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Official Records

President: Mr. Ali Abdussalam Treki (Libyan Arab Jamahiriya)

The meeting was called to order at 10.15 a.m.

Agenda items 64 and 75 (continued)

Report of the Human Rights Council (A/64/53)

The President (*spoke in Arabic*): In connection with this item, I would like to recall that the General Assembly, at its 2nd plenary meeting, on 18 September, decided, inter alia, to consider agenda item 64 in a plenary meeting and in the Third Committee.

Also, at its 27th plenary meeting, on 28 October, the Assembly decided to consider directly in plenary meetings, without setting a precedent, the report of the Human Rights Council on its twelfth special session (A/64/53/Add.1).

Taking into account these two decisions, the Assembly will consider in its plenary meeting today the annual report of the Human Rights Council on its activities for the year, as contained in document A/64/53. On Wednesday, 4 November, the Assembly will consider the report contained in document A/64/53/Add.1. The Assembly will now begin its consideration of the annual report of the Human Rights Council (A/64/53).

Allow me now to make a statement as President of the Assembly.

In my statement at the opening of the general debate, I recalled the affirmation by the 2005 World Summit that the promotion and protection of human rights was one of the three principal purposes of this Organization. I declared that human rights stood,

alongside development, and peace and security, as a pillar of the Organization.

I then called on Member States to commit to ensuring that this third pillar was one made of stone, buttressed by the resources, respect and credibility benefiting an institution dedicated to the cause of human dignity and justice. I asked for the Assembly's support for the further development of the Human Rights Council and for effective follow-up to the Durban Review Conference in combating the global scourge of racism. I appealed for an approach on human rights marked by universality and non-selectivity.

The agenda before us today is a reminder of the significance of the principles of human rights and of the vital need to assess the progress made and the remaining challenges in the attainment of those objectives.

The report of the Human Rights Council covers the remarkable scope and depth of the Council's work over the past year. This technical body has already registered an impressive list of achievements, addressing the full range of human rights in countries all around the globe. New instruments have been developed, special sessions convened to address emergencies, and vital resolutions adopted. The independent special mechanisms have undertaken countless missions, and the universal periodic review is now in full operation, reminding us all of the universality of the human rights of all our citizens, the universality of the obligations of all our Governments and the universality of the challenges faced in realizing human rights. The broad

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participation that has characterized the Council's work, from members and observers alike as well as from civil society, is a hallmark of its consultative approach.

Ensuring that the Council has the necessary support and resources is imperative for the successful continuation of its work, and this Assembly has to assume the primary responsibility in that regard. As the Council approaches its mandated five-year review in 2011, we should develop a transparent and inclusive process. The Assembly must begin preparations for this review in close cooperation with the Council. To this end, I met yesterday with the President of the Human Rights Council and will continue consulting with delegations in the coming weeks.

I now give the floor to the representative of Belgium, who is also the President of the Human Rights Council.

Mr. van Meeuwen (Belgium): It is an honour and privilege to present the report of the Human Rights Council (A/64/53) to the General Assembly, and to come before the Assembly this morning to apprise Members of its activities, in accordance with resolution 60/251.

Allow me at the outset to state how delighted I am, Mr. President, to see you presiding over the Assembly. I am pleased to reaffirm the support of the Human Rights Council to your leadership of the Assembly and to express our best wishes for a successful tenure.

My predecessors, His Excellency Luis Alfonso De Alba, His Excellency Ambassador Doru Romulus Costea and His Excellency Martin Ihoeghian Uhomoibhi, had presented the Human Rights Council's reports (A/61/53, A/62/53 and A/63/53 and Add.1) to the Assembly at its sixty-first, sixty-second and sixty-third sessions respectively, covering the activities of the Council from June 2006 to September 2008. Therefore, my present report will cover the period of the third cycle of the Council following the session from September 2008 to June 2009.

At the outset, I would like to recall that the decision of the General Assembly four years ago to establish the Human Rights Council marked a significant moment in United Nations history. It reflected the commitment and resolve of Member States to revitalize and strengthen the Organization's role in guaranteeing the effective enjoyment of all human rights for all. Member States reaffirmed their

faith in fundamental human rights and in the dignity and worth of the human person, which forms the core of the United Nations Charter, as laid down over half a century ago. The important mandate the Council was entrusted with raises high, yet legitimate, expectations on the part of people around the world. This is a significant responsibility, which we all share, and to live up to these expectations, which guide our daily work, is a common endeavour.

With this, allow me now to briefly highlight some of the achievements and activities of the Human Rights Council.

(spoke in French)

The universal periodic review is generally considered to be one of the most meaningful innovations of the Human Rights Council, but in fact this mechanism expresses the spirit of the United Nations Charter in every aspect. It is based on equality among States, large and small, and provides equal treatment in the implementation of agreed standards. It reflects the solidarity that prevails among States that have decided to carry out peer review endeavours and join their efforts in order to promote and protect human rights. The establishment of this mechanism and its modalities required important and intensive work by the Council. Almost half the Member States have now been examined, and the global evaluation of the mechanism has been unequivocally positive.

Attention will now be progressively shifted towards follow-up to and implementation of recommendations. Although this has been said a number of times, the fact remains that carrying out a serious and sensible universal periodic review is an important test of the credibility of the Human Rights Council as a whole.

Whether at regular sessions, in working groups or other forums linked to the Council, continuous efforts have been made to develop and secure a better understanding of the international norms and standards on human rights. Several new fields related to human rights have been considered, and older issues have been discussed in greater depth. The adoption of standards is also an area in which visible and tangible progress has been achieved over the past few years.

In accordance with its mandate, the Council has been seized of events that have occurred in certain parts of the world and which constitute serious

violations of human rights, thus requiring an urgent response. The Council devoted its eighth special session to the situation of human rights in the east of the Democratic Republic of the Congo; its ninth special session to the grave violations of human rights in the occupied Palestinian territory, including the recent Israeli military aggression in the occupied Gaza Strip; its tenth to the impact of the world economic and financial crisis on the universal realization and effective enjoyment of human rights; and its eleventh special session to the human rights situation in Sri Lanka. The reports of the Council for these special sessions (A/HRC/S-8/2, A/HRC/S-9/2, A/HRC/S-10/2 and A/HRC/S-11/2) are also before us.

Although the Council has been operating for four years now and although its institutional architecture is in place and its mechanisms operational, it is still evolving, covering new topics concerning human rights in its discussions and thereby broadening its agenda. The Council has sought to find novel approaches to questions concerning human rights in order to transcend the inherent rigidity of its procedures and to avoid falling back into the old patterns that were widely criticized when it was known as the Commission on Human Rights.

I am pleased to have witnessed the emergence of these new debate formats and more flexible work modalities. These innovations have allowed the Council to focus more on debate. They have also enabled the experts and representatives of national human rights institutions and members of civil society from around the world to make a meaningful contribution to the deliberations of the Council.

Panel discussions have been organized on many human rights topics, such as the rights of the disabled, the right to food, children's rights, women's rights and human rights and climate change, in order to bring about greater awareness and take concrete action on essential topics.

As I mentioned previously, the Council has reached another important achievement by holding a second special session on the world economic crisis. In doing so, the Council continued the trend of substantially linking economic, social and cultural rights with what is actually happening on the ground and having an impact on the lives of millions of people.

During the period under consideration, the Council continued to engage with a broad spectrum of

stakeholders and participants — individuals, of course, but also institutions, including special procedure entities, human rights treaty bodies, organs and entities of the United Nations, other international organizations, non-governmental organizations and national human rights bodies. The question of whether the Council's ability to effectively integrate into its debate the views and contributions of other stakeholders, such as national human rights institutions and civil society, will be a key element in assessing its performance and its impact. The Council has clearly recognized that taking into consideration the views and contributions of the entire range of stakeholders is a prerequisite for the enrichment of its work.

Allow me briefly to emphasize that the work of the Council at its previous sessions — and the reports on those sessions are before the Assembly — was continued during the Council's twelfth session, which was held from 14 September to 2 October, and during the twelfth special session of the Council, held on 15 and 16 October, which focused on the human rights situation in the occupied Palestinian territories, including East Jerusalem. I will not mention anything further about these two sessions, since they are to be discussed later on by the Assembly.

(spoke in English)

Many things have been achieved since the Council's inception only three years ago. Yet, the past years have also revealed the challenges ahead of us. The Human Rights Council is not a perfect institution, and the upcoming review process will indeed provide us with the opportunity to fine-tune some of the mechanisms and adjust working methods in those areas where changes will allow for genuine progress to be made. It is our duty and shared responsibility to continue to strengthen the United Nations human rights machinery for an enhanced promotion and protection of all human rights for all. This can only be done through cooperation and with the collaborative efforts of the entire spectrum of the membership of the Council, civil society and, indeed, all stakeholders.

The Human Rights Council has decided to create an open-ended intergovernmental working group on the review of the work and functioning of the Council and has requested its current President to undertake transparent and all-inclusive consultations on the modalities of the review, thereby aiming to implement paragraph 16 of resolution 60/251, which states that the

Council shall review its work and functioning five years after its establishment and report to the General Assembly. The Working Group will meet in the second half of 2010 and is requested to report to the Council at its seventeenth session, in June 2011.

During my mandate as President, I will spare no effort to facilitate the debate on issues of process and try to reach a consensus on the way forward, to be implemented by my successor next year. The ongoing dialogue among stakeholders in New York and Geneva should of course also be ensured, respecting the division of labour, as set out by the Assembly in resolution 60/251. While we continue to improve our agenda and working methods, the review process should not slow down the Council's substantive work or the implementation of the commonly agreed mandate. I will pay particular attention to this and will call on the sense of responsibility of all stakeholders in this regard.

While recognizing that we have to continue to improve the functioning of the new Human Rights Council, there is wide acknowledgement in Geneva that there is a perennial lack of appropriate resources to service the Council's work. I have called for the establishment of a tripartite task force, composed of representatives from the Office of the President, the Office of the High Commissioner for Human Rights and the Division of Conference Management, to address this issue. Member States will be aware as well of the initiative to request an audit from the Office of Internal Oversight Services in this respect. The Division of Conference Management has continued to grapple with the challenges raised by the voluminous workload generated by the Human Rights Council and its subsidiary machinery, including the new universal periodic review process mandated by the General Assembly. The practice employed thus far, of servicing these new mandates from within existing resources, has proved to be impractical. The time has come to address the entire spectrum of meetings-servicing requirements and to ensure that the universal periodic review process is fully supported by the necessary budgetary and capacity resources for the next biennium.

I am confident that, in the years ahead, we will be able to consolidate the gains of the first years towards improving people's realities. The tasks before us may be daunting; in spite of this, we remain committed to the plight of the victims of human rights abuses and must ensure that this message translates into results to their benefit.

