54. However, given Kenya's limited financial and human resources, reporting obligations represented a considerable burden. His Government therefore welcomed reform proposals aimed at simplifying reporting procedures to enhance the efficiency of the system. Also, OHCHR should be provided with increased financial, technical and human resources to enable it to provide greater assistance to developing countries to enhance their capacity to meet reporting obligations.

55. National institutions played a crucial role in the promotion and protection of human rights. The Kenya National Human Rights Commission established in 2003 was an independent, quasi-judicial body with a broad mandate to promote and protect human rights, ensure compliance with international instruments and submit annual reports to the authorities.

56. At the regional level, Kenya was party to the African Charter on Human and Peoples' Rights and its Protocol and the African Charter on the Rights and Welfare of the Child; ratification of the Protocol to the African Charter on the Rights of Women in Africa was under way.

57. His delegation welcomed the Secretary-General's recommendations on ways and means to strengthen cooperation between United Nations and regional human rights mechanisms. The strengthening of OHCHR through increased financial and human resource allocations must be made a priority. Also, the Commission's special procedures must be provided with adequate financial resources to ensure the effective fulfilment of their mandates. He appealed to all Member States to extend invitations to mandate-holders, particularly under the International Covenant on Economic, Social and Cultural Rights.

58. Ms. JANJUA (Pakistan) said that the treaty-body reporting process was vital to assessing domestic implementation of international human rights obligations. However, timely submission of reports was sometimes hampered by States' limited reporting capacities. Also, the growing number of States parties to United Nations human rights instruments had increased the workload of treaty monitoring bodies, to the detriment of prompt examination and consideration of reports. The formulation of draft guidelines on an expanded core document and harmonized guidelines for reporting to all treaty bodies consistent with the Secretary-General's recommendations concerning a coordinated approach and standardization of reporting requirements was therefore commendable.

59. The preparation of such a core document could be useful to eliminate overlap and duplication. However, the overall amount of information to be submitted would increase, and not all States had the capacity to prepare such a document while also meeting the requirements of the individual treaty monitoring bodies. The primary objective of reforms must be to

assist countries in meeting their treaty obligations, not to overburden them with reporting obligations that might divert efforts directed towards actual human rights-related activities on the ground.

60. The reports should be short and succinct, and an effective system for providing technical assistance and cooperation should be established to address the problem of delays in submission. A revised reporting system should take account of social, economic, cultural and political conditions in the assessment of States' performance with regard to their international obligations.

61. Her Government had taken measures to establish a permanent institutional framework to coordinate reporting requirements of different treaty bodies, as recommended in the guidelines. A cooperative and participatory dialogue with treaty monitoring bodies was crucial to the successful implementation of human rights obligations.

62. Her Government strongly supported the work of United Nations special procedures, which complemented States parties' efforts in the field of human rights. However, the duplication of activities and financial and administrative difficulties arising from the continuing proliferation of special mechanisms must be addressed, as it hampered the effective functioning of the Special Rapporteur system. Consistent with the views expressed by the representative of Canada, her delegation trusted in the ability of special mechanisms to examine their working methods critically with a view to enhancing their effectiveness and encouraging cooperation with States.

63. Mr. PIEDRA (United States of America) said that, while his delegation supported the work of the special procedures, the growing tendency to address human rights issues automatically with the creation of a new mandate was counterproductive. Given the limited resources available to OHCHR, the necessity, purpose and effectiveness of each mechanism should be considered carefully to avoid duplication of effort and ensure that all special procedures received adequate guidance and support to enable them to carry out their mandate effectively. The uncontrolled proliferation of special procedures threatened to undermine their importance.

64. While most mandate-holders were well-qualified and displayed a high degree of professionalism and objectivity, certain special procedures were becoming increasingly politicized. OHCHR should play a more active role in the training of special procedure staff to ensure a commensurate level of capacity and professionalism. An increased focus on quality was crucial to maintaining and strengthening the special procedures' credibility.

65. Ms. HERRERA CASEIRO (Cuba) said that respect for the diversity of political, economic, philosophical and legal systems was fundamental to the effective promotion and protection of human rights. Within the United Nations human rights system, OHCHR played a key role. Thus, the geographical distribution, comprehensive training, neutrality, integrity and independence of OHCHR staff were paramount. Despite the adoption of successive Commission resolutions calling for the establishment of a geographical balance in the composition of OHCHR staff, the Group of Western European and Other States continued to be overrepresented, to the detriment of developing countries.

