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Chairperson: Mr. JAKUBOWSKI (Poland)

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The meeting was called to order at 3.10 p.m.

STATEMENT BY MR. ANTANAS VALIONIS, MINISTER FOR FOREIGN AFFAIRS OF LITHUANIA

1. Mr. VALIONIS (Lithuania), speaking as Chairman of the Committee of Ministers of the Council of Europe, said that the Commission on Human Rights had a duty to do everything in its power to achieve the goals set for it by its founders in the aftermath of the Second World War, namely, to put into practice the principles enshrined in the International Bill of Human Rights.
2. Terrorism, violence in the Middle East, the human rights situation in various countries and the problems raised by globalization all contributed to insecurity. Terrorism, particularly the heinous acts perpetrated on 11 September in the United States, were a threat to international peace and security and to human rights and the rule of law. The promotion and protection of human rights should be at the heart of the strategy to combat terrorism.
3. One of the Council of Europe's priorities was to strengthen coordination and complementarity between the United Nations and the Council of Europe. For example, the Council of Europe could usefully share with the Member States of the United Nations its experience of regional cooperation in the promotion and protection of human rights. In that respect, he welcomed the adoption by the General Assembly, at its fifty-sixth session, of resolution 56/43, submitted jointly by Latvia, Liechtenstein, Lithuania and Luxembourg, which recognized the Council of Europe's contribution to, among other things, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, the international fight against terrorism, the implementation of Security Council resolutions and the Stability Pact for South-Eastern Europe.
4. At its one hundred and ninth session, held in November 2001, the Committee of Ministers of the Council of Europe had undertaken to contribute, in its areas of competence, to the international fight against terrorism in all its forms. Its contribution had three broad aims. The first was to intensify legal cooperation by improving the Council of Europe's international instruments. The second was to ensure that counter-terrorism measures were consistent with the requirements of democracy, the rule of law and human rights; in that respect, the Council's experience in drawing up guidelines based on the case law of the European Court of Human Rights might be of interest to the Commission on Human Rights. The third was to promote a wide-ranging intercultural and inter-religious dialogue, to work for greater social justice and to combat intolerance and discrimination.
5. The Council of Europe, which had hosted the regional preparatory meeting for the World Conference against Racism in October 2000, was ready to join in European efforts to implement the recommendations of the World Conference. A meeting organized for that purpose in Strasbourg in February 2002 had been attended by representatives of the member States of the Council of Europe, the relevant bodies of the Council of Europe and the European Union, the Office of the United Nations High Commissioner for Human Rights and non-governmental organizations (NGOs). On 21 March, on the occasion of the International Day for the

Elimination of Racial Discrimination, moreover, the European Commission against Racism and Intolerance would be launching a programme of action on intercultural dialogue, which was very important in the light of the events of 11 September.

6. With regard to the death penalty, the Commission on Human Rights had recommended a moratorium on executions. Thanks to the abolition of the death penalty in most Council of Europe member States and the moratorium adopted by the other three States, there had been no executions in Europe since 1997. Moreover, a new protocol to the European Convention on Human Rights had been adopted which abolished the death penalty in all circumstances, including for crimes committed in time of war. The protocol would be opened for signature in Vilnius, Lithuania, on 3 May 2002.

7. The Government of Lithuania had also prepared national programmes to promote and protect human rights. With regard to racism, it set great store by the implementation of, on the one hand, the decisions taken at the Durban Conference and, on the other, the conclusions and recommendations made by the Committee on the Elimination of Racial Discrimination after its consideration of Lithuania's report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. Those conclusions provided important guidance to the Lithuanian Government. In the field of human rights, the Government was also trying to bring its legislation into line with European Union standards. For example, it had adopted, for the period 2002-2004, a programme to combat trafficking in persons and prostitution. In 2001, the Government, the United Nations Development Programme (UNDP) and the Office of the United Nations High Commissioner for Human Rights had launched a project to prepare a national human rights action plan, which would contribute greatly to the promotion of human rights in Lithuania.

STATEMENT BY MR. MICHAEL MELCHIOR, DEPUTY MINISTER FOR FOREIGN AFFAIRS OF ISRAEL

8. Mr. MELCHIOR (Israel) said that the past year had been marked by many tragedies that had caused unspeakable suffering to large numbers of people, but two dates stood out in particular. The first was, of course, 11 September 2001, when the worst terrorist attack in history had been perpetrated, striking the United States of America, but threatening the whole of humanity. In Israel, innocent children, women and men were killed every day by terrorists who were praised for their heroism by leaders who had promised to settle disputes through negotiation. More chillingly, the parents of suicide bombers said they hoped their other children would do the same.

9. The second date was 9 September 2001, two days before the New York attacks, when the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had closed in Durban after being the scene of the most racist speeches ever heard at an international gathering since the Second World War. Anti-Semitism, the oldest and most persistent of hatreds, had shown it was capable, like the most dangerous viruses, of adapting to new circumstances. At the Durban Conference, anti-Semitism had taken the form of the demonization of an entire nation, in the form of anti-Zionism. The two atrocities of terrorism (11 September) and anti-Semitism (9 September) were the antithesis of human rights and were contrary to the fundamental principles defended by Israel and Judaism, namely, the sanctity of

human life and tolerance. Terrorism denied that sanctity and saw human life as a means to a political or ideological end, while anti-Semitism sought to deny others' humanity, to delegitimize, dehumanize and ultimately destroy others.