In conclusion, I would like to reiterate my personal commitment to follow the path of my predecessors and to work closely with the Council's members to achieve those noble objectives enshrined in the Charter and the Universal Declaration of Human Rights.

Mr. Lidén (Sweden): I have the honour to speak on behalf of the European Union (EU). Albania, Armenia, Croatia, Georgia, Iceland, Montenegro, the Republic of Moldova, the former Yugoslav Republic of Macedonia, Turkey and Ukraine align themselves with this statement.

First of all, we would like to thank Ambassador Alex van Meeuwen for submitting the Human Rights Council's fourth annual report (A/64/53). We would also like to thank Ambassador Martin Ihoeghian Uhomobhi, the former President of the Human Rights Council, who was in office during the period covered in the report.

When the Assembly decided in 2006 to establish the Human Rights Council, it aimed at strengthening the ability of the United Nations to ensure that all persons would be able to enjoy all human rights. It was decided that the Council should address situations of violations of human rights, including gross and systematic violations, and respond promptly to human rights emergencies.

Peace, security, development and human rights complement each other and are mutually reinforcing. It is through their joint promotion that our collective well-being is strengthened. The principles of universality, impartiality and objectivity must guide the work of the Council and direct us in the Assembly as we consider its report.

The European Union considers this plenary meeting of the General Assembly to be the appropriate place to consider the report of the Human Rights Council, which was established as a subsidiary organ of this Assembly.

The members of the Human Rights Council have the responsibility to fulfil the promise of the Council as the main United Nations body for the protection and promotion of human rights. It is important that States that pursue membership in the Human Rights Council formulate concrete, credible and measurable pledges to promote and protect human rights at the national and international levels.

Some important progress has been made since the establishment of the Council. We express our appreciation to the majority of States that have engaged constructively in the process of the universal periodic review. We hope that those States that have instead tried to hamper the process in order to avoid criticism will engage more openly next time.

The EU encourages all Governments to take advantage of the opportunity that the universal periodic review provides for States in all regions to do better by means of dialogue and cooperation. It hopes that the experience gained at previous sessions will help to improve future ones and that all States under review will cooperate with the Council in good faith and with all the necessary rigour.

The EU attaches great importance to the role of the Council as a forum for dialogue in which every human rights issue can be raised. We encourage Member States to continue to consider the human rights situation on the ground and the needs of victims as the guiding criteria when determining the agenda of the Council.

The European Union finds the ongoing monitoring and reporting role of the Council to be equally important. It has allowed the Council to learn about new developments and possible best practices. It is only through objective monitoring and reporting to the Council that it can identify the needs of victims and possible areas for assistance to States.

We wish to underline the importance of the cooperation of States in allowing the Council to fulfil the mandate agreed upon and to live up to the expectations of people around the globe.

The EU would like to thank civil society organizations for their important contributions to the work of the Council. We hope that their cooperation with the Council will continue and develop further.

Regrettably, while some situations of violations have been addressed in resolutions and special sessions, the Council has been prevented from addressing a number of other human rights emergencies. It is crucial for its credibility that the Council be able to live up to its promise of ensuring universality, objectivity and non-selectivity, in accordance with its mandate.

The eighth special session dealt with the situation of human rights in the east of the Democratic Republic of the Congo. The EU still hopes that the mandate of the independent expert on the situation of human rights

in the Democratic Republic of the Congo will be re-established. A number of issues need to be addressed, not least the widespread use of sexual violence against women and children and the impunity enjoyed by those responsible for violations of human rights and international humanitarian law in the Democratic Republic of the Congo.

Many of the issues dealt with at special sessions remain of very serious concern, such as the promotion and protection of human rights in Sri Lanka. In particular, the situation in the former conflict zone remains critical. We are convinced that country mandates are needed to keep the Council and other parts of the United Nations system informed of serious situations and to assist in making tangible improvements on the ground.

The primary objective of the special procedures of the Council is to promote expertise and best practices and to make recommendations in order to ensure greater respect for human rights. All States members of the European Union have extended a standing invitation to the special procedures, and we call upon all United Nations Member States to do likewise. The EU finds it imperative to safeguard the role played by all special procedures mandate-holders in monitoring, advising on and publicly reporting on serious human rights situations and thematic issues. It is also crucial to safeguard the independence of Special Rapporteurs and the other procedures so that they can carry out their respective mandates without undue interference and pressure from Member States.

We call upon the Council never to let down its guard concerning situations that deserve the full attention of the international community. The mandate of the Council is not to protect Governments from scrutiny, but to protect individuals from human rights violations. We do not accept an artificial divide between raising human rights violations in individual countries and providing technical assistance to improve respect for human rights. The important role of the special procedures of the Human Rights Council and the Office of the High Commissioner in providing advice, capacity-building and monitoring is a case in point.

We are now closer to the 2011 deadline for the General Assembly to review the status of the Council. Meanwhile, it is important to remember that only two years have elapsed since the institution-building package for the Council was adopted. The ongoing

work of the Council must not be interrupted. Moreover, we may seek the best ways to address many of the shortcomings of the Council during its continued work. The European Union calls on all States to work together to fulfil the full promise and potential of the Human Rights Council in order to make a difference when it comes to protecting and promoting human rights.

Mrs. Dunlop (Brazil): At the outset, let me thank Ambassador Alex van Meeuwen, President of the Human Rights Council, for presenting the report of the Council (A/64/53) today at this meeting. I would also like to take this opportunity to pay tribute to the former President of the Council, Ambassador Martin Uhomoibhi, for the important contribution he made to the strengthening of the Council during his tenure.

As we start to engage in initial informal talks regarding the review of the Council, scheduled for 2011, it is time to take stock of its performance and its contributions to the promotion and protection of human rights worldwide. I would also like to take this opportunity to reflect on what we expect from the Council in the future.

It is fitting to recall that the Human Rights Council was created as the embodiment of the commitment made at the 2005 World Summit to elevate human rights, an issue that constitutes one of the main pillars of this Organization, to the forefront of the United Nations agenda. In our view, the Council fulfilled that expectation.

After the hard work that led to the adoption of the institutional package in 2007, much ground was covered to ensure that the Council would not suffer the shortcomings of the old Commission on Human Rights. First, we regard the universal periodic review as one of the main achievements in the field of human rights since the creation of the Council. We are on the way to seeing, for the first time, every Member State submitting its human rights situation to a peer review process in which contributions by relevant stakeholders, including civil society, are taken into account. It cannot be denied that this mechanism per se represents a huge step towards a more egalitarian, non-selective and transparent approach to human rights. Improvement was also observed in the special procedures mechanism inherited from the Commission, which was strengthened in the Council through the increased institutional

support provided to Special Rapporteurs and other mandate-holders.

The Council is consolidating its role as a relevant forum for the discussion of pressing issues on the international agenda as they relate to human rights. In that regard, it is worthwhile to praise the decision taken by the Council to hold two thematic special sessions to discuss the world food crisis and the financial and economic crisis from a human rights perspective.

The Council sent a message to the international community that those crises, which many had believed to be of a purely economic nature, had an undeniable and serious human rights dimension. We expect the Council not to shy away from addressing similar challenges in the future, as needed. All in all, the Human Rights Council has represented a significant improvement over the Commission by promoting dialogue and cooperation among Member States and with other relevant stakeholders.

Despite the positive aspects I just mentioned, the Council, as we know, is not perfect. There is still room for improvement, as one could expect from an entity that is only three years old and tasked with the difficult mission of overseeing human rights around the world. Among possible improvements, I will briefly mention two areas that merit our attention. First, we need to improve participation in the interactive dialogue by countries undergoing universal periodic review. Secondly, there is a need to expand the mandate of the Council in the field of cooperation. After proving its usefulness in identifying human rights challenges, the Council should be able to help interested countries overcome the problems identified. This would help address current deficiencies in the implementation of recommendations issued at the universal periodic review.

We will have a better opportunity to address our expectations regarding the future of the Council during the review process which, it is worth recalling, will be carried out by the Council itself in relation to its work and functioning and by the Assembly regarding its status.

As a steadfast supporter of the creation of the Human Rights Council in 2006, Brazil will participate actively in our common efforts towards the review of the Council in 2011. We are convinced that through constructive dialogue and openness aimed at understanding each other's positions and limits, it will

be possible to achieve a consensual decision in the review process. That decision must reflect solutions that are acceptable to all and result in a Council that fully corresponds to the high aspirations it embodies.

Mr. Abdelaziz (Egypt) (*spoke in Arabic*): At the outset, I would like to express my delegation's appreciation for the comprehensive statement made here by the President of the Human Rights Council following his participation in the debate on the Council's report (A/64/53) in the Third Committee — the expert negotiating body of the General Assembly on all issues related to human rights and international human rights law.

In that context I reiterate that our acceptance of the ad hoc agreement reached in the General Committee to consider the report both in plenary meeting and in the Third Committee this year was based on the clear understanding that the Third Committee would consider and act upon all recommendations of the Human Rights Council to the General Assembly, including those on the development of international law in the field of human rights, without prejudice to the right of Member States to submit draft resolutions and decisions in the General Assembly or the Third Committee on any issue contained in the report.

Indeed, the establishment of the Human Rights Council as a subsidiary organ of the General Assembly has ushered in the dawn of a new era of cooperative and collective action that avoids the politicization, selectivity and double standards that characterized the work of the Commission on Human Rights. The Council has been successful in laying favourable foundations to overcome the obstacles that in the past blocked international efforts aimed at strengthening the universal respect of human rights and fundamental freedoms. This became possible through diligent efforts to unify standards and thanks to a constructive, cooperative approach in dealing with human rights questions based on advice and on the provision of necessary technical and financial support upon the request of national Governments pursuant to their responsibility to promote and protect the human rights of all of their citizens. The 2005 World Summit Outcome (resolution 60/1) laid out these foundations, which were more recently reinforced by the launch of the universal periodic review mechanism. We look forward to its review of Egypt's report early next year.

Egypt welcomes the progress made in the practical implementation of the institutional framework for the work of the Council. It includes clear regulations defined by the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, in addition to the positive developments in reviewing the mandates of the special procedures, the design of mechanisms to deal with communications and the establishment of the Forum on Minority Issues.

Meanwhile, as a current member of the Council, Egypt is eager to support the continued development of the Council's activities to meet the great expectations we share for it, based on the complementary roles of national institutions and the international community on the one hand and all of the human rights mechanisms on the other hand.

