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Second session

SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 28 September 2006, at 10 a.m.

President: Mr. DE ALBA (Mexico)

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The meeting was called to order at 10.10 a.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF
15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL” (agenda item 2) (continued)

Presentation of reports followed by an interactive dialogue:

Reports of the Sub-Commission on the Promotion and Protection of Human Rights
(continued) (A/HRC/2/2-A/HRC/Sub.1/58/36; E/CN.4/2006/2-E/CN.4/Sub.2/2005/44)

1. Mr. LARENAS SERRANO (Ecuador) said that his delegation appreciated the substantive and procedural contribution of the Sub-Commission on the Promotion and Protection of Human Rights and would support the new consultative body of the Human Rights Council that was to take over that important work. The new body should consist of human rights experts of the highest standing, who should be elected by the Council or the General Assembly on the basis of equitable geographical distribution and representation of the world’s main legal systems. It was important for the new body’s powers to be precisely defined and for them to include the basic powers of the Sub-Commission.

2. Mr. KHANI (Observer for the Islamic Republic of Iran) said that significant improvements should be made to the existing election procedure and the working methods of the new group of experts. The group should consist of at least 26 persons elected by the Council on the basis of equitable geographical distribution, and membership should be limited to two terms of three or four years. States should be able to nominate their own nationals as candidates; membership should not be confined to members of the Council.

3. Mr. SALDAMANDO (International Indian Treaty Council), speaking also on behalf of the Indian Council of South America and the Asian Indigenous and Tribal Peoples Network, said that the three organizations welcomed the Sub-Commission’s recommendation that the Council should establish an expert group along the lines of the Working Group on Indigenous Populations, which had made an extraordinary contribution to the promotion of the rights of indigenous peoples. It must be remembered that the Working Group’s mandate was not covered by other mechanisms. The Council should consider including indigenous experts in the group’s membership. Equally welcome were the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples (E/CN.4/2006/78) and the proposal that the topic should become a standing item on the Council’s agenda.

Consideration of reports, studies and other documents prepared by the Secretariat, the High Commissioner for Human Rights, the Office of the High Commissioner for Human Rights and the Secretary-General (A/HRC/2/CRP.3 and 4; E/CN.4/2006/4, 9, 10 and Add.1, Add.1/Corr.2 and Add.2, E/CN.4/2006/12-15, 20-23, 24 and Corr.1, 25, 27, 28, 30, 31 and Corr.1, 32, 37, 38, 39 and Add.1, 40, 49-51, 58, E/CN.4/2006/59-E/CN.6/2006/9, E/CN.4/2006/60-E/CN.6/2006/10, 63 and Add.1, 64, 65, 68-70, 72, 75-77, 80 and Add.1, 81, 83-94, 99, 100 and Add.1, 101-108, 116, 117, 119 and 121; JIU/REP/2006/3)

4. Ms. ARBOUR (United Nations High Commissioner for Human Rights) said that her report to the Council (E/CN.4/2006/10 and Add.1, Add.1/Corr.1 and Add.2) described the steps taken by the Office of the High Commissioner for Human Rights (OHCHR) to implement her

2005 Plan of Action and her Office's Strategic Management Plan for 2006-2007. It focused on the priority areas that would continue to guide activities: bolstering the Office's expertise and further empowering rights-holders; strengthening country engagement; forging linkages between human rights and development; and fostering partnerships with civil society and within the United Nations system.

5. A separate report on the composition of the staff of OHCHR (E/CN.4/2006/103) included an action plan to improve the geographical and gender balance of the Office, but it would take time to change the long-standing situation; geographical disparities in staff representation had increased even over the past year. One of the difficulties was built into the system for selecting United Nations staff, in particular the restrictions placed on recruitment at the P-2 and P-3 levels. OHCHR was subject to General Assembly resolutions governing the recruitment of entry-level staff through national competitive examinations. Eligibility to take the examination was based on the geographical representation of the United Nations Secretariat as a whole, with no account taken of the specific needs of individual Secretariat entities. That situation had a particularly serious impact on OHCHR, since the vast majority of successful exam candidates came from the one region that already provided more than half of the Office's staff, and 56 per cent of its Professional staff members were at the P-2 and P-3 levels. The matter was to be discussed further with the Office of Human Resources Management in New York.