10. As far as tolerance was concerned, it should be remembered that Israel welcomed immigrants from every continent and of every colour, saw that diversity as a source of richness and strength and strove to ensure equality among all the various components of Israeli society. Israel believed that criticism, including of the Government, played a vital role in safeguarding human rights. In fact, the freest Arab press in the Middle East was to be found in Israel. In contrast, the fundamentalists and nationalists who fuelled international terrorism had no respect for others and thought only of conquest and destruction. A new anti-Semitism was spreading like the plague throughout Europe, while in the Middle East newspapers were publishing the Protocols of the Elders of Zion and Arab leaders were accusing the Jews of deicide. Only recently, official Arab newspapers had again claimed that Jews used the blood of children to make the unleavened bread for Passover, a lie that had led to countless pogroms and great loss of innocent life. Palestinian school textbooks and children's television programmes were full of hatred.

11. Terrorism and anti-Semitism, both of which were supported and financed by rogue States and regimes, must be fought by reaffirming the value of all human life and remembering that Israel's greatest asset was not its military strength, but its belief that its actions were just. Israel had not chosen the terrifying situation in which it found itself; the previous Israeli Government had made far-reaching peace proposals that recognized that, without secure borders for the Palestinians, there could be no secure borders for Israel, that, without dignity for the Palestinian people, there could be no true dignity for the Israelis and that, without peace for the Palestinians, there could be no peace for Israel. The Palestinian leadership had rejected those proposals and responded with a wave of violence that continued to escalate. It had never been so difficult to strike a balance between protecting the lives of innocent Israelis threatened by terrorism and the lives of innocent Palestinians living in the areas from which the terrorist attacks were launched. Given the support of the Palestinian authorities for the violence, it had never been as difficult to defend the concept of dialogue and tolerance between Jews and Arabs and to believe that peace was possible.

12. The Commission on Human Rights was the most suitable forum in which Israel could engage in constructive discussions and dialogue on those issues and yet the Commission had shown time and again that it put political considerations before the protection of human rights. It was virtually impossible to discuss calmly the measures that Israel should take in the face of the attacks launched by Hezbollah from inside Lebanon, despite the full withdrawal of Israel from southern Lebanon in implementation of Security Council resolution 425 (1978), when the Commission completely ignored those attacks and the plight of the Israelis captured by commandos from the other side of the border. It was virtually impossible to discuss the sensitive and difficult relations with the Palestinians when the Commission's Special Rapporteur had a mandate that did not permit him even to consider the terrorist acts and human rights abuses committed by Palestinians and had pronounced Israel guilty even before he had undertaken his mission - a Special Rapporteur who in his latest report (E/CN.4/2002/32) vilified Israel for its security measures, but spoke of the determination, daring and success of the Palestinian terrorists. No frank and impartial discussion was possible when an entire agenda item of the

Commission was devoted to Israel's actions, thereby blatantly singling Israel out. If its agenda was dictated by political considerations rather than by the needs of those who were suffering, the Commission was engaged in politics, not concerned with human rights; and if it did not show concern for the human rights of all human beings, it could not claim to be truly concerned with anyone's rights.

13. Through its lack of impartiality, the Commission had deprived Israel of the possibility of engaging in a frank dialogue that might genuinely help advance the cause of human rights in the region. It had also prevented the victims of human rights abuses from being heard, as the States responsible for those abuses had arranged to turn the spotlight on Israel alone and away from their own violations. At a time when there seemed to be a possibility of putting an end to the bloodshed that had cost the lives of so many innocent Israelis and Palestinians, it would be a real tragedy if the Commission, which was entrusted with the task of protecting human rights and freedoms, were to take sides for political considerations. He therefore urged the Commission to put human rights at the very top of its agenda, to consider human rights violations impartially and to create the necessary climate of trust among all those who shared the values it was supposed to protect.

14. On a more hopeful note, he had attended the first Conference of Religious Leaders of the Holy Land, which had been held in Alexandria on 21 January 2002 and at which the Alexandria Declaration had been adopted. At the same time as a Palestinian was blowing himself upon in the heart of Jerusalem and Israeli tanks were entering the Palestinian town of Tulkarem, Muslim, Christian and Jewish leaders had had the courage to declare publicly that their different faiths should respect each other's historical and religious traditions and to call for an end to hatred and for the creation of an atmosphere in which present and future generations could live side by side in mutual respect and trust. In the past two months, he and his Palestinian counterpart had, in the course of their travels, received the support of the Secretary-General of the United Nations, the Catholic Church and other churches. That had strengthened their conviction that hatreds could be overcome and that, after so much blood had been spilled, the region could yet become a land of milk and honey. The members of the Commission should join them in their efforts.