66. The same imbalance was evident in the geographical distribution of the Commission's special procedures, which exacerbated the selectivity and bias that permeated much of their work. Attempts to link the work of the Commission with that of treaty monitoring bodies should not be detrimental to the work of those bodies which, thus far, had been the least affected by politicization and selectivity.

67. Also, the current overrepresentation of the Group of Western European and Other States in the membership of treaty monitoring bodies needed addressing. In the absence of a quota system, equal access for candidates from developing countries was not guaranteed. In the 2004 elections to the Committee on the Elimination of Discrimination against Women, for example, none of the seven candidates presented by African States parties had been elected, while five out of the seven candidates put forward by the Group of Western European and Other States had been chosen. That situation must be rectified, as equitable geographical distribution and gender balance were vital to the objective, impartial and effective promotion and protection of universal human rights.

68. Ms. HOCH (Observer for Liechtenstein) said that States parties' dialogue with United Nations treaty bodies was one of the most useful tools for enhancing the implementation of international human rights standards. Treaty body reform must therefore be placed high on the United Nations reform agenda. The key objective of such reforms must be the establishment of an efficient procedure that focused on effective reporting on substance, while reducing the workload for States. Dialogue between States parties and treaty bodies must be enhanced, inter alia, through the submission of lists of issues prior to the consideration of a report and focused reporting after the submission of the initial report. Effective follow-up to the consideration of reports was also important. The problem of non-reporting could be addressed through the provision of effective technical assistance and advisory services by OHCHR. To that end, OHCHR capacities needed to be enhanced as part of the overall efforts to increase regular budget resources allocated to the Office. Any reforms must ensure that the work of treaty bodies remained at the core of United Nations work in the field of human rights.

69. Mr. LAMB (International Federation of Red Cross and Red Crescent Societies) said that his organization had repeatedly highlighted the importance of national and local involvement in the pursuit of common objectives of the human rights community and National Red Cross and Red Crescent Societies. An agreement between the International Federation of Red Cross and Red Crescent Societies and OHCHR to facilitate joint action would prove useful in that regard. Work on such an arrangement had been initiated in 2002, and his organization hoped to resume discussions with OHCHR promptly with a view to concluding a working agreement in the near future. The contributions of both National Institutions participating in the Commission's current session and National Red Cross and Red Crescent Societies would be taken into account. Such an arrangement could greatly enhance capacities for achieving common objectives, including the MDGs.

70. Ms. ROZEC (Inter-Parliamentary Union - IPU) said that the activities of parliaments were directly linked to citizens' capacity to exercise their rights. Parliamentary human rights committees could thus play a useful role in the promotion and protection of human rights at the



national level. While a growing number of parliaments had established such committees, few maintained links with United Nations treaty bodies or were aware of their work. The implementation of many of the treaty bodies' recommendations required parliamentary action, and the lack of cooperation undermined the effectiveness of the reporting process.

71. A positive example in that respect was the South African Parliamentary Committee working on child rights, which reviewed all periodic reports prior to their submission to the United Nations Committee on the Rights of the Child to ensure that all views were adequately reflected. To that end, consultations were undertaken with representatives of both civil society and relevant ministries. The committee played an active role in the implementation of the recommendations of the Committee on the Rights of the Child.

72. Regional and international human rights mechanisms would benefit greatly from enhanced cooperation with parliamentary human rights committees. The IPU had therefore undertaken a number of activities to strengthen that link, inter alia, the publication of a handbook for parliamentarians on child protection and on the Convention on the Elimination of Discrimination against Women. A handbook on the functioning of the United Nations human rights system was currently being finalized, which, it was hoped, would enhance parliamentarians' knowledge of the United Nations human rights system and promote cooperation between national parliaments and international human rights mechanisms.

73. Ms. SORGHO-MOULINIER (United Nations Development Programme - UNDP) said that human rights were only meaningful when rooted in local culture and supported by local mechanisms. UNDP therefore placed particular emphasis on supporting national institutions both in the pre-establishment and the consolidation phase. The pre-establishment phase entailed the creation of institutions and the drafting of legislation, as well as the facilitation of exchanges with international human rights mechanisms. The consolidation phase mostly focused on the drafting of comprehensive strategic plans, legislative review functions and administrative and managerial streamlining.

74. In order to devise a comprehensive and consistent approach to future engagement with national human rights institutions based on past experience, an issues paper had been drafted in partnership with the Danish Institute for Human Rights that outlined the potential areas for UNDP involvement. The joint UNDP-OHCHR programme on human rights strengthening (HURIST) was currently examining the proposals and would shortly convene a round-table discussion aimed at consolidating a practical guidance note. All stakeholders were invited to participate in the process.