Our mutual quest for the promotion of human rights in the world at large, to make them a common denominator shared by all societies, requires a commitment to implementing the fledgling universal periodic review process for all States, on an equal footing and without exception, within a constructive interactive framework and with the participation of non-governmental organizations and all segments of civil society. We must also respect the institutional balance between the principal organs of the United Nations when dealing with human rights questions. We must confront with solid determination the tendency of a few to impose themselves as worldwide custodians of human rights — based on a flawed and groundless assumption that their values, cultures, concepts of social justice, legal systems and human rights standards are superior to those of others.

Additionally, it is imperative to make available the financial resources necessary to support the activities of the Office of the United Nations High Commissioner for Human Rights so that it can implement its mandates efficiently. It must have the capacity to provide the necessary technical assistance and consultation to Member States, follow up on the implementation of all Human Rights Council decisions and assist States in capacity-building in order to achieve complementarity between the roles of the Commission and of the Council, and between the roles of the international community and of national Governments.

We must respect the prerogatives of the Human Rights Council and refrain from submitting country-specific draft resolutions in the Third Committee,

especially those targeting developing countries, which serve only to undermine the potential to reach consensus decisions that promote respect for human rights. Equally, it is necessary to put an end to attempts to create structures parallel to the Council, for example by appointing officials responsible for monitoring human rights situations in developing countries in the offices of United Nations development programmes, in contravention of the principles of equality in monitoring human rights situations in all countries, whether they are developing or developed countries.

We should work in parallel within the United Nations system to strengthen early warning capabilities through reliance on authenticated and non-politicized information, and strengthen cooperation by States with fact-finding missions dispatched by the Council to investigate gross violations of human rights, particularly in the case of peoples under foreign occupation and in conflict situations. The international community's quest for universal respect for human and peoples' rights will remain unattainable unless we completely leave behind selectivity, politicization and double standards when dealing with human and peoples' rights, starting with the inalienable right to self-determination.

In this context, the Council must remain engaged in order to ensure respect for human rights in the occupied Palestinian territories and Israel's full adherence to its international obligations, including its commitment to full cooperation with the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and the fact-finding missions established by the Council to investigate gross violations of human rights. That includes permitting the requested field visits — the most recent of which was the fact-finding mission led by Justice Goldstone to investigate the tragic events that took place in Gaza. In that regard, Egypt, on behalf of the Non-Aligned Movement, supported the Council's recommendation that the General Assembly consider the report of the fact-finding mission.

Restoring the balance in international attention between economic, social and cultural rights, on the one hand, and civil and political rights, on the other, is sorely needed if we wish to fulfil the common aspiration of peoples throughout the world to the effective realization of the right to development as a fundamental right inherently linked to all other rights. That in turn is not possible unless we work together to bridge the gap between North and South, thus making

it possible to achieve better standards of living, which contribute to the promotion of human rights for both individuals and societies. Furthermore, we look forward to strengthening efforts to eliminate all forms of discrimination throughout the world, whether based on race, sex, language or religion, and to honouring our mutual commitments under the Durban Declaration and Programme of Action and the outcome document of the Review Conference, particularly with regard to discrimination against women, minorities, migrants and others who face varying degrees of social marginalization and discrimination. In our efforts to that end, we should avoid conditionalities and controversial notions that do not take into account the diverse social, cultural and value systems of various societies or linking such notions to development assistance and programmes.

Egypt hopes that joint efforts will continue to strengthen the cooperative approach of the international community in addressing all human rights issues, based on mutual respect, commitment to equality in terms of rights and duties, compliance with the principles of international law and complementarity between international human rights law and international humanitarian law. Thus, the Council will be able to fully play its desired role and carry out its lofty mission, thereby strengthening our collective efforts to consolidate universal respect for the human rights of all, without exception.

Ms. Shalev (Israel): Last year, the world celebrated the sixtieth anniversary of the Universal Declaration of Human Rights. That noble document reaffirmed faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women. Its principles and standards were meant to guide the work of the United Nations and lead us to a better future.

Eleanor Roosevelt, René Cassin, John Humphrey, P. C. Chang and Charles Malik, among other authors of the Universal Declaration, believed that a better world was both necessary and possible. In the words of Eleanor Roosevelt, "We stand today at the threshold of a great event both in the life of the United Nations and in the life of mankind". Yet, as we consider today the report of the Human Rights Council (A/64/53), it is regrettable that the work of the Council has strayed far from the principles it was mandated to uphold.

The Human Rights Council, according to its own founding documents, must base its work on the principles of universality, impartiality, objectivity and non-selectivity, without distinction of any kind and in a fair and equal manner. Instead of upholding those values, however, the Council has demonstrated an obsessive preoccupation with Israel during the three and a half years of its work.

Israel is the only country in the world that is singled out in a discriminatory manner by the Council's agenda. Half of the Council's special sessions have been held to condemn Israel. The Council has adopted more resolutions and decisions against Israel than on all other United Nations Member States put together. While the Council has reviewed and revised the mandate of nearly every special procedure, it refuses to review its grossly one-sided mandate concerning our region. And the Council continues to dispatch so-called fact-finding missions that are mandated to denounce every Israeli action, irrespective of the facts on the ground and the ongoing terrorism facing Israel on a daily basis.

Is this the work of a Human Rights Council that is impartial? Is this the work of a Council that is objective? Unlike some members of the Human Rights Council, Israel is a democracy that respects fundamental freedoms, protects a vibrant press and possesses an independent judiciary. Nevertheless, it is repeatedly condemned by the Council. These repeated unjustified condemnations do not help to protect human rights.

Around the world, true victims of the most severe violations of their most basic rights cry out for their plight to be heard and for their suffering to be redressed by the international community. But the Council is silent. As innocent Israeli men, women and children suffer relentless suicide terrorism and terrorist attacks, the Council chooses to say nothing. Is this the work of a Human Rights Council that reflects universality? The work of the Council is neither constructive nor fair nor impartial.

The report before us today reminds us all that the Human Rights Council is increasingly manipulated and exploited by some of its members and their obsession with demonizing Israel and demeaning its democratic nature.

In 2005, Kofi Annan acknowledged that a credibility deficit existed within United Nations human rights institutions. Yet today, that deficit is not a relic

of the past; it is a fixture of the present. The longer it takes to rectify this injustice, the greater the damage will be to the integrity and legitimacy of the Council and the wider United Nations system.

Mr. Vigny (Switzerland) (*spoke in French*): My delegation wishes to thank the President of the Human Rights Council for the report on the Council's activities (A/64/53). It lists the outcomes of two regular sessions — including more than 40 resolutions and 32 decisions on universal periodic reviews — and four special sessions, one of which was a special thematic session.

My statement will address five key issues.

First, the Council is now working at full speed. A significant number of resolutions have been adopted on subjects ranging from child protection and climate change to human rights education and training. The regular sessions are followed by meetings of the Working Group on the Universal Periodic Review and of the Social Forum. In addition, this year saw preparatory meetings for the Durban Review Conference, held in Geneva in April. Given this increasing number of meetings, the Council should both endeavour to streamline the activities of certain working groups and better distribute its workload among its three annual sessions. Switzerland is willing to study in depth the issue of the Council's programme of work in Geneva.

The Council is developing best practices for its working methods, and there are examples of fruitful transregional cooperation. We are thinking in particular of cooperation on human rights education and training within the Platform for Human Rights Education and Training, which now includes representatives from all regional groups: Morocco, Switzerland, Costa Rica, Italy, the Philippines, Slovenia and Senegal. I should also like to mention the cooperation between Germany and the Philippines on the issue of human trafficking. Those two nations — one a country of destination and the other a country of origin — have joined efforts to protect the human rights of the same persons, the same victims. Even in notoriously difficult areas, such as freedom of expression, considerable progress has been made through the adoption by consensus of a resolution on the subject, jointly sponsored by the United States and Egypt.

Thirdly, the Human Rights Council must be able to deal appropriately with specific situations, and

concerted efforts are needed to fulfil and build on its mandate under General Assembly resolution 60/251, be it in addressing situations of gross and systematic violations of human rights, responding promptly to emergencies, or preventing such violations from occurring. Switzerland considers the development of this potential to be a priority and consequently pledges its commitment to this end.

Moreover, Switzerland is convinced that strengthening the presidency of the Human Rights Council is necessary in order to better tackle the political and operational questions the president faces. For that reason, Switzerland has decided to present a draft decision in the Third Committee of the General Assembly as a follow-up to a decision adopted by the Council in September of last year.

Finally, I would like to return to relations between the Council and the General Assembly, particularly in light of the forthcoming discussion on Council review. There is still no clear-cut vision with regard to the allocation of responsibilities between the Council and the General Assembly and its Third Committee. Switzerland would like to enhance the complementarities between these two bodies by improving cooperation and thus reducing existing duplication. Given its universal membership, the General Assembly should be used first and foremost as a general frame of reference and, as such, should play a programme-based, standard-setting role. The Human Rights Council, for its part, should strengthen the operational role it plays in implementing the political commitments pledged by Member States pursuant to their international legal obligations.

Mr. Balé (Congo) (*spoke in French*): On behalf of my delegation I would like to thank you, Mr. President, for organizing this important debate on the report of the Human Rights Council (A/64/53), the report of a body whose deliberations and decisions have an undoubted impact on the life of our Organization. I would also like to thank the President of the Council for his presentation of the report.

To begin with, we feel we must appropriately acknowledge the fact that, notwithstanding the misgivings that existed at the time of the birth of the Human Rights Council in 2006, the Council nonetheless, day by day, session by session, provides a useful doctrine for effective action promoting and protecting human rights, irrespective of its controversial aspects.

My delegation can only welcome such a development, which should encourage proper support for the Council. We also extend our congratulations to the Office of the High Commissioner for Human Rights, as well as the mandate-holders, the rapporteurs, special representatives and independent experts, whose relationship allows us to improve and pursue our endeavours in support of all human rights.

Going beyond a general assessment of the work of the Human Rights Council and the mechanisms it has generated, my delegation would like to make a number of comments. The Human Rights Council shoulders important responsibilities in promoting and protecting human rights around the world. The diverse contributions of the members and non-member States of the Council, as well as of the institutions of the United Nations system and civil society, mean that we can glimpse a world in which the universalism of human rights and their interdependence are daily becoming a fact of life. This dynamic should be a component of progress, in understanding and analysing human rights situations in a world marked by multiple crises that jeopardize international peace and security and hamper development efforts, particularly in achieving the Millennium Development Goals.

In this context, my delegation commends the Human Rights Council's efforts to strengthen, through a multilateral approach, cooperation in the area of human rights. Food security, which is the corollary to the right to food, as well as the various resolutions regarding the effects of foreign debt and States' related international financial obligations on people's full exercise of human rights, are undoubtedly essential to upholding economic, social and cultural rights. My delegation remains concerned, in this regard, about the repercussions of the economic and financial crisis on the universal attainment and effective exercise of human rights.