STATEMENT BY MR. KASYMZHOMART TOKAYEV, SECRETARY OF STATE AND MINISTER FOR FOREIGN AFFAIRS OF KAZAKHSTAN

15. Mr. TOKAYEV (Kazakhstan) said that, since it had become independent, his country had been engaged in establishing a democratic and secular State based on the rule of law and had embarked upon a programme of democratization that was unprecedented in central Asia and that was aimed at guaranteeing full respect for rights and freedoms and preventing all forms of discrimination. Kazakhstan was a party to the core international human rights instruments and endeavoured to meet all its obligations under them. It was also planning to accede in the near future to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights and its optional protocols. Kazakhstan had chosen the path of democracy and respect for human rights and had set in motion a democratic process that was irreversible. The Kazakh people were entitled to demand that State institutions should create the political conditions in which a genuine civil society could be established and foremost among those conditions was internal stability. There was nothing wrong with international and non-governmental organizations criticizing Kazakhstan from time to time,

provided that their criticisms involved an interaction intended to resolve human rights-related problems within the framework of cooperation between States. However, consideration of the human rights situation in countries should be the prerogative and responsibility of the United Nations alone.

16. In the context of the global campaign against terrorism in all its forms and manifestations and in the light of the situation in Afghanistan, his Government had taken further steps to enhance national security. For example, laws had been adopted to prevent religious extremists, including those who tried to hide their activities behind the noble ideas of Islam, from entering the country. Those steps were designed to enhance freedom of conscience and to combat extremism, not religion itself. His Government had also included in its democratization programme measures such as the decentralization of power, the creation of the post of human rights commissioner (an ombudsman), improved electoral legislation and support for NGOs. Parliament was also planning to adopt a law on local autonomy in 2002 and to strengthen the rights of local authorities, including in the area of finance. His Government also favoured a policy of cooperation with NGOs, of which there were 3,500 in Kazakhstan. The democratization of politics was closely linked to the establishment of an independent and efficient judicial system, which the Government intended to strengthen by adopting a new law on the judicial system and the status of judges. In addition, the prison system would gradually be brought under the authority of the Ministry of Justice, which would allow detention conditions in prisons to be improved and brought into line with the provisions of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Standard Minimum Rules for the Treatment of Prisoners. A number of laws were to be adopted for that purpose.

17. The protection of children's rights was also one of the Government's priorities. In July 2001, in order to implement the provisions of the Convention on the Rights of the Child, Kazakhstan had ratified the two optional protocols to the Convention, on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict. The Government also intended to improve the status of women, create the necessary conditions for their integration into the country's political and social life and bring more women into government and parliament.

18. In addition, since the adoption of the Rome Statute of the International Criminal Court, Kazakhstan had been one of the States supporting the establishment of a universal mechanism to try the perpetrators of crimes against humanity. Lastly, in the belief that racism and xenophobia were incompatible with democracy and human rights principles, the Government advocated the elimination of all forms of racial discrimination and welcomed the decisions taken in Durban at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

19. In conclusion, he stressed that, thanks to liberalization, the democratic process in Kazakhstan had become sustainable. The Government would strive to further strengthen democratic rights and individual freedoms and was prepared to cooperate further with all international organizations, especially the United Nations and law-enforcement institutions.

STATEMENT BY MR. ANTTI SATULI, SECRETARY OF STATE AT THE MINISTRY OF FOREIGN AFFAIRS OF FINLAND

20. Mr. SATULI (Finland) said that the past year had witnessed several turning points for humankind and human rights. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban had been a milestone in the fight against racism. For the first time in the history of the United Nations, the international community had ended a world conference against racism with a consensus and that consensus had left it better placed to take up the challenge posed by terrorism shortly afterwards. His Government attached great importance to the achievements of the World Conference against Racism, at which the transatlantic slave trade and other colonial injustices had been condemned, while a whole set of recommendations had been formulated to help the current victims of discrimination, including indigenous people, migrants and displaced persons, as well as ethnic, linguistic and religious minorities. In order to combat discrimination effectively, no form of discrimination should be overlooked. It was important to denounce discrimination based on sexual orientation, disability and age and he was pleased that those forms of discrimination were gradually receiving the international attention they deserved.

21. He was also pleased that the problem of multiple discrimination had been fully recognized at the Durban Conference. In the worrying case of women and girls who were discriminated against because they belonged to a minority and also, within their own minority group, because of their sex, traditional practices that breached human rights could not be justified by invoking the traditional role of women and could not be tolerated. Likewise, it was unacceptable to tolerate so-called honour killings. Although those crimes were committed by private individuals, they revealed States' inability to prevent such crimes, investigate them and punish the perpetrators. That was why honour killings should remain on the international human rights agenda. For the same reasons, it was important to recognize violence against women, including the universal problem of domestic violence, known only too well in his country, as a human rights issue.

22. As girls and adolescent girls were often the first victims of double discrimination and violence, he welcomed the preparation of an in-depth study on violence against children for the General Assembly. The Special Session of the General Assembly on Children would be an opportunity to show that children were individuals with opinions, interests and rights of their own. The Convention on the Rights of the Child and the optional protocols to it provided the foundation for a rights-based approach and for work in that field. He was glad to be able to announce that Finland had begun the process of ratifying the Optional Protocol on the involvement of children in armed conflict.