6. Despite those difficulties, she was determined to improve the situation. The pool of candidates had been expanded to include the widest possible range of countries and backgrounds, and country-specific strategies were being devised to improve collaboration with permanent missions in Geneva, United Nations and OHCHR field offices, and local partners. Those moves were already bearing fruit. She had also established a mechanism for reviewing the recruitment process for every vacant post with a view to identifying candidates from targeted countries and regions. She should soon be in a position to announce significant results.

7. Combating discrimination continued to be one of her Office's main objectives, and OHCHR had prepared a number of reports on the subject. In connection with the implementation of the Durban Declaration and Plan of Action she drew attention to the report containing a draft basic document on the development of a racial equality index (E/CN.4/2006/14) and the report on combating defamation of religions (E/CN.4/2006/12). The report on indigenous issues (E/CN.4/2006/77) provided information on the action taken for the protection of indigenous people's rights. In 2005 and 2006 OHCHR had participated in and organized several workshops on the topic. The report on promotion of the cultural rights of everyone and respect for different cultural identities (E/CN.4/2006/40) described the outcome of a consultation held in October 2005.

8. One of the main sources of disempowerment was the failure to give teeth to the right to development. The report on the right to development (E/CN.4/2006/24) mentioned the criteria for the evaluation of global development partnerships from the perspective of that right, which the Council had endorsed at its first session. Missions would be undertaken to development partners to consolidate the methodology to be used in the pilot application of those criteria.

9. Another key challenge was the realization in all countries of economic, social and cultural rights. The report on that question (E/CN.4/2006/38) outlined the activities carried out by the human rights mechanisms and OHCHR. The work of her Office in that area was to be stepped up significantly.

10. The World Programme for Human Rights Education was crucial to any strategy for the empowerment of rights-holders. Her report on the Programme (E/CN.4/2006/90) gave an account of activities up to February 2006, which had included the first meeting of the United Nations Inter-Agency Coordinating Committee on Human Rights Education in the School System.

11. The Council also had before it the report of the Special Rapporteur on the administration of justice through military tribunals (E/CN.4/2006/58), which contained a set of draft principles on the subject, and her own report on the protection of human rights and fundamental freedoms while countering terrorism (E/CN.4/2006/94). The latter report reiterated that actions taken by States to combat terrorism should comply with States' obligations under international law. One of the recommendations appealed to States to take all measures to prevent, punish and eradicate torture and cruel, inhuman or degrading treatment. The entry into force of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment marked a significant advance: 26 States had become parties to the Protocol and 34 had signed it.

12. The report of the Secretary-General on impunity (E/CN.4/2006/89) contained a survey of international commissions of inquiry and fact-finding missions that had received comprehensive support from OHCHR. She intended to continue to call for comprehensive and objective assessments of massive human rights violations. On a related topic, the study on the right to truth (E/CN.4/2006/91) clarified the content of that right. The study on transitional justice (E/CN.4/2006/93) explored the activities of human rights bodies of the United Nations system, particularly those related to OHCHR field presences and the human rights components of peacekeeping operations.

13. A number of new field presences had been opened in the past year, and in order to improve engagement with countries lacking a direct presence OHCHR had boosted its support at the regional level. One of the countries where the Office's field engagement had been substantial was Afghanistan, where the deteriorating security situation had grave implications for human rights and was seriously affecting the work of institutions. The Afghan Independent Human Rights Commission continued to function effectively in close cooperation with the United Nations Assistance Mission in Afghanistan (UNAMA), but for the first time since its inception it had cut back its activities as a result of security concerns. The right to education had also been compromised by increased attacks on schools. Despite reform efforts the justice system still had severe problems; the new composition of the Supreme Court reflected a fairly even ethnic balance, but no female judges had been nominated. Violations of the freedom of conscience and religion and the freedom of expression were increasing.

