



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2005/SR.63
4 May 2005

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sixty-first session

SUMMARY RECORD OF THE 63rd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 22 April 2005, at 3 p.m.

Chairperson: Mr. WIBISONO (Indonesia)

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CLOSURE OF THE SESSION

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

INCIDENT AT THE COMMISSION'S 33rd MEETING (continued)

1. Mr. LA Yifan (China) said that at the 33rd meeting of the current session, an NGO representative had brought an item of police equipment into the meeting room. At his delegation's request, an investigation report had been compiled by the secretariat and submitted to the NGO Committee of the Economic and Social Council at United Nations Headquarters in New York. Owing to its confidential nature, some of the information in that report could not be circulated to the Commission, but all the delegations that had witnessed the incident were entitled to know the results of the investigation.

2. Mr. TISTOUNET (Secretary of the Commission) said that the secretariat's preliminary report had been circulated to all members of the Commission at the time of the incident. The full report, which had been submitted to the NGO Committee of the Economic and Social Council and included the report submitted by the United Nations Security Service, had been sent to all concerned delegations and the Chairperson of the Commission.

3. Mr. LA Yifan (China) said that he would not insist on the public circulation of the report during the current session of the Commission, but he requested that the conclusions of the Swiss police on the instrument in question should be distributed to all delegations. The police report had revealed that the instrument was prohibited under Swiss federal law. His delegation would pursue the matter in the NGO Committee of the Economic and Social Council.

DRAFT PROVISIONAL AGENDA FOR THE SIXTY-SECOND SESSION
OF THE COMMISSION (E/CN.4/2005/L.1)

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE SIXTY-FIRST SESSION
OF THE COMMISSION (E/CN.4/2005/L.10 and L.11) (agenda item 21)

4. The CHAIRPERSON said he considered that the members of the Commission had taken note of document E/CN.4/2005/L.1, which contained the draft provisional agenda for the Commission's sixty-second session.

5. Ms. KENT (Rapporteur), introducing the Commission's report to the Economic and Social Council (E/CN.4/2005/L.10 and L.11), noted with satisfaction that United Nations reform, which had served as a backdrop to the Commission's current session, had inspired some immediate, practical improvements in the Commission's work, such as increased access to electronic documents. The time had come to reform the Commission's report to the Economic and Social Council, in order to make it more accessible. Structural and formatting improvements would be discussed and developed by the secretariat. She gave a brief overview of the content of the report, and thanked the Chairperson and all those who had assisted her in the drafting process.

6. The CHAIRPERSON said he considered that the Commission adopted the report ad referendum.

7. It was so decided.

CLOSURE OF THE SESSION

Closing statement by the United Nations High Commissioner for Human Rights

8. Ms. ARBOUR (United Nations High Commissioner for Human Rights) said that after six intense weeks, the Commission's task had by no means been completed. Thanking the Chairperson, secretariat and delegations, she said she had found the current session both a source of encouragement and a cause for concern. There was a great and pressing need for an intergovernmental mechanism in order to examine key contemporary human rights issues. Such a mechanism must allow vigorous and broad debate, including debate with non-governmental parties. The high level of participation in the current session had clearly demonstrated the Commission's relevance.

9. The Commission had encouraged active steps to address human rights issues at the national level, and meetings on traditionally difficult issues had been more positive and constructive than in previous years. Many statements had affirmed the centrality of human rights in the United Nations system, and had reflected the thrust of the Secretary-General's recent reform report. Several new resolutions had helped to advance understanding and commitment to the rule of law as an indispensable prerequisite for the protection of human rights. She acknowledged the Commission's efforts to reach a consensus on the issue of protecting human rights and fundamental freedoms while countering terrorism, and the decision to appoint a special rapporteur on that issue.

10. She welcomed the adoption of the "Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law", and the completion of the updated "Set of Principles for the protection and promotion of human rights through action to combat impunity". Many statements had affirmed the need to develop the vital work of the special procedures, and several new special procedures mandates had been established.

11. She expressed concern that the Commission's ability to address human rights issues at the national level was demonstrably deficient. There was something fundamentally wrong and obscure with a system in which the decision as to whether a country situation was addressed under agenda item 9, 19 or 3, or not at all, was viewed either as a political triumph or as a political defeat. There was also something fundamentally wrong with a system in which the question of the violation of human rights and fundamental freedoms in any part of the world was answered only by reference to four States. It was a discredit to the Commission to view those decisions as political victories or losses. The Commission was an intergovernmental body and could never be apolitical. That notwithstanding, political considerations should not be allowed to bypass entirely the substance of the work entrusted to the Commission. The fact that only four States had been singled out did not make them less answerable for their human rights situations. However, she wondered whether it was really the case that only four States merited scrutiny by the Commission when it considered the question of the violation of human rights and fundamental freedoms in any part of the world.

12. The concept of peer review underpinned the Secretary-General's recommendation that the Commission should be refined, improved and heightened in stature as a new Human Rights Council. Although there must always be the capacity and means for States to raise concern in

instances of grave human rights emergencies, that process was fraught with dangers of selectivity and politicization. Such dangers might be minimized in a context of universal scrutiny. In that connection, she looked forward to the outcome of the open-ended Working Group meeting in June 2005.

13. Turning to the issue of the future work of her Office, she said that, as requested by the Secretary-General, she would submit a plan of action for the Office. In his request, the Secretary-General had acknowledged the Office's expanded role in areas such as crisis response, national human rights capacity-building, support for the Millennium Development Goals and conflict prevention. He had also underlined the Office's limited means of addressing those and other contemporary human rights challenges. The plan of action would be based on three concepts: first, that human rights were universal and indivisible. The Office would need to ensure that it addressed the entire gamut of rights in its work with Member States and that it had adequate resources to do so. Secondly, States should remain the primary actors in the field of human rights. The Office's work must focus on strengthening national systems for the full protection of rights. Thirdly, the implementation of rights remained central to the Office's work. Her mandate was to promote and protect the effective enjoyment by all, of all civil, cultural, economic, political and social rights. She would submit a report to the Secretary-General on how she might better fulfil that responsibility.

14. The CHAIRPERSON said that, in his view, the Commission's current session had been productive. There had been substantive exchanges and genuine cooperation among delegations and the cost-effectiveness of mandated activities had been taken into account. Action had been taken on all agenda items thanks to a general willingness to work towards a consensus on sensitive or potentially divisive issues. Statements had, on the whole, been less rhetorical and less driven by non-substantive considerations, and the quality of the interactive dialogue with special procedure mandate-holders had been enhanced. As a result, 85 resolutions, 15 decisions and 4 Chairperson's statements had been adopted.

15. The deliberations had taken place against the background of proposed reforms of the United Nations human rights mechanisms, which had been discussed, in particular, at an informal meeting. Despite allegations of a decline in professionalism and credibility, the Commission had shown that it was capable of overcoming its weaknesses and playing an important role in the promotion and protection of human rights worldwide. The final judgement of the outcome of the session would depend on the extent to which its decisions were implemented.

16. It had been an honour for him to chair the session, a task that had been greatly eased by the cooperation he had received from all concerned: the Bureau, the High Commissioner for Human Rights and her staff, delegations, and representatives of NGOs and national human rights institutions.

17. Following an exchange of courtesies, the CHAIRPERSON declared closed the sixty-first session of the Commission on Human Rights.

The meeting rose at 4.05 p.m.