Violence and discrimination against the most vulnerable, especially women, children, the disabled and migrants, should also continue to be part of the Human Rights Council's work. We welcome the annual Day on Women's Rights, held in Geneva on 4 June, a key moment in raising awareness of the difficult plight of women in some parts of the world, particularly in developing countries. The celebration of the fifteenth anniversary of the Beijing Conference on Women should, we hope, be a new landmark in the fight to

abolish laws that institutionalize discrimination against women.

In this regard, the Republic of the Congo, through its relevant national bodies, is reviewing a bill aimed at combating violence against women. With respect to the protection of children, my country has just deposited the instruments of accession to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the sale of children, child prostitution and pornography. As to migrants, we note with horror the conditions to which they are subjected in their countries of destination or transit after they have risked their lives to leave their countries of origin.

Another intolerable form of discrimination is that related to racism and racial intolerance. In this regard, my delegation welcomes the success of the deliberations of the Durban Review Conference on racism, racial discrimination, xenophobia and intolerance. The Conference, held in Geneva from 20 to 24 April, adopted a platform for a new departure in the fight against racism and its modern manifestations. It was an edifying example of collective, concerted action by States, as well as testimony to what their common commitment can achieve in tackling the urgent challenges facing human rights. While we welcome the extension for three more years of the mandate of the Intergovernmental Working Group on the implementation of the Durban Declaration and Programme of Action — and, indeed, we commend the arduous work it has already done — we call for the formulation of additional standards for the International Convention on the Elimination of All Forms of Racial Discrimination.

One of the major innovations related to the creation of the Human Rights Council was the establishment of the universal periodic review mechanism, which to this day functions effectively and is achieving results. The universal periodic review was established, we should remember, in order, among other things, to avoid the kind of disputes that arise when countries, whose situations are reviewed, often are factors in confrontation. This mechanism allows the Council to review, without distinction, human rights situations in all countries, and to make recommendations with a view to their eventual improvement.

For its part, the Republic of the Congo is resolved to intensify its efforts to promote and protect human rights, and submitted to this review exercise, held from

6 to 8 May. Out of 59 recommendations made following the review, we consented to 50, while the remaining nine were irrelevant, having already been dealt with in Congolese law. The Congolese Government is endeavouring to implement these recommendations and to refocus its work in some sectors which have not received major attention until now.

In this context, the accreditation procedure for our national human rights commission has been organized under the aegis of the International Coordinating Committee of National Human Rights Institutions, and contact with its accreditation subcommittee has proved fruitful. Moreover, the Congolese Government, despite its difficult financial situation, has pledged to allot adequate appropriations for the National Human Rights Commission, an independent constitutional body, so that it may discharge its mandate efficiently. Efforts to promote and protect human rights and fundamental freedoms are carried out in the schools through programmes of education in civics, ethics and peace, which represent a new demand on Congolese society.

The midterm evaluation in the universal periodic review last month of commitments undertaken proved to be fruitful and, in a closed meeting during its eleventh session, the Council adopted the decision to end the review of the human rights situation in the Republic of the Congo. Certainly that is cause for genuine satisfaction. Still, the Congo, anxious to build a modern State predicated on respect for law and democratic rules, will continue to endeavour, insofar as possible, along with national and international partners, to effectively promote and protect human rights and human beings.

Mr. Ali (Malaysia): At the outset, my delegation wishes to extend our appreciation to the Human Rights Council for its report, as contained in document A/64/53.

We reaffirm that human rights are universal, indivisible, interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis. Those basic principles underpin international human rights. Countries should not continue to pick and choose which rights they wish to emphasize or how those rights may be enjoyed, nor should they seek to impose on others a differing emphasis or urgency to human rights based on their own domestic political expediency or external pressures.

Malaysia is pleased that the Council, within the scope of General Assembly resolution 60/251, and within the institution-building mechanism in Human Rights Council resolution 5/1, has continued to develop. It is our hope that the work undertaken by the Council on a range of issues will lead to tangible results in the promotion and protection of all human rights. The discussions within the Council are, in our view, a healthy process towards realizing the highest standards of human rights as enshrined in the Universal Declaration of Human Rights.

We are pleased to note that the vast majority of the United Nations membership is supportive of the work of the Human Rights Council, especially in ensuring that the Council avoids the mistakes of the previous Commission on Human Rights that became at times highly politicized, and which practiced selectivity and double standards.

We welcome the decision by the United States to engage in the Council. Supporting the Council constructively is a much more positive approach to ensure the promotion and protection of all human rights. While we may disagree on issues and even the processes within the Council, that is the better proposition. It would be disheartening if criticisms that were once applied to the Commission were now levelled against the Council without allowing it to further develop. Moreover, to function effectively, the Council needs to be given the necessary support and resources.

With the review of the Council due by 2011, Malaysia is encouraged by the proactive steps taken by members of the Council to establish a framework for the review process, as decided at its twelfth regular session. In our view, the resolution adopted by the Council will allow sufficient time for all delegations to undertake early preparations aimed at achieving a fruitful and mutually acceptable review of the Council so as to ensure its role as the premier multilateral institution charged with advancing the promotion and protection of all human rights across the world.

We wish to touch upon a number of issues related to the work of the Council. With regard to the universal periodic review, Malaysia is of the view that the review process provides an important non-confrontational, objective, transparent and universal platform for dialogue on the promotion and protection of all human rights, which complements and adds value to the work

of the Council in fulfilling its mandate as envisaged by resolution 60/251.

On the whole, the international community has responded positively and demonstrated commendable constructive engagement with the review process. With a view to enhancing and widening the gains achieved thus far, it is crucial that the General Assembly continue to ensure that adequate material, financial and other resources are allocated for the smooth functioning of the review process. While there remain areas that can be further developed and strengthened, this innovation represents a good alternative to country-specific resolutions here in the General Assembly. The review serves as a constructive approach through genuine dialogue and cooperation among countries that may have differing views and systems, and it is our hope that through the review process, all countries will seize the opportunity to improve the promotion and protection of human rights in a cooperative and constructive manner.

Ms. Štiglic (Slovenia), Vice-President, took the Chair.

Malaysia takes this opportunity to reaffirm its belief in the importance of the work and independence of the Special Procedures mandate-holders. That said, we also believe that, given the sensitive nature of the various mandates, the mandate-holders must themselves exercise responsibility and sensitivity in discharging their respective mandates. The ability of mandate-holders to effectively exercise their functions rests on their ability to adhere to the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council. In our view, recent examples whereby several mandate-holders had attempted to reinterpret or depart from their mandates as decided by the international community could undermine confidence in the mandate-holders themselves, thereby impacting negatively on their ability to contribute effectively to the promotion and protection of human rights. In this regard, we welcome the Council's resolution 11/11, on the system of special procedures.

Malaysia supports the views expressed during the eleventh regular session last June by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, which included the need for enhanced coordination and cooperation among all the human rights mechanisms dealing with indigenous issues within the United

Nations system. Such coordination would help to avoid duplication within the United Nations indigenous issues structure, provide coherence to the roles and responsibilities of the Special Rapporteur, the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples, and ensure effectiveness and efficiency.

We also look forward to the successful conclusion of the work of the High Commissioner for Human Rights, and the work being undertaken by the ad hoc committee on the elaboration of complementary international standards to study the interface between religion and other forms of discrimination.

On a final note, I wish to remind members that Malaysia is seeking election to the Human Rights Council for the period 2010 to 2013 at the elections to be held in May 2010. Malaysia was a founding member of the Human Rights Council from 2006 to 2009; if again elected as a member, Malaysia will strive to ensure that the Council remains a credible, effective and just body entrusted with the responsibility of promoting and protecting the human rights of all people.

Mr. Badji (Senegal) (*spoke in French*): I would like to thank and congratulate Ambassador Alex van Meeuwen of Belgium, President of the Human Rights Council, for the outstanding presentation he has given of the report of the Council, and to state that the consideration of the report (A/64/53) is for my delegation a welcome opportunity to express its great appreciation of the positive results achieved by that body and to restate its commitment to dialogue and cooperation as guiding principles of our work in its ranks.

At this time of crisis when the most optimistic minds are filled with doubt and uncertainty, the invaluable contribution of the Human Rights Council to protecting basic values such as tolerance, intercultural dialogue and responsible freedom of expression is a source of hope and reassurance.

In only four years of existence, the Human Rights Council, thanks to the joint effort of its members and the support of the entire international community, has been able to dispel doubts about its ability to respond to questioning of its mandates by constantly enhancing the way it functions so as to make it more effective and more efficient. In the context of that positive dynamic, it is fitting to note the recent thematic panels on intercultural dialogue, human rights, women's rights,

climate change and also the human rights of migrants in detention centres, which have been highlights of in-depth and enlightening debates. Such steps, which gave rise to very welcome joint initiatives, such as that of Egypt and the United States of America at the twelfth regular session on the freedom of expression, are to be encouraged in future work.

In co-sponsoring the important resolution on freedom of expression, Senegal wished to reiterate its belief that the promotion of tolerance and responsible freedom of expression is essential in the fight against racism and discrimination. Thanks to that cooperation and to the mobilization and flexibility of all stakeholders, the Council was able to meet the challenge by successfully holding, in April 2009, the Durban Review Conference on racism, racial discrimination, xenophobia and related intolerance. The outcome document, adopted by consensus, provides promising prospects for fighting such scourges, and its full implementation should continue to galvanize us.

The broadening of the spectrum of the Human Rights Council's composition, moreover, perfectly reflects recognition of the significant progress made by that body in such a short time, since, as the famous French writer Corneille said, "In souls nobly born, valour does not depend upon age."

However, far from engendering in us a paralysing attitude of blind self-satisfaction, those more than heartening results of the Human Rights Council should prompt us to step up our efforts to strengthen that body, which, thanks to its contribution, gives rise to the hope of a promising outlook in protecting and promoting human rights. In that context, the Council should bolster its action to promote intercultural dialogue and human rights education, which could greatly contribute to attaining the goal of a world free of prejudice and mutual fear. Likewise, the fight against poverty, which is a major hurdle for a large part of humankind, deserves special attention in the Council's work.

The more-than-encouraging way in which the universal periodic review operates is another source of genuine satisfaction for all those who, by pooling their efforts, have made it possible for that mechanism to establish an objective, constructive and transparent dialogue among the various actors and thus to contribute to strengthening the credibility of the Human Rights Council. In fact, the positive impact of that mechanism in protecting and promoting human

rights can be gauged only by how effectively its recommendations are implemented. In that regard, I am pleased to recall that my country, in a spirit of dialogue and openness, underwent the universal periodic review on 6 February 2009 and is already striving to implement the undertakings into which it voluntarily entered.