14. During her visit to Cambodia in May 2006 she had focused on strengthening the independence and integrity of the judiciary to protect human rights and fundamental freedoms and combat impunity, and also on the contribution of civil society, which must be able to work

freely and safely. The Extraordinary Chambers of the Courts, which were now addressing the crimes of the Khmer Rouge, offered a hope for long overdue justice. She was shortly to discuss with the Government the renewal of the memorandum of understanding with her Office.

15. The announcement by the Government of Colombia that the mandate of her Office there would be extended was welcome. The considerable advances made by representatives of the State and civil society must be commended, yet Colombia still faced serious human rights challenges. Many sectors of society, including human rights defenders, were still threatened by the persisting violent strife. Other challenges included combating impunity and preventing extrajudicial killings and forced disappearances. She had urged the Government to strengthen its efforts with continued OHCHR assistance.

16. In Guatemala OHCHR was working with the Government, the Presidential Commission on Human Rights, the Ombudsman, the Judiciary, the Congress and civil society to address long-standing human rights issues, including discrimination against indigenous peoples, poverty and public insecurity. Timely steps had been taken to improve the human rights situation, including measures to address impunity. As a candidate for membership of the Council Guatemala had pledged to enhance the promotion and protection of human rights in the country, a commitment that provided a solid basis for further definition by OHCHR of its technical cooperation activities there.

17. In the Occupied Palestinian Territory, as elsewhere, human rights advocacy could not of itself offer adequate protection or ensure respect for human rights; only a political solution to the conflict could end the people's suffering. In the meantime, compliance by all persons in positions of responsibility with their obligations under international humanitarian and human rights law was of the utmost importance. She would soon have an opportunity to make a first-hand assessment of conditions when she visited Israel and the Occupied Palestinian Territory. OHCHR was prepared to contribute to any measure that could improve the human rights situation.

18. Much had been achieved in Uganda since her visit in January 2006. For example, there had been spontaneous movements of population out of the camps in the northern part of the country, which were still harbouring 1.5 million internally displaced persons. The commitment to protect civilians in northern Uganda and in Karamoja must be acted on without delay. She welcomed the Government's decision to set up an independent commission of inquiry into the alleged violations of human rights during the forced disarmament in Karamoja. It was critical that the ongoing peace talks between the Government and the Lord's Liberation Army should make provision for measures to secure sustainable justice and end impunity. During its first year of operations in Uganda OHCHR had established its headquarters in Kampala, with six district offices in the northern and north-eastern regions of the country.

19. Mr. MUNTARBHORN (Chairperson of the Coordination Committee of the Special Procedures Mandate-Holders) said that for over a decade the special procedures mandate-holders had met annually to exchange information and experience. They had set up the Coordination Committee in 2005 to facilitate their work. He drew attention to some of the key messages of the statement he had made on behalf of the Coordination Committee at the Council's first session, which were reflected in the relevant summary record (A/HRC/1/SR.11, paras. 5-7).

20. The latest draft revision of the Manual of the United Nations Human Rights Special Procedures explained the work of the special procedures. Comments on the revised draft should be submitted before the end of December 2006, with a view to publication of the final version in 2007.

21. In the light of the informal consultations on the intersessional working groups to be established by the Council, the Coordination Committee would be grateful if the Council could ensure that the views of the special procedures experts were reflected in the reform process and that the Coordination Committee could participate in the review of mandates and mechanisms. The work done under the special procedures should also be made central to the universal periodic review mechanisms. In turn, he would do his utmost to ensure that the mandate-holders supported the Council in its task of maintaining the system of special procedures, which stood ready to reinforce the promotion and protection of human rights.