75. Ms. POITEVIEN CABRAL (Observer for Venezuela) said that her delegation endorsed the statement made by the representative of Paraguay on behalf of MERCOSUR and welcomed the proposal to strengthen the participation of national institutions in the Commission's deliberations. The work of the Latin American Ombudsman Federation (FIO) in the area of cooperation, experience-sharing and strengthening of national human rights institutions at the regional level was commendable. The FIO prepared annual reports on regional developments in the field of human rights and issued policy recommendations to enhance the promotion and protection of those rights. The report on migration and the report on women's rights, which contained valuable information on the most pertinent aspects of those rights, as well as relevant recommendations, were particularly noteworthy.

76. Her Government supported efforts to enhance the effectiveness of human rights treaty bodies, including the formulation of common guidelines, and the strengthening of OHCHR, in particular its role in the integration of a human rights perspective in all United Nations activities. Ensuring equitable geographical distribution and gender balance for OHCHR staff was crucial.

77. Ms. BRETT (Friends World Committee for Consultation (Quakers)), speaking also on behalf of Amnesty International, Baha'i International Community, Franciscans International, International Federation of ACAT, Lutheran World Federation and Mouvement contre le racisme et pour l'amitié entre les peuples, said that States parties' increasing willingness to accede to special procedures requests for country visits was commendable. She called on all States to facilitate such visits; ensure the distribution, incorporation into national plans of action and reflection in national protection systems of the recommendations of the special procedures; provide information on the implementation of those recommendations; respond fully and promptly to communications by special procedures; protect those who cooperated with special procedures from reprisals; and refrain from attacks on individual mandate-holders that cast doubt on their integrity.

78. The special procedures, for their part, should establish follow-up mechanisms for country visits; develop criteria for satisfactory responses to communications; make public general recommendations on the protection of human rights; and provide information on States that had consistently failed to respond positively to requests for country visits.

79. Enhanced use of the analysis and recommendations of special procedures in the work of the Commission could help increase its objectivity and impartiality in the consideration of thematic issues and country situations.

80. Mr. SEIDERMAN (Human Rights Watch, International Commission of Jurists, International Federation of Human Rights Leagues, Amnesty International and International Center for Transitional Justice), said that the general amnesty proposed by the National Consultative Commission on the Promotion and Protection of Human Rights of Algeria might permanently deprive victims and their families of their right to truth, justice and reparation and might legalize impunity for crimes against humanity and serious human rights violations. Little was known about the terms of the proposed amnesty, but it was being offered after years of inactivity by the Algerian authorities, when they had done nothing to investigate the thousands of reported cases of summary executions, torture and disappearances.

81. In those circumstances a general amnesty might permanently undermine future prospects for the full protection of human rights, since it would prevent the truth from ever emerging in Algerian courts. Although the legacy of Algeria's past should be dealt with in ways determined by Algerians themselves, the principles of truth, justice and reparation could not be compromised, and the Government of the country could not evade its international obligations by adopting national legislation which flouted them.

82. Mr. LITTMAN (Association for World Education), also speaking on behalf of the International Humanist and Ethical Union and the Association of World Citizens, said that effective functioning of the human rights mechanisms was essential and could be achieved only

through the close collaboration of all concerned. The vote on the draft resolutions on the Sudan would be the litmus test of whether the ideals set forth in the Universal Declaration of Human Rights could be translated into real action.

83. In practice, States were bound only by the limitations they set themselves. That was why human rights education was necessary, because national legislation must be consonant with the Universal Declaration of Human Rights, which ought to be accepted as the common standard for all work at the United Nations.

84. Ms. SNYDER (Women's International League for Peace and Freedom), also speaking on behalf of the International League for the Rights and Liberation of Peoples, the International Youth and Student Movement for the United Nations and the Federation of Rural Adult Catholic Movements, said that the proposals for changes to the machinery for protecting and promoting human rights, which had been set out by the Secretary-General in document A/59/2005, were far-reaching and therefore deserved thorough study. The true obstacles impeding the progressive implementation of international human rights instruments must be properly analysed. Since much progress had already been achieved in raising awareness of human rights issues, the erosion of the Commission's credibility stemmed from the unwillingness of the parties concerned to genuinely seek to protect human rights, or to provide OHCHR with the resources it needed to do its work.

85. The proposal to turn the Commission into a small council comprising selected member Governments ran counter to the principle that the United Nations should be inclusive. Nor was it clear how NGOs would be able to exercise their consultative status. Human rights could be protected better by changing approaches and attitudes than by altering structures. The Charter of the United Nations was still a vital instrument for promoting peace and human rights.