Thus, to strengthen its cooperation with the Council's special procedures system, Senegal hosted the Special Rapporteur on the Human Rights of Migrant Workers in August 2009 and the Working Group on Arbitrary Detention in September. Similarly, a third mandate-holder, addressing the sale of children, has been visiting my country since 21 October for a period of 10 days. In that field, as in others, Senegal, faithful to the commitments that earned it the confidence of United Nations Member States, which elected it to the Human Rights Council for a second term, will continue its efforts at the national, regional and international levels.

To conclude, I would like to welcome the adoption by the Human Rights Council of its resolution 11/12, extending the mandate of the Intergovernmental Working Group to review the work and functioning of the Council five years after its establishment, as, moreover, is stipulated in General Assembly resolution 60/251. Thus the review of the functioning of the Human Rights Council in 2011 should, in our view, be an opportunity for an objective assessment of that organ, with a view to making, where needed, the necessary adjustments to better address the challenges that continue to arise in protecting and promoting human rights.

Mr. Heller (Mexico) (*spoke in Spanish*): My delegation would like to thank the President of the Human Rights Council for presenting its report (A/64/53) to the General Assembly, given the importance that it gives to the protection and promotion of human rights as one of the pillars of our Organization. We welcome the report on the activities of the Human Rights Council, which covers the work of that organ between September 2008 and June 2009. Mexico is fully committed to the strengthening of the Human Rights Council as the organ par excellence in the Organization responsible for promoting and protecting human rights.

In the period covered by the report, the human rights situation in Mexico was reviewed under the

universal periodic review mechanism. My country participated very seriously and responsibly in that review. It committed itself to following up on the recommendations received and accepted under that mechanism in three spheres: the national human rights programme, in the context of the cooperation agreement that Mexico has with the Office of the High Commissioner for Human Rights, and in our ongoing dialogue with civil society within the framework of the Commission on Government Policy on Human Rights.

We are convinced of the usefulness of this innovative mechanism as a tool for comprehensively evaluating goals that constructively seeks to improve human rights in all the countries of the world. In that effort to protect human rights, the Council, through the universal periodic review, has already considered the situation in nearly 80 countries in every region of the world.

This year, the Council has continued to carry out its normative work. In that regard, I should like to point out the adoption of Guidelines for the Alternative Care of Children and the establishment of an open-ended working group to draft an optional protocol to the Convention on the Rights of the Child to provide a communications procedure. With regard to strengthening the system of special procedures, I would underscore the establishment of the post of the independent expert in the area of human rights. We therefore have at our disposal today a host of 39 procedures to promote an agenda for the protection of human rights in the context of their respective mandates.

Moreover, as part of the Council's innovative working methods, thematic panels have been held on the issues of the rights of children, of women, of disabled persons and of migrants being held in detention centres. The thematic discussions and the exchange of views with experts have benefited the Council's work.

Two fundamental changes in the work of the Human Rights Council should be made in 2011. The first pertains to issues associated with the Council's work and functioning. The second, which necessarily will involve the General Assembly, has to do with the status of the Council itself within the Organization. We consider it crucially important that both of those elements, which are part of the same process, should lead to genuine strengthening of the Council so that it will be in a position to fully carry out the important mandate for which it was established. The Government

of Mexico believes that the revisions to be made in 2011 will be a unique opportunity to strengthen the Council's working methods and move towards a genuine culture of dialogue and good practices that will bolster the enjoyment of all human rights throughout the entire world. We would like to express our full commitment to contribute constructively to the working group that the Council has established to begin that process.

Lastly, Mexico is pleased to have been re-elected as a member of this important body last May. We are therefore even more committed to continue to work actively and collectively in the Human Rights Council.

Mr. Al Habib (Islamic Republic of Iran): I would like to express my appreciation to the Human Rights Council for its report contained in document A/64/53. I would also like to welcome the statement made in the General Assembly by the President of the Human Rights Council.

The Council has done a commendable job over the past four years in building and establishing the appropriate mechanisms and subsidiary bodies to fulfil the mandates given to it by resolution 60/251. One of the priorities in the new phase of United Nations human rights machinery has been to approach human rights issues in a comprehensive, cooperative and constructive manner. To meet such expectations, the Human Rights Council must act as a focal point of reliance, hope and participation for all peoples and Governments so as to address global human rights challenges. It also ought to be a forum for dialogue, understanding and cooperation.

The universality of human rights and their interdependence and indivisibility require that all rights be given equal status. As such, economic, social and cultural rights should be given the same importance as civil and political rights. The creation of new mandates focused on economic, social and cultural rights and the holding of panel discussions on a number of important subjects are worthy achievements of the Council. However, there is a need for more effective mechanisms to reinforce and support cultural rights. Operational steps are needed to further strengthen the right to development and other collective rights.

While the process of setting standards in the Human Rights Council is ongoing, it should be underlined that cultural diversity must be at the centre of any attempt to create human rights instruments, as

such an approach would help to prevent hegemony and will enrich the universality of human rights.

The pervasiveness of poverty and the increase in inequality between countries, which have mainly been caused by unfavourable international economic conditions, remain daunting challenges facing developing countries and undermine their efforts to promote human rights. Moreover, the spread of intolerance, certain misconceptions on the right to the freedom of expression and the lack of an ethics code of conduct for media still stand in the way of the effective implementation of all human rights for all. They also infringe upon the rights of some sectors of society.

On the other hand, the world is still witnessing attempts on the part of a few who wish to impose their own views and interpretations on the application of certain internationally agreed concepts and standards. The Human Rights Council should confront such attempts by designing innovative approaches.

We are of the opinion that it would be extremely necessary for the Third Committee, as is its prerogative, to pay greater attention to its designated work and mandate and that of the Human Rights Council. In principle, the General Assembly's Third Committee should primarily focus on policy-oriented deliberations and discussions to provide strategic policy recommendations to the Assembly, which in turn can guide the international community, in particular the Human Rights Council, in further enhancing the promotion and protection of all human rights.

One of the real challenges before the Council is to ensure that its monitoring system works truly as a universal mechanism to address human rights situations worldwide. That will require the Council to adopt a balanced and integrated approach and enforce a unified set of criteria and terms of reference in all situations alike.

In that respect, the universal periodic review mechanism constitutes a breakthrough in the work of United Nations intergovernmental human rights activities. The purpose of the mechanism is to ensure universality, objectivity, non-selectivity and impartiality in the work of the United Nations human rights machinery. Logically speaking, if it works as intended, that instrument should allow the human rights machinery to act beyond political interests and ambitions. We appreciate the degree of transparency and the constructive examination of situations that took

place during the universal periodic review in the context of discussing challenges ahead, acknowledging that there is always room for improvement in any State.

According to the timetable of the Working Group on the Universal Periodic Review, the national report of the Islamic Republic of Iran will be considered during the Group's fourteenth session, in February 2010. My Government has made comprehensive arrangements with all national stakeholders, including governmental and non-governmental institutions, to draw up and submit the national report for the consideration of the Working Group. My country is fully committed and ready to engage constructively and cooperatively with other States when our national report is considered by the Human Rights Council's Working Group.

Mr. Nirupam (India): Thank you very much, Madam, for giving me this opportunity to address the General Assembly on the important issue of the report of the Human Rights Council (A/64/53). At the outset, on behalf of my delegation, I would like to thank the President of the Human Rights Council for his report.

My delegation notes positively the promise shown by the Human Rights Council since its inception, in 2006, as the premier organ of the United Nations dealing with human rights. Considerable progress has been made in the past three years in strengthening its institutional mechanisms and reviewing, improving and rationalizing all mandates, mechanisms, functions and responsibilities of the former Commission on Human Rights.

The strength of the Human Rights Council lies in its emphasis on dialogue, cooperation, transparency and non-selectivity in the promotion and protection of all human rights and fundamental freedoms for all. The enthusiastic participation of Member States in the universal periodic review process to date points in that direction. It also underscores the success of that innovative mechanism, which has provided a platform for sharing national experiences and best practices in consultation with, and with the consent of, the country concerned. The importance of the universal periodic review mechanism was rightly summed up by the Secretary-General when he said that "This mechanism has great potential to promote and protect human rights in the darkest corners of the world".

The holding of special sessions on thematic issues over the past year and a half attests to the wide-ranging debate being conducted in the Council. We reiterate our

firm commitment to continue to engage constructively with all Member States and to strive to make the Council more effective, responsive and efficient. We strongly believe that the international community can advance our common cause through dialogue and interaction.

The Human Rights Council is still evolving. It is important that we continue to provide collective guidance to the Council and help it mature. We should also ensure that those efforts are inclusive and respect the diversity in the historical national experiences, cultures and development of different countries. In that regard, we would like to state that we look forward to the forthcoming review process of the functioning of the Human Rights Council in 2011.

Let me take this opportunity to also reaffirm our trust in the work and independence of the special procedures mandate-holders. While they have done commendable work, it is important that they exercise responsibility and be sensitive in discharging their respective mandates. The Human Rights Council has provided mandate-holders with a code of conduct, and it is important that it is adhered to. Any attempt to reinterpret the code of conduct or depart from their mandates would weaken the mandate-holders and the important functions entrusted to them by the Council. In that regard, we welcome the adoption of Council resolution 11/11, on the system of special procedures.

We are encouraged by the efforts of the Human Rights Council to translate the right to development into a reality. Discussions on the right to development are gradually moving away from the realm of theory and principles into that of the design, implementation and realization of policies. In that connection, we note the significant contribution of the Working Group on the Right to Development.

The Council must play a central role in denouncing terrorism, which poses the biggest threat to our common efforts towards peace, security and development. It also undermines the very foundations of freedom and democracy and the enjoyment of human rights, including the most important fundamental right of all, namely, the right to life.

In conclusion, I would like to say that the work of the Human Rights Council should proceed in a spirit of cooperation and mutual understanding. It should strive to promote human rights through international cooperation and genuine dialogue among Member

States, including capacity-building and mutual assistance. India remains committed to making the Human Rights Council a strong, effective and efficient body that is capable of promoting and protecting human rights and fundamental freedoms for all.

Mr. McLay (New Zealand): New Zealand is pleased to welcome Ambassador van Meeuwen to New York for the presentation of the report on the Human Rights Council's third year of operation (A/64/53). We acknowledge his contribution and that of his predecessor, Ambassador Martin Uhomoibhi.

New Zealand firmly believes in the universality and indivisibility of human rights for all people and regards the Human Rights Council as the primary United Nations mechanism with responsibility for human rights. New Zealand wishes to see the Council fulfil the mandate with which it was entrusted by Member States, namely, to respond effectively and in a timely manner to human rights situations while promoting open and inclusive dialogue and cooperation with concerned countries.