22. Mr. PINHEIRO (Independent Expert for the United Nations study on violence against children) said that no one disputed that children should be protected against all forms of violence: that proposition was borne out by the fact that virtually all States had become parties to the Convention on the Rights of the Child. Yet children continued to be subjected to violence in all countries. His report on the Secretary-General's study on the topic (A/61/299), to be presented to the Third Committee of the General Assembly on 11 October, attempted to explain why that was the case. The study made clear that violence against children was often invisible and went unpunished and was sometimes even condoned by social attitudes and national law.

23. Contributions had been made to the study by Governments, international institutions and expert bodies, in particular the Committee on the Rights of the Child, as well as by civil society organizations and, most importantly, by children all over the world. He hoped that States would devote as much attention to the study's recommendations as they had invested in the 137 detailed replies to his questionnaire. The study's impact would depend on the action agreed by the General Assembly and on a commitment at the national and global levels to act without delay. The study must receive sustained attention from the international community and wide dissemination, and the channels for technical cooperation among countries and international institutions must be improved. The approach should be multidisciplinary: the issue must not be confined to justice systems.

24. Most of the children participating in the study had expressed puzzlement at the inability of adults to stop violence, but their most worrying attitude was their scepticism about the results that the study could achieve. It was in fact too early for pessimism, for there was a great opportunity to make the protection of children from violence a reality.

25. Mr. BEKIROV (Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations) said that the United Nations Voluntary Fund for Indigenous Populations had been created to help representatives of indigenous communities and organizations participate in the deliberations of the Working Group on Indigenous Populations and, subsequently, in the deliberations of the Working Group on the Draft Declaration on the Rights of Indigenous Populations and the Permanent Forum on Indigenous Issues. Since its establishment the Fund had provided support to more than 1,000 indigenous representatives.

26. The Voluntary Fund had given indigenous peoples a voice at the United Nations that allowed them to raise their issues internationally, participate in meetings where decisions affecting their lives were taken, enter into dialogue with Governments and United Nations agencies and network with other indigenous peoples and non-governmental organizations (NGOs). Their presence at meetings had helped them build their leadership capabilities and expertise, and in some cases resolve issues directly with Governments. Their input had been extremely beneficial for all the parties involved in such meetings.

27. The increasing number of requests to participate in sessions of the Permanent Forum and the two Working Groups had presented the Board of Trustees with difficult choices. For example, at its most recent session it had had to consider 400 applications for assistance, of which it had had to turn down 75 per cent. Details of that session could be found in document E/CN.4/Sub.2/AC.4/2006/4, and additional information would be included in a report to be submitted to the General Assembly in the coming weeks.

28. He expressed his gratitude to both new and regular donors and invited them to continue supporting the Fund. He also appealed to all other Governments, organizations and private donors to consider contributing to the Fund, if possible before the Board's next session, to be held in March 2007, and with a substantially higher level of contributions.

29. The Board welcomed the adoption by the Council of the United Nations Declaration on the Rights of Indigenous Peoples. The Council might wish to consider how the mandate of the Board of Trustees could be adapted to recent developments. In its resolution 2006/13 the Sub-Commission for the Promotion and Protection of Human Rights had recommended that States should consider asking the General Assembly to broaden the mandate of the Voluntary Fund so as to allow indigenous peoples to participate in the human rights treaty bodies and to provide funding for human rights projects to indigenous organizations. The Voluntary Fund would welcome the opportunity to consult with all donor Governments in order to review the viability of such recommendations.

30. Mr. LARRABURE (Vice-Chairman of the Joint Inspection Unit), introducing the report of the Joint Inspection Unit (JIU) on follow-up to the management review of the Office of the United Nations High Commissioner for Human Rights (JIU/REP/2006/3), which updated a report prepared by JIU in 2003, said that the current report was intended to inform the Council of the actions taken by OHCHR to implement the recommendations of the earlier report. While a number of recommendations had been addressed to the satisfaction of the Inspectors, recommendations 7, 8 and 9, which addressed the crucial issue of the imbalance in the geographic distribution of the Office's staff, had yet to be implemented.