23. With regard to minorities, it should be noted that the President of Finland had launched a well-received initiative to help the Roma minority by establishing a pan-European body to represent them. The Roma minorities in Europe would then have a platform from which to formulate their views and exert influence, at all levels, on decisions that affected them. He also welcomed the establishment of the Permanent Forum on Indigenous Issues, which should make its own decisions on its functions and the location of its secretariat and which should be funded

from the regular budget of the United Nations. He noted with satisfaction that its mandate was broad enough to allow it to address the various issues of interest to indigenous peoples. Social, economic and ecological structures were being completely transformed around the world as a result of economic globalization and the changes affected indigenous peoples, in particular because of their special ties with the land and natural resources. The rights of indigenous peoples thus illustrated the indivisibility and interdependence of human rights: the promotion and protection of all human rights must therefore go hand in hand with environmental protection.

24. His Government also attached great importance to labour rights. Although the International Labour Organization (ILO) was the primary forum for establishing international labour standards, the role the World Trade Organization (WTO) could play in promoting human rights should not be overlooked. An essential first step would be to improve the flow of information between the two organizations. In that respect, he welcomed the establishment, under the auspices of the ILO, of the World Commission on the Social Dimension of Globalization, co-chaired by the President of Finland.

25. Given the important role played by the Commission on Human Rights in promoting respect for human rights, it was essential that all States should cooperate with all the established mechanisms. He therefore called on all Governments to cooperate fully with the holders of mandates under the Commission's special procedures and with its working groups and to invite them to visit their countries. States should also cooperate constructively with the human rights treaty bodies and comply promptly with their reporting obligations. The core human rights instruments had recently been strengthened by the adoption of optional protocols. His Government supported the establishment of an effective international mechanism to introduce a visiting system within the framework of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and a complaints procedure within the framework of the International Covenant on Economic, Social and Cultural Rights. It was also in favour of strengthening the work of the treaty bodies by all possible means and called on all States that had not yet done so to accede to all the core human rights instruments and to do so without reservations, particularly reservations that were incompatible with their objective and purpose. With regard to NGOs, his Government believed that they played an important role in monitoring the performance of Governments and that only genuine partnerships between all parties would bring about universal respect for human rights.

26. That objective had been seriously compromised by the terrorist attacks of September 2001. Nevertheless, all counter-terrorism measures must be in compliance with human rights standards and international humanitarian law. It should not be forgotten that derogations from human rights obligations could be made only under strictly defined circumstances, that the prohibition of inhuman and degrading treatment or punishment was non-derogable and that discrimination on grounds of ethnic origin, culture or religion or other grounds was not permissible under any circumstances. In that regard, his Government welcomed the general comment of the Human Rights Committee on human rights in states of emergency and also commended the United Nations High Commissioner for Human Rights for her consistent stance on those issues.

STATEMENT BY MR. JAVIER SOLANA, HIGH REPRESENTATIVE FOR THE COMMON FOREIGN AND SECURITY POLICY OF THE EUROPEAN UNION

27. Mr. SOLANA (European Union), focusing his statement on the place of human rights in the foreign policy of the European Union, said that the European Union was determined to assume fully its international responsibilities and to play a prominent international role in the field of human rights in the future. The European Union was not merely a free trade area or an alliance of convenience. It was a union of values, respect for which was a prerequisite for admission to the Union and which guided members' external relations. Those values consisted of a commitment to the principles of liberty and democracy and respect for universal and indivisible human rights and fundamental freedoms and for the rule of law. That commitment to human rights was not purely theoretical; it was the outcome of bitter experience, which had made it possible to construct a Europe that had learned from, but not forgotten, its history.

28. While it was proud of its achievements over the past 50 years, the European Union was aware that racism, xenophobia and intolerance had not disappeared from European societies and that continued vigilance was needed. Believing in human rights meant being ready to accept criticism and working every day to strengthen respect for them. They were under threat from all sides and three, often interrelated, factors in particular, namely, conflicts, poverty and isolation, were both the cause and the consequence of human rights violations. That was why the European Union put such emphasis on conflict prevention and crisis management, poverty alleviation and the promotion of a policy of engagement and dialogue.

29. To tackle the root causes of conflicts was to defend the legitimate rights of all those involved, whatever their religion or ethnic origin. That was what the European Union had tried to do in the Balkans in particular. At the same time, it was working tirelessly to bring peace to the Middle East. However, peace did not mean just the end of violence, but also the establishment of democracy, security and freedom for everyone in the region. The massacre of innocents in the streets of Tel Aviv or Ramallah did not help the cause of freedom and the demolition of houses or the occupation of refugee camps did not improve security. Democracy was disregarded when human rights and humanitarian law were flouted on a daily basis. The European Union therefore welcomed the adoption of Security Council resolution 1397 (2002) and hoped that everyone would heed its call to respect the universally accepted norms of international humanitarian law immediately and unconditionally. Legitimate interventions to defend human rights, undertaken within the framework of the United Nations, must be followed up with enduring commitments. The participation of European Union member States in security activities in Bosnia and Afghanistan was proof of their willingness to strengthen the rule of law in those countries and thus offer a better guarantee of peace, stability and human rights.