The third year of the Council's operation has been an important one. In its first year, the Council laid solid foundations through the adoption of the institution-building package. Last year, that was followed by the consolidation of those institutions and mechanisms. After that establishment phase, the third year has been the Council's first full year of work. In that period, we have been encouraged to see some positive work in the Council that has contributed towards the fulfilment of its mandate. In that regard, New Zealand has welcomed the contribution of new members and has been pleased to see evidence of increased cross-regional cooperation.

Transparency is also important. We commend the Council for its use of webcasting and for other improvements, such as the use of new technology to distribute meeting alerts.

Strong operational practices in the Council are critical for the effective implementation of human rights. For that reason, New Zealand considers the system of independent special procedures, including those on specific human rights situations, and the universal periodic review to be among the more valuable components of the Council's work.

This year, New Zealand was pleased to undergo its own first universal periodic review. We look

forward to the continuing evolution of the process, which we see as positively complementing other mechanisms, including country statements and treaty body reporting.

We particularly recognize the challenges faced by smaller States in participating in the universal periodic review process, especially those without representation in Geneva. In support of the review process, therefore, New Zealand hosted a seminar earlier this year for Pacific countries to exchange views and build the region's capacity to engage in the process. We are pleased that those of our Pacific neighbours who have so far been reviewed have found the experience positive and rewarding. We look forward to others participating in the next review process round, in December.

Despite some encouraging positive steps, New Zealand remains convinced that much more needs to be done. As the President said, the Council is not a perfect institution. The Council must intensify efforts to assist States in their responsibility to address the gap between the norms embodied in the core human rights instruments and the reality faced by individuals. Specifically, we urge member States of the Council, past and present, to reinvigorate their efforts to deliver on the pledges they made upon their election to the Council.

This year, the Council also addressed some important thematic issues. In that regard, New Zealand was pleased to have co-led initiatives on the issues of disabilities and maternal mortality. However, other important thematic issues have not received the attention they deserve, and others that have been taken up by the Council did not always add value to its work or promote human rights.

New Zealand considers that being able to address critical country situations in a timely and effective manner is fundamental for the fulfilment of the Council's mandate, and vital for its credibility. We were pleased to observe a number of instances where that has taken place this year. However, we regret that there have been other situations where that has not happened.

We are also concerned that the Council can sometimes be selectively willing to condemn what it regards as human rights abuses in some places, while conveniently ignoring others that might be uncomfortably

closer to home. Greater consistency in that regard would do much for the Council's wider credibility.

While it is still early in its existence, the forthcoming 2011 review of the Council could also provide an opportunity for assessment and improvement of its working methods, taking into account the need for the proper implementation of existing structures. In that regard, we again urge the Council to move towards a clearer and predictable annual programme of work. We also believe that more can be done to increase the effectiveness of meeting time, especially for working groups.

The United Nations was established in 1945, in part in response to the human rights abuses of preceding years. New Zealand put its hand to that original establishment, has maintained its support for global respect of human rights and remains firmly committed to those ideals, both domestically and internationally. But, for all that, we are under no illusions as to the nature and extent of the task that is still at hand — a task that, in United Nations terms, belongs with the Human Rights Council. We wish the Council well for the challenges ahead. They are many and they are real, but they must be taken up and addressed. That is why we worked for and supported the Council's establishment and why, despite any shortcomings, we continue to support it today.

Ms. Blum (Colombia) (*spoke in Spanish*): Colombia has taken note of the report of the Human Rights Council, contained in document A/64/53, which includes the resolutions, decisions and presidential statements adopted during its two regular sessions and four special sessions. As we stressed yesterday in the debate in the Third Committee, in those sessions the Council adopted important thematic resolutions that include new provisions to be taken into account in the realization of political, civil, economic, social and cultural rights.

My delegation welcomes the work of the Council on matters concerning the rights of children, the elimination of violence and discrimination against women, the response to various crimes that seriously impair the enjoyment of human rights — such as trafficking in persons and arbitrary arrests and disappearances — and issues related to the right to education and human rights training. Colombia, in its capacity as an observer State in the Council,

co-sponsored several of those initiatives and actively participated in the relevant consultations.

Colombia has supported the reforms that have been implemented in the United Nations since 2006 with regard to the system of bodies with mandates in the area of human rights. My country believes that the creation of the Human Rights Council, the establishment of the universal periodic review and the adoption of the code of conduct governing the work of the special procedures are fundamental achievements that make it possible to take concrete steps with regard to cooperation in the realization of human rights in various countries and regions.

It is important that, in complying with its mandate, the Human Rights Council continue to strengthen its working methods and decisions in accordance with the objectives and spirit that inspired the Assembly to establish the Council. The Council should continue to be strengthened as a body for constructive international dialogue that promotes international cooperation in the protection of human rights. The principles of universality, impartiality, objectivity and non-selectivity must at all times guide its work, as provided for by the Assembly in 2006. Adherence to those principles is a guarantee for enhancing the legitimacy and effectiveness of the Council in fulfilling its mandate.

The universal periodic review has continued to develop, as reflected in the decisions referred to in the report. Having voluntarily accepted the procedure, Colombia's review took place at the end of 2008. It is important that each State set up internal systems for the follow-up to the implementation of the commitments made under the review, so as to strengthen the legitimacy of this tool in the future. My Government has defined a national methodology for that purpose.

It is important that future reports of the Council include more references with regard to the Council's contributions in areas that we believe are relevant in assessing the new institutional system on human rights. That should include, for example, information related to contributions in the mainstreaming of human rights within the United Nations system; the strengthening of the work of the Office of the High Commissioner for Human Rights; the continuous review and formulation of increasingly coherent and organized objectives and mandates in the system of special procedures; complementary actions with the various existing

human rights institutional systems at the regional or continental levels and strengthening coherence among the different human rights treaty bodies while taking into account their respective mandates.

The Council's effectiveness could be increased if its efforts included particular priority on the goal of helping to instil the culture of human rights at all levels. Those activities must be promoted objectively, avoiding the politicization in the approaches taken.

Through dialogue and cooperation, the Council will be able to strengthen its work for the promotion of human rights and to raise human rights awareness in the policies of other multilateral bodies and in the work of relevant national institutions. It could also encourage the involvement of economic and corporate sectors, prompting their commitment to the principles of corporate social responsibility which contribute to the enjoyment of human, environmental and social rights in various countries and regions. It may also, in a more general way, foster constructive interaction with civil society. My delegation hopes that in the work of the Council, we will see progressively more tangible results on these fronts.

It is equally important for the Council to move forward in analysing standards for monitoring the implementation of the recommendations adopted in the field of human rights by the various bodies of the United Nations system, including this General Assembly. That should always be carried out with the conviction that multilateralism and the broadest possible participation of all member States in decision-making processes are essential prerequisites for ensuring greater effectiveness and legitimacy of decisions while, at the same time, fully reflecting the democratic values underpinning the United Nations system.

Ms. Plaisted (United States of America): Let me join with others in welcoming the President of the Human Rights Council to the Assembly and thanking him for his report (A/64/53).

The United States was honoured to take up its seat on the Human Rights Council for the first time this year and, in the spirit of mutual respect, we look forward to continuing this work with our colleagues on the Council, and the entire United Nations membership, to protect and promote human rights around the world.

The United States decision to join the Human Rights Council was not made lightly. It was based on a

clear and hopeful vision of what we can accomplish together. This vision is not an American one, but one that respects the aspirations embodied in the Universal Declaration on Human Rights and the mandate of the Council itself.

In his address to the General Assembly, President Obama emphasized that respect for human rights and democracy is essential to sustained prosperity and lasting security. In his remarks last month, and in Cairo and Accra earlier in the year, President Obama provided a direction for our approach to the Council's work which is guided by four tenets, as was outlined by Assistant Secretaries Grimmer and Posner during the September session: the universality of human rights, dialogue among nations and people, principled engagement, and a fidelity to the truth.

As others have noted, we approach the Council willing to support what it does well, but also pledging to challenge actions that we believe undermine the Council's effectiveness and its mandate. The United States seeks to build partnerships in our efforts to listen and learn from one another and work to identify common ground. We will remain steadfast in our assertion that all Governments, including our own, are responsible for ensuring the rights and freedoms spelled out in international human rights law. We believe the Human Rights Council must focus its work on making a practical impact on respect for human rights, the betterment of the lives of victims and the prevention of abuses.

It is with those views in mind that we approach the Council's report. Indeed, the breadth of work covered by the Human Rights Council is tremendous — close to 100 or more resolutions a year on any number of thematic areas, with multiple special sessions. The universal periodic review, multiple committee meetings, including the Ad Hoc Committee on the Elaboration of Complementary Standards — currently meeting in Geneva — only add to the enormous workload.

As is true with any political body, as the United States looks back at the activities undertaken by the Human Rights Council over the past year, there is much we can agree with and much with which we would take strong exception.

For example, in reviewing the Council's report on its activities last year, the United States strongly supported the Council's considerable work on women's issues, including resolutions on maternal mortality and

violence against women, as well as its emphasis on trafficking in persons. We supported resolutions on Somalia and we worked diligently with others on the Council to try to forge agreement on sensitive and difficult issues in the Sudan and in the Democratic Republic of the Congo, to name just a few.

We would be remiss not to point out that the report, while including the Council's successes, is also a transparent reminder of its failings. We were disappointed that the Council failed to seriously address some of the most difficult and sensitive situations, including the situation in Iran, to mention just one example. The Council's failings also include the continued one-sided treatment of Israel. There are multiple resolutions within the report that target Israel, resolutions the United States could not support for many reasons, but in large part because they attempt to isolate and criticize the Government of Israel with no mention of Hamas.

As a member of the Council, the United States hopes to work in partnership with all Member States, and particularly with Council members, to strengthen the Council's work and impact in fulfilment of its mission. We look forward to working with the Human Rights Council and the General Assembly to empower and strengthen the United Nations human rights mechanisms and to improve its — and our — ability to make an impact around the world in order to better the lives of the world's most vulnerable peoples. We believe the United Nations and Member States — and particularly the victims of human rights violations around the world — deserve no less.

Mr. Mohamed (Maldives): The Maldives welcomes the report of the Human Rights Council (A/64/53), the pre-eminent body of the international human rights framework. I would also like to take this opportunity to express our sincere appreciation to Ambassador Alex van Meeuwen, President of the Council, and his predecessors, for the invaluable contributions they have made to the work of the Council as it continues to strive for the better protection and promotion of human rights worldwide.