31. The situation with regard to posts subject to geographical distribution had deteriorated since the time of the first report: there had been a constant downward trend in the number of nationals of African, Asian, Eastern European, Latin American and Caribbean States in Professional posts at OHCHR, while the number of nationals of Western European and other States had continually increased, accounting for 64.2 per cent of all Professional posts subject to geographical distribution. The figures for all Professional posts, including posts not subject to geographical distribution, new recruitments and posts at the P-5 level and above,

reflected a similar trend with more than 60 per cent of all posts occupied by nationals of Western European and other States, a region that contained only 22 per cent of the population of the Organization's 192 Member States.

32. The situation had deteriorated despite repeated calls by the Commission on Human Rights and the Economic and Social Council for remedial action and the drafting of a strategy by the High Commissioner to redress the imbalance. Yet while the recruitment figures for the period from January to September 2006 showed a slight improvement, existing measures were clearly insufficient to deal with the problem effectively. A number of structural issues needed to be addressed.

33. JIU was of the view that the work of the United Nations in the field of human rights lay at the heart of the Organization's mandate. The lack of geographical balance in OHCHR could end up in diminishing the effectiveness of the Office's work if the Office was perceived to be culturally biased and unrepresentative of the United Nations and its membership. The root causes of the problem, including the way in which OHCHR activities were financed, must be addressed. The Inspectors believed that the bulk of the Office's financing should come from core resources.

34. In the short term, the authors of the report believed that Member States must support the High Commissioner in order to ensure that OHCHR was given the necessary flexibility by the United Nations Secretariat to address the problem. Measures could include, firstly, ensuring that national competitive examinations in the area of human rights were open only to citizens of Member States that were currently underrepresented in the staffing structure of OHCHR rather than that of the Organization as a whole. Secondly, a nearly 90 per cent of all posts at the P-3 to P-5 levels to be filled over the next two years could be reserved for citizens of countries underrepresented among OHCHR staff. That measure should apply to posts financed under the regular budget and from extrabudgetary resources. Thirdly, the Secretary-General should be requested to ensure that the Office of Human Resources Management showed the necessary flexibility to allow those measures to be implemented without delay. The Inspectors realized that even the prompt implementation of those measures would not eliminate the problem of inequitable geographical distribution of staff within a biennium, but they were confident that the downward trend of the last decade would be reversed.

35. Mr. MUNTARBHORN (Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights) drew the Council's attention to recent developments in the Technical Cooperation Programme and in the work of the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights. The objective of the Voluntary Fund was to provide financial support for international cooperation aimed at strengthening national and regional institutions and infrastructures. The Board of Trustees assisted the Secretary-General in streamlining and rationalizing the working methods and procedures of the Technical Cooperation Programme. At each Board session, Member States were briefed on the work of the Board and exchanged views on issues of common interest and relevance to the Technical Cooperation Programme.

36. In recent years, the Board had moved away from reviewing individual projects to advising OHCHR on policy orientation, global vision and strategy at a broader programme level.

That shift was appropriate at a time of transition and reform. Indeed, at its most recent sessions, the Board had focused on advising OHCHR on the implications of the United Nations reform initiatives. The strengthening of national human rights protection systems had become a priority throughout the United Nations system. OHCHR had concluded that a suitable balance was required between its operational and advisory roles, which were both necessary and interlinked. The 2005 World Summit had reaffirmed human rights as one of the three pillars of the United Nations and as essential to peace and security and to economic and social development. It was thus important that human rights should be integrated into United Nations country programmes.