30. Poverty, though less visible than crises and conflicts, was currently the most widespread threat to human rights. The poor must be lifted out of poverty if talk about their rights was to have any meaning. According to the 1993 Vienna Declaration, democracy, development and respect for human rights and fundamental freedoms were interdependent and mutually reinforcing; however, development was not possible without outside help. The European Union contributed to human rights through its actions to promote development, providing more than

half the total amount of official development assistance. It had reaffirmed its commitment to achieving the development goals set out in the United Nations Millennium Declaration and was determined to do its utmost to ensure the success of the International Conference on Financing for Development, which had just opened in Monterrey, and the World Summit on Sustainable Development, to be held in Johannesburg later in 2002.

31. Cooperation and dialogue should be the starting point in efforts to promote human rights. The European Union believed strongly in the value of dialogue, as it had shown at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, although that did not stop it from firmly stating its positions. While much preferring consensus, it would not hesitate, where necessary, to call for a vote on resolutions and act to protect human rights. Moreover, as it was convinced that cooperation and engagement were not limited to contacts between States, the European Union attached great importance to its relations with human rights NGOs. The latter were an essential part of civil society and a flourishing civil society was the outstanding feature of a healthy democracy.

32. In an interdependent world, it was necessary to make full use of the global institutions established to promote international respect for human rights, such as the Commission on Human Rights and the International Criminal Court. It was through those global institutions that global problems, including international terrorism, could be tackled. All countries must combine their efforts to ensure that terrorists did not go unpunished. The measures taken against the perpetrators of the 11 September attacks were not, and never should be, aimed at a people or religion. They were aimed at strengthening international security and the rule of law, as well as the security of countries affected by the scourge of terrorism. Collective action would allow terrorism to be beaten while guaranteeing full respect for human rights and the rule of law.

33. European Union member States were increasingly pursuing a common foreign policy based on respect for fundamental human rights and the European Union was increasingly placing human rights at the heart of its international relations and developing the operational capabilities to defend those rights when they came under threat. The Commission on Human Rights was the main United Nations body through which the European Union sought to advance the values on which it was founded. That was why it attached such importance to the Commission's work and would do all it could to ensure the success of that work.

STATEMENT BY MR. BILL GRAHAM, MINISTER FOR FOREIGN AFFAIRS OF CANADA

34. Mr. GRAHAM (Canada) said that the world was failing to live up to the ideals of the Universal Declaration of Human Rights, as the rights and principles set forth in the Declaration were flouted throughout the world every day. It was in that disturbing context that the attacks of 11 September had taken place, giving new meaning to the concept of an international threat. However, it was encouraging that the first reaction to those heinous attacks had been unprecedented international cooperation in the fight against terrorism. Nevertheless, the war against terrorism should not serve as a pretext for repression. It was commonly, and mistakenly, believed that security could not be strengthened without compromising respect for human rights. In the wake of 11 September, it was more important than ever to challenge that point of view.

In reality, the security of the State and the security of the individual went hand in hand. Neither could be fully assured without the other. Respect for human rights was impossible without security, and security, whether at the national level or the individual level, was possible only in an environment where human rights were protected. In societies where human rights and fundamental freedoms were respected, dissent tended to take constructive, non-violent forms, whereas, in those where those rights were suppressed, supporters of moderation, tolerance and respect were marginalized, conferring an unwarranted legitimacy on radical elements. In the long run, repressive measures merely perpetuated conflict and instability.

35. The situation in Afghanistan was a perfect example of the need to take a comprehensive approach to security. The people of Afghanistan were determined to turn their country into a modern State where respect for human rights was not only enshrined in law, but also present in the lives of all citizens. The recent commitment by the Afghan authorities to make respect for women's human rights an integral part of the new model of Afghan governance was to be welcomed. The international donor community was working with the interim Afghan administration to achieve those difficult objectives in accordance with a blueprint for reconstruction in which good governance based on respect for human rights and fundamental freedoms would play a central role. His Government welcomed the announcement by the United Nations High Commissioner for Human Rights of her intention to establish an office in Kabul to support the interim administration in implementing that ambitious blueprint and would be contributing \$1 million to support the office's work.

36. The experience in Afghanistan had also shown, as the Secretary-General of the United Nations had said, that it was time to start taking the principles of conflict prevention seriously. The worldwide consultations held by the International Commission on Intervention and State Sovereignty set up by his Government had shown that State sovereignty entailed a responsibility to protect citizens. The final report submitted recently by the Commission to the Secretary-General described the nature and scope of that responsibility and made practical recommendations for action by the international community in extreme cases where States failed to assume their responsibilities. That new interpretation of the nature of sovereignty was a sign of the trend towards more effective international cooperation. It was more readily recognized that some problems that had once been matters for each State to resolve could benefit from a collective approach, as attested by the growing enthusiasm for the establishment of the International Criminal Court.

37. Those important changes had their origin in the aspirations of peoples around the world to recognition of their rights as human beings, and a response must be made to those aspirations, whether they concerned calls for a just and lasting peace in the Middle East or the right of the Zimbabwean people to free and fair elections and respect for the rule of law, demands for religious freedom in China or the need to protect the rights of minorities, refugees and displaced persons around the world, or the need to put a stop to flagrant violations of human rights in the Sudan and Iraq or to establish peace and security in Colombia. No country, including his own, was above criticism in human rights matters, as there were always problems to be resolved in one area or another. Canada had thus recognized in its statement of reconciliation in January 1998 the detrimental effects of the historical treatment of indigenous peoples and was beginning to renew its partnerships in such a way as to avoid repeating the mistakes of the past.