My delegation would like to congratulate the excellent work the Council has carried out so far. We believe that, despite its young age, the Council has worked diligently in trying to meet our expectations in elevating human rights protection for all citizens of the world. We also recognize the importance of the review

of the Council in shaping its future work. It is imperative that, in reviewing the Council's performance, we pay due heed to maintaining our engagement and commitment to upholding the very fundamentals on which the Council was established.

The Maldives would like to take this opportunity to comment on Human Rights Council resolution 10/4, on human rights and climate change, adopted during the Council's tenth regular session, and on the subsequent panel on the subject held during the eleventh session. The Maldives, the lead sponsor, was pleased that Council resolution 10/4, which breaks important new ground in clarifying the complex and important relationship between climate change and human rights, was adopted by consensus and with almost 90 sponsors.

The resolution makes clear that climate change impacts have important negative implications, in both a direct and indirect sense, for a range of internationally protected human rights. Those implications fall most heavily on the most vulnerable countries and segments of society. The resolution also states that the current negotiations on the United Nations Framework Convention on Climate Change, due to conclude in Copenhagen in December, must succeed in order for human rights to be protected, and that climate change policy agreed at the negotiations must be implemented in a way that supports and does not undermine the full enjoyment of the human rights of all peoples.

The operative part of resolution 10/4 called on the Council to hold a dedicated interactive panel debate on the relationship between climate change and human rights. That debate was convened during the eleventh session in June. The Maldives found the debate an extremely worthwhile and productive exercise. We were particularly delighted by the range of detailed views and comments presented by States, experts and non-governmental organizations. After listening carefully to those views and comments, the Maldives is now considering what next steps to take. In this regard, we will also be informed by the merits of the outcome of December's crucial climate change conference in Copenhagen.

The Maldives also welcomes the Council's adoption, during its tenth and eleventh sessions, of the outcomes of the universal periodic reviews of a number of small island developing States, including Bahamas, Barbados, Cape Verde, Tuvalu and Mauritius. We

would like to congratulate those States on their successful and productive reviews. The Maldives is a firm supporter of the review process, which we believe offers an invaluable opportunity for small island States to engage in an open dialogue on ways to improve the enjoyment of human rights and also to access much needed international capacity-building support.

At the same time, we are fully aware of the pressures that the review process places on the administrations of small island States, especially those States that do not have permanent missions in Geneva. For that reason the Maldives and a group of like-minded States have established a group of friends in Geneva to offer practical advice and support to States that do not have a presence in Geneva, if those States so wish. The group of friends will contact all States in that position ahead of their reviews.

Mr. Saeed (Sudan) (*spoke in Arabic*): I would like to express the appreciation of my delegation for the statement made by the President of the Human Rights Council before the General Assembly, having spoken in the Third Committee last Thursday at the beginning of deliberations on the report of the Human Rights Council (A/64/53). My delegation would like to stress the importance of continuing the deliberations on the Human Rights Council's report in the General Assembly and the subsidiary bodies that deal with human rights. Indeed, the Human Rights Council is a subsidiary organ of the General Assembly, as stipulated by its resolution 60/251, which established the Council.

The Third Committee, which is the technical body authorized to discuss human rights issues, with a view to their promotion and protection, remains the most appropriate forum to deal with the recommendations and findings of the Human Rights Council. The Council resolution, adopted by consensus this past year, stipulates that the Council's report should be considered by the General Assembly and the Third Committee, with the latter dealing with the recommendations contained in Council's report. The resolution reflects all approaches and opinions relevant to the subject. We wholeheartedly support this consensual resolution.

The Human Rights Council, as the report makes clear, is an important step in the process of considering human rights activities and reform in the United Nations system, in light of the need to breathe new life into this aspect of the work of the Organization. This

will bring it into line with the realities of our modern-day world after the passage of more than half a century since the founding of the United Nations. The Human Rights Council thus represents a new phase in the development and enhancement of human rights.

The Council was set up in a way that took account of the shortcomings and malformations that existed previously in the Human Rights Commission and that were reflected in its politicization, double standards and selectivity. The former body was a malleable instrument in the hands of certain Powers that used it to serve their own purposes and agendas which ran counter to the noble objectives for which the body had been established. The important work and the measures already taken by the Human Rights Council since its creation three years ago, in the areas of institutionalization and study of the working methods of the previous Commission on Human Rights, paves the way for a new era in the field of human rights, based on constructive dialogue, international cooperation, the provision of technical assistance, and the process of inclusiveness in dealing with human rights throughout the world. That is a new approach for tackling human rights issues, replacing the heavy legacy of politicization, selectivity and double standards that marked the Human Rights Commission.

My delegation is eager to see the Human Rights Council undertake more action, efforts and arrangements to strike the correct balance between cultural, economic and social rights, including the right to development, on the one hand and political and civil rights on the other. Political and civil rights had been in the ascendant in the Human Rights Commission; the Human Rights Council, by contrast, must endeavour to promote, enhance and protect cultural, economic and social rights.

The universal periodic review process needs to consider the human rights situation in all States on the basis of dialogue and constructive cooperation. That is a new hallmark of the Human Rights Council and a project worthy of support and serious assessment to develop it and to provide it with technical assistance so it may continue and progress. We hope that this positive development will mark the end of the previous era of politicization and double standards, and we hope that its results will put an end to the country-specific resolutions singling out one State, which would then go to the Third Committee — a process that does not contribute to the promotion and protection of human rights but rather deepens confrontation, widens the

circle of politicization and selectivity and targets only developing countries, and is not consistent with the new spirit and approach of the Human Rights Council, founded on a spirit of mutual understanding, dialogue and international cooperation.

In conclusion, my delegation reaffirms its wholehearted commitment to working with the international community and the Human Rights Council's machinery in order to achieve the noble objectives of protecting and promoting human rights through an approach predicated on dialogue, international and common understanding and cooperation. We hope that such an approach will remain the one adopted by the Council and that it will prevail in all the Council's activities and endeavours.

The Acting President: We have heard the last speaker in the debate on this item.

One representative has requested to speak in exercise of the right of reply. May I remind members that statements in exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second intervention, and should be made by delegations from their seats.

I call on the representative of the Islamic Republic of Iran.

Mr. Mamdouhi (Islamic Republic of Iran): In exercising the right of reply to the statement made by the representative of the United States, my delegation would like to state the following.

It is unfortunate that abuse of the United Nations human rights machinery, including the General Assembly and the Human Rights Council, has become a prevalent tradition among certain States in advancing their political purposes. We, along with the overwhelming majority of the international community who have opposed or have not consciously supported similar moves in the past, are firmly convinced that such ill-intended practice has nothing to do with the cause of human rights and harms the credibility of the Human Rights Council and its human rights mechanisms.

Mr. Mohamed (Maldives), Vice-President, took the Chair.

Adopting an unconstructive policy, the United States makes references to others in the context of the violation of human rights while certain parts of its own

population, especially immigrants, foreigners and indigenous peoples, suffer from human rights violations under its watch and its exercise of discriminatory policies.

The Acting President: The Assembly has thus concluded this stage of its consideration of agenda item 64.

Agenda item 75 (continued)

Report of the International Criminal Court

Note by the Secretary-General (A/64/356)

Report of the Secretary-General (A/64/363)

Ms. Blum (Colombia) (*spoke in Spanish*): I would like first to thank the President of the International Criminal Court (ICC) for preparing the fifth report of the Court (A/64/356), submitted for consideration by the Members of the United Nations.

My delegation wishes to highlight the work of the Court in consolidating international criminal law and in its efforts to ensure the prevalence of international justice over impunity for crimes within the Court's jurisdiction. The report gives account of those efforts and of the Court's support for national jurisdictions through its primary and fundamental role of investigating and prosecuting those responsible for such crimes, while upholding the basic premise of the Court's complementary jurisdiction.

Let me stress that, having finished its substantive preliminary proceedings, the Court initiated its first trials this year. This is unquestionably an important step forward in the due administration of justice. My country welcomes the progress made on the path towards the universalization of the Rome Statute, which now has 110 States parties following the recent accession of Chile and the Czech Republic. My delegation also urges the full and effective cooperation of States, the United Nations and civil society towards the proper functioning of the Court.

In August 2008, the Prosecutor of the International Criminal Court, Mr. Luis Moreno-Ocampo, paid a visit to Colombia at the invitation of the Colombian State and the Office of the Attorney General. During his visit, Mr. Moreno met with senior Government officials, the Attorney General, the Supreme Court and representatives of civil society, and had the opportunity to analyse information concerning

investigations and ongoing lawsuits against leaders of illegal armed groups, politicians and military personnel suspected of crimes that could fall within the Court's jurisdiction. The Prosecutor also discussed allegations regarding the existence of international support networks assisting criminal armed groups in Colombia. The Government hopes that the work of the Court in general, and of Prosecutor Moreno-Ocampo in particular, will benefit the Colombian judicial system, mainly in fulfilling its primary obligation to investigate, prosecute and punish those responsible for such crimes, and to prevent impunity.

States parties are committed to renewing our efforts to strengthen the International Criminal Court and bring national legislation into line with the Rome Statute, particularly regarding the definition of the crimes that fall within the Court's jurisdiction. International cooperation and judicial assistance are an integral part of that commitment.

Colombia has made progress in adjusting its legislation in accordance with the principles and rules governing the Court. In April, Colombia acceded to the Agreement on the Privileges and Immunities of the International Criminal Court. In November, Colombia's declaration concerning war crimes, in force for a period of seven years pursuant to article 124 of the Rome Statute, will expire. At that time, the ICC's jurisdiction over all such crimes will go into full effect in my country. Colombia hopes that full implementation of the Rome Statute will help deter such war crimes as the forcible recruitment of children and terrorist attacks on civilians, and that it will also contribute to the efficiency of the justice system and strengthening the rule of law.

Thanks to the implementation of recent legislative changes, Colombia has a more efficient justice system. The introduction and implementation of an accusatory justice system is one of the most notable developments. The office of the Attorney General has been modernized and its investigative capacity enhanced. Where there have been allegations of violations of human rights by members of the security forces, the national Government has moved quickly to refer all such cases for investigation by the regular courts through the office of the Attorney General.

As a part of its fight against impunity, Colombia has enacted a law of justice and peace that provides a legal framework independent of the executive and

rewards truthful confessions and reparation for victims. It has facilitated the demobilization of some 52,000 members of illegal armed groups. As a further result of its implementation, approximately 30,000 criminal acts have been confessed and around 2,500 bodies exhumed, and 35,000 victims have taken part in legal proceedings.