37. At a time of profound changes, clear operational and policy guidance for the Technical Cooperation Programme was essential to ensure consistency, common understanding and effective prioritization. Accordingly, at its last session, the Board had focused on the need to consolidate, update and streamline past discussions and positions.

38. The Technical Cooperation Programme had a long history dating back to 1955. It operated under the broad guidance of various resolutions of the Organization's legislative authorities as well as the Vienna Declaration and Programme of Action. Over the years the Programme had expanded in terms of both substantive programme development and project coverage. Its current aims were protection and empowerment through the incorporation of international human rights standards into national laws, policies and practices, and building national human rights capacities and infrastructures. Together with the treaty bodies and special procedures it formed a single United Nations human rights programme, to be implemented in the context of national development objectives and coordinated actions by the United Nations system. Experience had shown that the Technical Cooperation Programme was most effective when an adequately staffed OHCHR office was present in a country to coordinate long-term strategy.

39. The Technical Cooperation Programme was a source of substantive advice and assistance that strived to combine human rights competence, pedagogical methodologies, cultural sensitivities and a sound strategic vision, drawing on the expertise of OHCHR. The Office recognized that developing and strengthening human rights expertise was crucial to supporting effective country commitment and had therefore, with the advice of the Board of Trustees, embarked on a process to consolidate existing expertise and develop capacities in new areas.

40. Mr. HIMANEN (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries of Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Ukraine and Moldova, welcomed the current opportunity for dialogue with the High Commissioner. With regard to violence against children, he said that the participatory and consultative process that had accompanied the preparation of the Secretary-General's study on the question had been extremely valuable, and he urged the Council to remain actively involved in the matter after the final report on the study was submitted to the General Assembly at its sixty-first session. The European Union concurred with the view expressed in the High Commissioner's report on the protection of human rights and fundamental freedoms while countering terrorism (E/CN.4/2006/94), that the actions taken by States to combat terrorism should be consistent with States' obligations under international human rights law, in particular humanitarian and refugee law.

41. The European Union was encouraged by the Secretary-General's report on the question of the death penalty (E/CN.4/2006/83), which indicated that the trend towards abolition of that penalty continued. Abolition of the death penalty contributed to the enhancement of human dignity. Turning to the Secretary-General's report on the question of the realization in all countries of economic, social and cultural rights (E/CN.4/2006/38), he reaffirmed the European Union's commitment to the promotion and protection of those rights, to which the Union attached as much importance as it did to civil and political rights. With regard to the report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (E/CN.4/2006/18), he stressed the importance of cooperation between the United Nations and regional organizations. The European Union pursued a clear policy of combating racism and xenophobia within and outside its borders.

42. The European Union welcomed the steps taken by OHCHR to follow up the management review of OHCHR, as outlined in the JIU report on that subject (JIU/REP/2006/3). Similar challenges were faced by other units of the United Nations Secretariat in relation to human resources management and the recruitment process. OHCHR had achieved remarkable progress in a short period of time, and a valuable contribution had been made to that effort by the Deputy High Commissioner for Human Rights.

43. Mr. MONTALVO (Ecuador), referring to the JIU report on follow-up to the management review of OHCHR (JIU/REP/2006/3), said that the clarifications provided by the High Commissioner concerning the imbalance in the geographical distribution of her Office's staff, though appreciated, did not justify that imbalance. While it was to be hoped that the situation did not arise as a result of cultural partiality, as suggested in the report, it was inconsistent with the nature of the United Nations system and the spirit of multilateralism, and posed a threat to the effectiveness of the work of OHCHR and thus to the promotion and protection of human rights in the world.