86. Ms. PONCINI (International Federation of University Women), also speaking on behalf of the Committee on the Status of Women of the Conference of NGOs, the Pan Pacific and Southeast Asia Women's International Association, the International Council of Women, the Inter-African Committee, the Women's International Zionist Organization, the International Alliance of Women, Femmes Africa Solidarité, the International Council of Jewish Women and the Women's Federation for World Peace, said that gender mainstreaming was still not a systematic part of all United Nations policies and programmes. It was therefore particularly crucial that gender focal points should be involved in policy formulation and not confined to carrying out administrative tasks. Without the proper training of all human rights staff in gender analysis and mainstreaming and without capacity-building programmes for Governments and NGOs, it would be difficult to fully realize the goals of gender equality. Political will coupled with adequate financial and human resources were needed in order to conduct such programmes. Training was vital if the root causes of gender discrimination were to be identified. If humanitarian relief teams were educated in women's human rights, they could ensure wider monitoring in addition to the work done by mandate-holders under the Commission's special procedures, who concentrated more on protection from the violation of sociocultural rights and less on the promotion of women's economic and political empowerment.

87. The special procedures mechanisms had a critical role to play in helping to mainstream a gender perspective into the deliberations of the Commission on Human Rights and of treaty bodies. International forums and regional seminars would likewise contribute to the clarification of women's issues if proactive measures were taken to ensure that more women participated in them and in meetings of national human rights institutions.

88. Mr. LITTMAN (World Union for Progressive Judaism) said that, since the most essential and basic human right was the right to life, no religious or spiritual imperative should be used to justify any form of violence. Two key paragraphs should therefore be inserted in the draft resolution on combating defamation of religions tabled by the Organization of the Islamic Conference (E/CN.4/2005/L.12), so that it strongly deplored all references to God in order to justify any form of violence, hatred or the use of any religious motive to kill civilians and it condemned all those who blasphemed and defamed religion by claiming to kill in the name of God. If his request were turned down by the sponsors, that would convey a very clear message about jihad ideology and about the need for a thorough reform of the Commission.

89. Ms. FERNANDEZ-TROUSSIER (International Service for Human Rights), advocating the enhancement of the role of national human rights institutions in the Commission on Human Rights and its subsidiary bodies, said that those institutions could be a source of in-depth and objective local knowledge about substantive human rights issues. Such information could assist the Commission and ensure that human rights were upheld everywhere and that States were held accountable for any violations of those rights.

90. Her organization therefore strongly supported the proposal to allow national institutions that were in compliance with the Paris Principles to address the Commission for three minutes under up to six agenda items. It welcomed the increased participation of those institutions in the broader spectrum of United Nations activities in the human rights field and it urged them to join in the work of other United Nations human rights bodies and in that of regional human rights bodies in order to promote and protect human rights at the national, regional and international level.

91. Mr. ACEBAL (Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos) expressed support for the reform proposed by the Secretary-General in his report "In larger freedom" (A/59/2005). The creation of a human rights council consisting solely of members which evinced a firm commitment to human rights would be one way of ending the politicization of the Commission and its ensuing loss of authority. The success of the new body would, however, depend on the genuine will of States to champion human rights throughout the world and on its being equipped with the means of ensuring that its decisions were respected. If it were somehow linked with the Security Council, it must nevertheless maintain its freedom of decision and of action. Similarly, it would be essential to clearly determine the relationship of the new council with the special procedures mechanisms. The inability of many States to accept criticism led them to exert political pressure on other States and on the independent experts and to block any action by the Sub-Commission on the Promotion and Protection of Human Rights.

92. If membership of the council were made contingent upon strict observance of human rights standards, some States which boasted of their prowess in that respect might be persuaded to revise their approach to counter-terrorism, which had served as a perfect excuse to stifle human rights. Security could be achieved only through freedom, never through fear. The current state of affairs ought to be debated thoroughly by the Commission.

93. Civil society should be allowed to play a more active consultative and monitoring role in the main body responsible for protecting human rights. Only then would it be possible to achieve real results, as in many cases States only attended the Commission's sessions in order to point a finger at others' failings. Such behaviour was merely obstructive.