38. It was in giving voice to the aspirations of the peoples of the world to recognition of their rights and in formulating the measures needed to implement those rights that the Commission on Human Rights was at its most valuable; indeed, significant progress had been made in several areas as a result of its work. It also played a useful role as a forum for discussion, including on difficult issues such as economic, social and cultural rights and the right to development, and its discussions often led to compromise and constructive action. Unfortunately, it appeared to be becoming more and more difficult to reach consensus. In addition, the Commission was increasingly having to deal with resolutions seeking to assign to it tasks that would be better dealt with by other bodies. All those things undermined its credibility while doing nothing to advance the cause of human rights and, when its action was compared with the growing activism of several regional organizations, it became clear that the Commission's whole raison d'être was at stake. It was important to remember that the Commission's main objective was to clarify the human rights obligations of States towards their citizens and towards other States and to strengthen United Nations mechanisms for the promotion and protection of human rights, which was all the more important in view of the recent upsurge in ethnic and religious violence in a number of countries.

39. As a country founded on multiculturalism and diversity, Canada was firmly opposed to all forms of discrimination and had been represented at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, where it had hoped that forward-looking strategies would be formulated to combat racism. Unfortunately, the Conference had been sidetracked by unacceptable references to the situation in the Middle East and by diverging views on several other issues. However, despite its reservations on the outcome, his Government intended to follow up the positive elements of the Durban Declaration and Programme of Action, particularly those concerning young people, indigenous peoples, education and the Internet. The Durban conference was an example of what happened when multilateral bodies lost sight of their own raison d'être. Despite those setbacks, his Government remained determined to enhance the effectiveness of the multilateral system for the promotion and protection of human rights and strongly supported the efforts of the Office of the United Nations High Commissioner for Human Rights to enhance its field presence and thus provide tangible assistance to Governments and civil societies seeking to establish and strengthen the national mechanisms that were essential to ensuring respect for human rights in what were often very difficult circumstances.

40. In conclusion, he recalled that the effective implementation of international human rights standards was still one of the greatest challenges facing the current embryonic system of global governance. The Commission played an important part in that evolving process and its effectiveness was therefore of particular significance to future generations.

STATEMENT BY MR. A. ABDULLAH, MINISTER FOR FOREIGN AFFAIRS OF AFGHANISTAN

41. Mr. ABDULLAH (Afghanistan) said that, for years, there had been ample evidence of human rights violations committed against the Afghan people and of how those violations had taken an extreme form under the Taliban regime. The atrocities committed had only exacerbated the partial destruction of the country's socio-economic and cultural foundations and forced many Afghans to flee to neighbouring countries. Invaluable historic monuments had been looted or

destroyed and foreign elements with links to international terrorist networks had settled in Afghanistan and acted together with Taliban forces against Afghan national interests. The attacks of 11 September 2001, two days after the assassination of the legendary leader of the Afghan resistance fighting the terrorist forces, and subsequent events had given the Afghan people the chance to recover their independence, sovereignty and national unity with the help of the international community. At the same time as the action by the anti-terrorist coalition had been taking place, the United Nations had organized political talks on Afghanistan in Bonn, Germany, that had led to an agreement on the establishment of an interim authority for six months, to be followed by the convening of a loya jirga, or grand council, in June 2002, at which the leaders would be chosen for a transitional Government intended to rule for a period of 18 months. It was to be hoped that at the end of the two-year process, Afghanistan would have a new constitution and an elected representative Government.

42. The interim administration was committed to complying with international human rights standards and had taken several initiatives to that end, including the organization of a recent workshop on human rights in Kabul. In addition, a commission headed by Ms. Sima Samar, the Afghan Minister for Women's Affairs, would be responsible for all human rights issues and would be working alongside the United Nations, human rights groups and the interim administration. All the decrees that formed the basis of the repressive system imposed by the Taliban had been abolished. Afghan women were no longer forced to wear the burka or men to grow a beard, if they did not wish to, and Afghan boys and girls could go back to school. Efforts were being made to speed up the reintegration of Afghan women into daily life at all levels of society. The interim administration gave high priority to meeting pressing needs in the areas of education, health, agriculture, rural development, road infrastructure, the resettlement of refugees and mine clearance. It had already set up the necessary bodies for that purpose. As security was a precondition for the development of activities in all economic and social areas throughout the country, the interim administration had taken steps to bring the Afghan armed forces and the various armed factions under a single command and to establish a professional national army and police force with the assistance of several friendly countries. In the meantime, the role of the International Security Assistance Force that was present in and around Kabul should be expanded. Training in human rights would be a key component of the overall political and economic reconstruction effort and efforts to restore security. High-level governmental commissions had been given the task of investigating alleged human rights abuses in some parts of the country and of ensuring that the perpetrators of any such abuses were brought to justice. To facilitate their task, the Commission on Human Rights might consider opening a human rights monitoring office in Kabul. Afghanistan could not afford to be a victim of disinformation again or to ignore real violations of its citizens' rights.