Thanks to the commitment of the Colombian State to truth and justice, Colombia today has achieved unprecedented results in this field. The guerrilla leaders of some illegal armed groups have been sentenced. All former paramilitary leaders are in prison and some have been extradited. Some 694 members of paramilitary groups are being prosecuted under the justice and peace law, 150 members of the security forces have been prosecuted by the justice system, almost 400 have been subject to precautionary measures and approximately 1,300 are under investigation. Eleven leaders have been convicted of colluding with former paramilitary groups, 7 have been brought to trial, 32 are being investigated and 8 are giving voluntary depositions.

Additionally, the State has launched an ambitious programme to compensate victims through official channels, to which significant budgetary resources have been allocated. It has sought to establish a system that allows for comprehensive symbolic, material, administrative and legal reparations. The goal set by the Government is to help the victims through restitution, compensation, rehabilitation and guarantees of non-recurrence.

Coordinated efforts by all States, international organizations and civil society are vital to enabling the International Criminal Court to establish itself as an international body engaged in the fight against impunity and to ensure the due application of justice with regard to the heinous crimes under its jurisdiction.

The Review Conference of the Rome Statute will be an exceptional opportunity to work together to strengthen this important Court. As a country with a legal tradition of strict adherence to international law, Colombia reaffirms its commitment to the Court and to the objectives that led to its creation.

Mr. Appreku (Ghana): First of all, Ghana aligns itself with the statement made by the Permanent Representative of Kenya on behalf of the African group of States parties to the Rome Statute. We wish to highlight the following points in our national capacity.

Ghana welcomes the note (A/64/356) by which the Secretary-General has transmitted the report of the International Criminal Court (ICC) in accordance with article 6 of the Relationship Agreement between the United Nations and the ICC, as stated in paragraph 17 of resolution 63/21. Ghana further welcomes the report itself and the statement made by the President of the ICC, Judge Sang-Hyun Song, in presenting the report. My delegation congratulates Judge Song on his election as President, as well as the newly elected First Vice-President, Judge Fatoumata Dembele Diarra, and Second Vice-President, Judge Hans-Peter Kaul, on their elections.

We also welcome the five judges who were elected to the Court for the first time on 11 March 2009, and extend our deepest condolences to the Government of Japan on the demise of Judge Fumiko Saiga.

Ghana, as a State party to the Rome Statute, remains committed to the principle that agreements must not only be honoured — *pacta sunt servanda* — but must be honoured in good faith. Therefore, Ghana will continue to support and cooperate with the Court as an independent judicial institution responsible for investigating and prosecuting individuals alleged to be responsible for the most serious crimes of international concern, namely, genocide, crimes against humanity and war crimes. We appreciate the fairness and impartiality with which the Court has carried out its work since its inception.

We wish to emphasize that due process dictates that every accused person or alleged perpetrator of any of these crimes shall be presumed innocent until proven guilty. By this standard, justice and the rule of law must be seen to have been equally served whether an accused person is proven guilty and thus deserves to be convicted and jailed, or proven to be innocent and thus acquitted and discharged. Public discourse on questions relating to alleged crimes carried out by any individual, regardless of race, nationality or region, must therefore reflect this balance, bearing in mind that it is only in a court of competent jurisdiction, such as the ICC or national courts, where such findings of fact and law regarding guilt or innocence may be determined.

It is gratifying to note that the cases that have come before the Court so far have given the Court the opportunity to test and clarify some of the provisions of the Rome Statute. Ghana looks forward to participating actively in the Review Conference

convened by the Secretary-General, scheduled to take place in Kampala next year.

Among other things, the Review Conference will provide a platform to try to reach some consensus on the definition of the crime of aggression and fill other gaps in the existing regime of the Rome Statute. We believe that the Conference will also provide a unique opportunity to take stock of the work of the Court and make the necessary amendments to the Statute on the basis of consensus, with a view to enhancing the efficiency and effectiveness of the Court as a veritable mechanism in the fight against impunity.

Some may disagree with certain decisions of the Court, but the Review Conference in general, and the stock-taking segment in particular, should not be used as an occasion to impugn or question the integrity of the judges of the Court. As the various ad hoc criminal tribunals reach the end of their completion strategies, it is expected that the workload of the ICC will increase in the foreseeable future. This fact makes the need to promote universal participation in the Rome Statute all the more imperative and underscores the need to adequately resource the Court in order for it to discharge its mandate.

In conclusion, efforts must be made to address legal and legitimate concerns raised by interested parties and state stakeholders. My delegation acknowledges that peace and justice are two sides of the same coin, one reinforcing the other. The Charter recognized as much when it provided for respect for the principles of justice and international law as the cornerstones of the attainment of peace and security.

It is well known that justice delayed is justice denied, but sometimes peace delayed is justice denied, too. So we must pay equal attention to addressing the twin challenges of peace and justice in our collective endeavour to promote international criminal justice and to ensure accountability and the rule of law without fear or favour.

Mr. Argüello (Argentina) (*spoke in Spanish*): Argentina expresses its appreciation and gratitude to Mr. Sang-Hyun Song, President of the International Criminal Court, for introducing the Court's report to the United Nations, contained in document A/64/356. My country once again highlights the contributions of the International Criminal Court to the international order through the fight against impunity for crimes against humanity, genocide and war crimes.

This session of the General Assembly finds the International Criminal Court in full judicial activity. This year, just a decade after the adoption of the Rome Statute, it began its first trial, while the second is scheduled to begin next month. This year also finds the Rome Statute with 110 States parties. Thus, I wish to welcome the Republic of Chile and the Czech Republic to the Statute.

The Court is firmly establishing itself in its trial stage, in which it is essential that it demonstrate its ability to administer justice effectively, expeditiously and impartially. For that reason, it is important, inter alia, to swiftly fill vacancies to ensure that all Chambers of the Court are fully operational. It is also essential that the organs of the International Criminal Court, without prejudice to their independence or respective mandates, constitute a single Court united by shared values and objectives.

The International Criminal Court has a global mandate but has not yet achieved universal participation. Achieving such universality is the great challenge for the Court and for the international community in the medium and long terms. Universal participation and the Court's credibility will enable it to investigate and issue rulings in all appropriate situations.

Here, I wish to stress that achieving universality depends not only on the number of ratifications, but also on States' adoption of domestic legislation that ensures operational complementarity and a functioning cooperation regime, as provided for in the Rome Statute. In particular, this includes arrest and surrender warrants, without which the Court will not be able to effectively carry out its mandate of investigating and issuing rulings.

In the quest for universality, outreach campaigns concerning the International Criminal Court and the Rome Statute are also essential. I should like to recognize the role played by the Coalition for the International Criminal Court and other civil society organizations in that regard.

Next year, another important event will take place in the life of the Court — the Review Conference of the Rome Statute to be held in Kampala, Uganda. The Review Conference will be the forum for considering article 124 of the Statute and for adopting a definition of the crime of aggression. My country also believes that it will be an opportunity to study other proposals

enjoying broad consensus and to carry out the important exercise of review or stocktaking.

Argentina is convinced that a segment should be included in the Review Conference for considering such issues as complementarity, the cooperation of States with the Court, and the impact of international justice on national trials and peace processes. I should like to urge the widest possible participation in the Kampala Conference and, given the commitment of States parties to the Court, representation at the highest possible governmental level in the review exercise.

Cooperation on the part of States, the United Nations, regional organizations and other actors is essential if the Court is to effectively carry out the functions entrusted to it by the international community. Here, I wish to recognize the United Nations operational, logistic and diplomatic assistance to the Court, which is highlighted in the report. With regard to cooperation, I should like to recall that in 2006, Argentina adopted the measures necessary to the domestic implementation of the Rome Statute as part of my country's cooperation with the Court. In addition, we ratified the Agreement on the Privileges and Immunities of the International Criminal Court, enabling the Court to carry out its functions unimpeded on Argentine territory.

The International Criminal Court is a unique tribunal. Only two decades ago, a permanent tribunal to judge individuals for the most atrocious crimes was unthinkable. Now, the Court is gaining strength. The credibility of judicial tribunals depends on their judgements and on the quality of their proceedings. In the case of the International Criminal Court, it will also depend on its universality and on the cooperation of States. Therefore, I should like once again to urge all States to cooperate with the International Criminal Court and to urge those States that have not yet done so to ratify or accede to the Rome Statute and thus ensure the universality of the fight against impunity.

Mr. Valero Briceño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): We wish to pay tribute to Mr. Sang-Hyun Song, President of the International Criminal Court. The Bolivarian Republic of Venezuela congratulates Chile and the Czech Republic on having joined the countries, including Venezuela, that are parties to the Rome Statute. Their membership contributes to the achievement of the long-sought universality of the Court and to its strengthening as an

international criminal tribunal that can effectively and transparently contribute to the development of international criminal law.

The Bolivarian Republic of Venezuela played an active role in the deliberative process on the Rome Statute, aimed at establishing the International Criminal Court. Later, it was among the first States to ratify that constitutive instrument. Thus, Venezuela, together with many other countries, contributed decisively to fulfilling the long-held aspiration of the peoples of the world to international peace and justice.

The aim here is to end the impunity that has been enjoyed by the perpetrators of unspeakable crimes committed against humanity. The Court is without a doubt a necessary institution in light of its noble task as a subsidiary entity of the penal institutions of the States parties.

For the reasons I have set out, it is of vital importance that the International Criminal Court maintain its independence and autonomy as a permanent legal body, as strictly defined under the provisions of the Rome Statute, and in exercising its jurisdiction with respect to States parties to the Statute and those non-States parties that have accepted its jurisdiction in contentious cases through special agreements. Due attention and care must be paid to the issues of compensation for victims and procedural guarantees for defendants.

For countries devoted to peace and justice, such as Venezuela, it is of crucial importance that the International Criminal Court not be hampered in any

way in carrying out its functions fully as it endeavours to establish procedural norms for litigation.

Our country believes that greater willingness to participate actively in the Rome Statute Review Conference would be an important step in the consolidation of international law. We emphasize the importance of the Conference which, as we all know, will be held in Uganda in May 2010. We recall the responsibility of States parties to the Rome Statute for decisions to be adopted at the Review Conference to define the crime of aggression.

We believe that this would be a substantive development that could change the history of injustice that has afflicted the sad fate of peoples that have been victims of aggression and invasion and seen their political and economic independence flagrantly violated, their territory dismembered, their Government institutions usurped and their natural treasures, including their cultural assets, plundered. This effort, which will contribute to the consolidation of peace, security and justice, will be possible only if the sacrosanct independence of the International Criminal Court is maintained.

I should like to conclude by saying that the Statute of Rome must never contain any provision that could be interpreted as suggesting that the Court is subject to any relationship in which it is subordinate. For that reason, we recall the great importance of the International Criminal Court.

The meeting rose at 1.05 p.m.