94. Ms. NAIK (South Asia Human Rights Documentation Centre) expressed concern about the declining standards of the National Human Rights Commission (NHRC) of India and stated that the unwillingness of the Indian Government to reconsider the appointment of Mr. Sharma, a former police official, to the NHRC demonstrated the contempt in which it held the institution, since Mr. Sharma had virtually no human rights experience. Moreover, 98 per cent of the NHRC staff was drawn from government departments, with a fifth of the staff coming from the Intelligence Bureau. That situation seriously undermined the institution's efficiency. Furthermore, its lack of openness about the previous careers of its staff set a bad example in the Asia region.

95. Mr. POLLARD (Association for the Prevention of Torture) announced that his organization was continuing its work to improve the capacities of national human rights institutions to prevent torture and other forms of ill-treatment.

96. National institutions could help to avert torture by advocating the ratification and application of international and regional treaties and other instruments prohibiting torture and by cooperating with international and regional human rights bodies through the submission of information, cases or reports to the relevant mechanisms. They ought to monitor all places of detention with regular preventive visits by teams possessing the appropriate medical and legal training. They should investigate alleged cases of torture and ill-treatment in order to combat impunity and bring cases to the attention of the judicial authorities. In addition, they should promote survivors' rights to reparation, rehabilitation and compensation and engage in campaigns to heighten an awareness of detained persons' rights. Lastly, they ought to participate in public policy-making. But Governments must also play their part by providing national institutions with the requisite independence, resources and power to enable them to make their unique contribution to the prevention of torture through their constant engagement with local and national authorities, policy makers and detainees.

97. Mr. HERNANDEZ (Centrist Democrat International) read out a letter written by Antonio Ramón Díaz Sánchez, a member of a peaceful organization, the Christian Liberation Movement, which had testified to a Commission delegation in 1988, but which had never been recognized by the Cuban Government. Elections were a farce in Cuba, as only candidates from

organizations which toed the Government's line were allowed to stand. In May 2002, the political opposition had presented a request for a referendum to the National Assembly (the Varela Project). The Government's response had been to sentence 40 coordinators of the referendum, including the author of the letter, to an average of 20 years in prison. They had been sent to prisons far from their homes and had been kept in minute cells without electricity or running water, alongside dangerous common criminals. Their correspondence had been confiscated and any attempts by their families to improve their dreadful conditions had been foiled by the prison authorities.

98. Mr. GOLDBERG (Consultative Council of Jewish Organizations) said that the appalling level of violence suffered by the people of the Darfur region in the Sudan and the excessively slow international response to it, not to mention the gross abuse of human rights and crimes against humanity which had taken place in Rwanda, the former Yugoslavia and the Democratic Republic of the Congo, showed that the lessons of the past had not been learned. Preventive measures and early warning mechanisms must be enhanced in order to avert such atrocities.

99. His organization therefore supported the draft resolution on the situation of human rights in the Sudan tabled by Luxembourg (E/CN.4/2005/L.33/Rev.1) and the many calls for the Commission on Human Rights to re-establish the mandate of the independent expert on the situation of human rights in the Sudan. It urged the international community to take immediate action to end the serious human rights violations in Darfur and it was in favour of the decision to refer the situation in that region to the International Criminal Court. A peace-building commission should be established to identify circumstances where there was a risk of a breakdown of law and order and to assist in post-conflict reconstruction. At the same time, United Nations bodies must be reformed to permit a timely response to gross abuses of human rights.

#### Statement in exercise of the right of reply

100. Mr. BESSEDIK (Observer for Algeria) said that some NGOs which claimed to be human rights defenders, despite their own dishonourable attitude to peoples' legitimate struggle to cast off the yoke of colonialism, stubbornly clung to their biased, inconsistent stance with regard to his country. They plainly knew nothing about the real situation. His Government was determined to press on with the huge task of rebuilding the country, strengthening democracy, consolidating the rule of law, reviving socio-economic development and fostering national reconciliation.

101. The Algerian people had approved that mammoth undertaking through the adoption of the law on civil concord. An ad hoc commission had subsequently been set up in September 2003 following the consultation of all participants in the political life of the country, including associations representing the families of disappeared persons. The commission had submitted its report to the President of Algeria in March 2005.

102. While expressing its understanding and sympathy for the pain of those families, his Government had emphasized that such a sensitive, complex issue had to be considered in its historic context, namely the eruption in Algerian society of bloodthirsty terrorism and unparalleled barbarity.

103. It was too early to adopt a fixed opinion on the matter, or to use terms like “impunity”. His country intended to turn the page and look to the future. That was the background against which the President had announced that, as soon as the right conditions were met, he would hold a referendum to consult the Algerian people on a general amnesty designed to close a painful chapter of its history. The bill would also be widely debated by civil society, elected bodies and the political class as a whole.

The meeting rose at 6 p.m.