43. The task ahead for Afghanistan was undoubtedly a huge one which would take time to accomplish before the country was back on the road to peace and progress. For that reason, concerted international action was needed to meet the pressing needs of the Afghan people in all areas. He urged the States and organizations that had made commitments at the International Conference on Reconstruction Assistance to Afghanistan held in Tokyo in January 2002 to deliver on their commitments to provide the resources needed to secure and maintain peace in Afghanistan and to assure the country's recovery. The interim administration, for its part, would continue to do everything in its power to create favourable conditions to allow them to act as soon as possible.

44. After 20 years of suffering, conflicts and outside interference, Afghanistan was on the path towards ensuring respect for human rights. It would need help from the Office of the United Nations High Commissioner for Human Rights to set up the necessary institutional and legal infrastructure, but it was for the Afghan people and civil society inside the country to take the lead in those matters. It would be through such cooperation that the foundations for the protection of human rights of all Afghans would be laid and that Afghanistan would continue to be a trusted and constructive partner of the international community.

STATEMENTS IN EXERCISE OF THE RIGHT OF REPLY

45. Mr. KRISHNAMRA (Thailand) said that the statement by the Minister for Foreign Affairs of Sweden criticizing his country and others over the death penalty had come as a complete surprise to him, as Thailand had always applied the death penalty, which the majority of the population wished to maintain, in a humane fashion and in full compliance with the safeguards provided for, in particular, by article 6 of the International Covenant on Civil and Political Rights. Parliament was considering changes to article 19 of the Penal Code which would replace the firing squad with a lethal injection and prohibit the application of the death penalty to persons under 18 years of age - although no one under that age had been sentenced to death anyway - and pregnant women. There had been a total of 11 executions in 2001, 7 of which had been for drug-related offences, and no executions had yet taken place in 2002. The death penalty was therefore not implemented either on a large scale or in a barbaric fashion. His Government's efforts in that area therefore deserved the respect and understanding of the international community.

46. Mr. RAMLAWI (Observer for Palestine) pointed out that the Deputy Minister for Foreign Affairs of Israel had criticized others for terrorism and anti-Semitism when the Israeli Government itself was practising anti-Semitism against the Palestinians, who were also a Semitic people, and terrorism, as Palestinians were killed every day with weapons of all kinds. The fact was that Israel, whose representative appeared before the Commission without even mentioning human rights principles, which had never complied with any of the Commission's resolutions for 30 years and which refused to cooperate with members of the Commission who might be sent to enquire into human rights violations in Palestine had nothing but disdain for the Commission. He asked who was more credible: the representative of Israel, who gave the excuse that the violence in the region made it difficult to dream of peace, or the Secretary-General of the United Nations and the United Nations High Commissioner for Human Rights, who pointed out that the occupation was at the root of the serious human rights violations taking place in Palestine.

47. Mr. NASR (Observer for Lebanon) said that the Deputy Minister for Foreign Affairs of Israel, in claiming that his country was a victim, had forgotten that it was in fact the aggressor: Israeli forces had invaded the territory of neighbouring countries, including Lebanon, causing severe damage, and had fired on ambulances and bombed the headquarters of the Palestinian Authority. The human rights violations in the Palestinian territories had led the Secretary-General of the United Nations to talk of a kind of open warfare. National resistance to the occupation was therefore legitimate.

48. Mr. CHIDYAUSIKU (Observer for Zimbabwe) said that the attempt by the Minister for Foreign Affairs of Sweden to discredit the outcome of the elections in Zimbabwe was all the more outrageous as Sweden had shamelessly financed the opposition party that had lost the elections. Unlike other African nations and the majority of Zimbabweans, who had a deep understanding of the situation and who had clearly accepted the legitimacy of the outcome, Sweden and other Western States thought, in a way that was condescending and, at the very least, racist, that it was for them to approve or not, as it suited them, the elections in Zimbabwe and elsewhere in Africa. His delegation was deeply dismayed by the High Commissioner's open invitation to the Commission to deal with the case of Zimbabwe in some way; in doing so, she seemed to have forgotten that the Organization of African Unity, the Southern African Development Community and the Commonwealth had recognized that the land issue could not be separated from all the other issues and that land reform was a socio-economic and political imperative. In the hope that the High Commissioner was not seeking to favour a white minority in Zimbabwe which, by virtue of colonization, owned virtually all the land in the country, his delegation would like to see the Commission work in a spirit of cooperation and understanding.

49. Mr. LEVY (Observer for Israel) reminded the representative of Lebanon that Lebanon had not fulfilled its obligations under Security Council resolution 425 (1978) on maintaining security in southern Lebanon. On the contrary, it continued to allow terrorist groups like Hezbollah to infiltrate into Israel from its territory to carry out operations against his country.

50. With regard to the comments by the representative of Palestine, he said that the laborious preparations for the Durban conference should have sufficed to make it clear to anyone what anti-Semitism meant for those who had suffered from it down the centuries, particularly the Jews. Israel, by responding to the numerous terrorist acts against its population, was only reacting to the Palestinian Authority leadership's choice of violence over negotiations. It was quite legitimate to dream of peace. Indeed, Israelis and Palestinians had a duty to dream of peace and tolerance and to renounce terrorism, which could never be justified in any circumstances. Perhaps the dream, if it was strong enough and accompanied by efforts like those currently being undertaken, would then become reality.

51. Mr. PRASAD (India), referring to the statement made by the representative of Pakistan on behalf of the Organization of the Islamic Conference (OIC), said it was deeply regrettable that OIC should once again have allowed itself to be exploited by Pakistan, which was exploiting it for its own purposes. His Government attached great importance to its friendly relations with all OIC member States, except, and despite all its efforts, Pakistan. That country was illegally occupying Jammu and Kashmir, which was an integral part of India. The measures taken by his Government following the attack carried out on the Indian Parliament with Pakistani support should be seen as the inevitable response to the terrorist war waged against India for over 20 years, which made any call for dialogue derisory.

52. Mr. MAHMOUD (Sudan) said that the call by the Minister for Foreign Affairs of Canada for an end to the flagrant violations of human rights in the Sudan was totally unjustified in the light of the improvements in the human rights situation there, including the peace agreement covering the Nuba mountains and the acceptance by the Sudanese Government of all the proposals made by the United States special envoy. Any human rights violations in the Sudan

were the result of the continuing civil war and the Canadian Government would be better advised to help put an end to the war by putting pressure on the rebel movement to lay down its arms and enter into genuine talks with the Sudanese Government.

53. Mr. RAMLAWI (Observer for Palestine), speaking for the second time in exercise of the right of reply, repeated that the Palestinians were also Semites, whatever the representative of Israel said. He asked how Israel could occupy Palestinian land and dream of peace when the occupation and resistance to it were two sides of the same coin. As long as the occupation lasted, there would be neither peace nor security in the region.

54. Mr. MOLANDER (Sweden) said that, although he would have preferred not to become involved in the often sterile exercise of rights of reply, he had to react to the accusations levelled against the Minister for Foreign Affairs of Sweden by the observer for Zimbabwe. The Minister's intention in citing the Secretary-General's comments that human rights were not the property of Governments, but of humanity, in her reference to the elections in Zimbabwe, had simply been to say that Zimbabweans also had human rights.

55. Mr. MALEVICH (Observer for Belarus) said he wondered where the Minister for Foreign Affairs of Sweden had heard that journalists were persecuted in Belarus. Her information was patently incorrect. That being said, in Belarus as in any other democratic State, no one was above the law and journalists who committed offences were prosecuted. In some other countries, journalists were quite simply murdered. It was a great shame that speakers ignored the real victims of violations of the right to freedom of the press and instead focused on a country like Belarus, which was a democratic State with democratically elected institutions and an independent judiciary.

56. Mr. NASR (Observer for Lebanon), speaking for the second time in exercise of the right of reply, said that his Government did not need Israel to remind it of its obligations. Lebanon's borders were calm and the Lebanese authorities were in control of the situation. It was Israel that needed to be called to order for its attacks on other countries. The observer for Israel spoke of infiltration, and yet the Israeli Ministry of Defence had clearly stated that Israel had no proof that terrorists had entered Israel across the Lebanese border.

57. Mr. LEVY (Observer for Israel) reminded the observer for Lebanon that Israel had withdrawn from Lebanon in May 2000 and pointed out that his Government knew exactly where the Hezbollah terrorists had crossed into Israel from Lebanon and who had sent them. In response to the comments by the observer for Palestine, he said that nothing justified terrorism, which was morally repulsive. If the two sides recognized each other's problems they would undoubtedly be better placed to tackle them in a constructive way. There were two ways to end the so-called occupation: through violence and terrorism, the path chosen by the Palestinian Authority in September 2000; or through negotiations. He called on the two sides to focus their work, hope and dreams on negotiations.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)
(E/CN.4/2002/15 and 16; E/CN.4/2002/NGO/89, 160 and 169; E/CN.4/2002/CRP.1 and 2)

58. Mr. ARENALES FORNO (Guatemala) said that, while it was true that it would be possible to improve the process for selecting the countries whose human rights situation was to be considered by the Commission under agenda item 9 and that there should be greater emphasis on promotion and support, the fact remained that it was under that agenda item that the Commission had achieved its most important results.

59. Guatemala had been the subject of a confidential procedure and a public one within the Commission and had been visited by special rapporteurs, representatives of the Secretary-General and independent experts. A verification mission (MINUGUA, the United Nations Verification Mission in Guatemala) under the authority of the Security Council was currently working in its territory. All those mechanisms had contributed greatly to consolidating democracy in Guatemala. His Government was aware that there were still problems to be resolved if the full enjoyment of human rights and fundamental freedoms was to be guaranteed and invited all the Commission's thematic mechanisms who wished to do so to visit Guatemala. His Government therefore called on the members of the Commission not to seek to eliminate a good mechanism or procedure because of its failings, but rather to try to improve it in various ways.

60. His delegation was opposed to any proposal to limit the participation of NGOs in the work of the Commission, believing that, on the contrary, the Commission should be looking for ways to boost their participation. In that respect, it should be pointed out that NGOs had made a major contribution to democratization and respect for human rights in Guatemala.

61. Lastly, he said that his delegation approved the content of document E/CN.4/2002/16 and urged the Commission to adopt it promptly in order to ensure the continuity of its work.

The meeting rose at 5.50 p.m.