44. The data in the report suggested that OHCHR had implemented some of the recommendations and that some improvement had been made; nevertheless, much remained to be done to correct accumulated errors and to reverse a disturbing trend. Certain situations required particular attention. Firstly, the composition of the Advisory Review Panel should be modified to include a representative from each region. Secondly, it was contradictory to submit reports on the composition of staff only at the Secretariat level and not at the departmental level; that situation should be rectified. Thirdly, criteria different from those currently used in the national competitive examinations should be adopted, as the examination criteria had not contributed to improving geographical distribution. Fourthly, it was essential to reverse the clear downward trend whereby the Western European and other States accounted for 64.2 per cent of the Office's staff whereas African States scarcely accounted for 4.7 per cent. Lastly, his delegation believed that annual targets should be set for geographical distribution and that they should be accompanied by a firm commitment to specific achievements and tangible results.

45. Mr. VALLES GALMES (Uruguay) welcomed the detailed study by OHCHR on the right to truth (E/CN.4/2006/91) and supported its conclusions. His Government would continue to support initiatives to enshrine that fundamental right and to fight impunity. In the face of serious ongoing human rights violations, the right of society as a whole, and of victims in particular,

to find out the truth and to identify those responsible for such violations must be recognized. The right to truth was a necessary complement to the right to access to justice and the right of victims to obtain reparation.

46. His delegation endorsed the recommendation of OHCHR for further review of the content and scope of the right to truth and would support any relevant initiatives arising within the Council. It also hoped that mandate-holders of the special procedures and other mechanisms would help to promote that right, in accordance with Commission on Human Rights resolution 2005/66.

47. His delegation looked forward to a substantive discussion at the next session of the Council on the Secretary-General's study on violence against children, which was about to be submitted to the General Assembly.

48. With regard to the presentation by the Chairperson of the Coordination Committee of the Special Procedures Mandate-Holders, he said that Uruguay attached great importance to the special procedures and was concerned by the high number of cases in which special procedures mandate-holders did not receive any cooperation from States. States must cooperate with and implement the recommendations of the special procedures, and it would be beneficial for the Council to study how technical assistance to the countries concerned could be strengthened.

49. Mr. DUMONT (Argentina) drew attention to the OHCHR study on the right to truth and suggested that more States and NGOs should send in their comments and share their experiences by the next session of the Council so that OHCHR could draft a more detailed report on the subject. He also hoped that the mandate-holders of the special procedures and other mechanisms would make their contribution, in accordance with Commission on Human Rights resolution 2005/66. To date, only the Special Rapporteur on the independence of judges and lawyers had done so, devoting an entire chapter to the right to truth.

50. He suggested that while awaiting further contributions the Secretariat might take three initiatives. Firstly, it could organize a high-level seminar to consider the OHCHR study; secondly, it should update the study in the light of new developments and the progress made in connection with the International Convention on the Protection of All Persons from Enforced Disappearance; thirdly, it should continue its advisory activities in that area.

51. Truth, justice and reparation were the three rights that the Secretary-General had recognized as being integral to peace processes. In the new Council, therefore, progress should be made in considering the right to truth, which was closely linked to combating impunity. As the study made clear, access to information was an important step in guaranteeing the right to truth. However, the right to truth also implied efforts to identify the causes, nature and the circumstances of violations, the fate of the victims and the identity of the perpetrators.

52. The right to truth was essential to the functioning of democratic systems, an aspect of the question that called for further reflection and analysis in the in-depth study to be submitted by OHCHR in 2007. Argentina considered that the right to truth had to be exercised before the right to justice could play a role in dealing with such serious violations as torture, enforced disappearances and extrajudicial executions.

53. Commission on Human Rights resolution 2005/66 had been adopted without a vote and had been sponsored by some 50 States; it was therefore to be hoped that the current session of the Council would not be the only forum for considering the study. Progress must be made to ensure that the right to truth was considered not only as an individual right but also as a collective right of societies and communities. His delegation intended to submit a draft resolution to the Council on the question.

54. Mr. REYES RODRÍGUEZ (Cuba) said that the introductory statement made by the Vice-Chairman of JIU should be distributed to all delegations so that they could consider the three recommendations put forward in respect of the geographical distribution of OHCHR staff. His delegation had the highest opinion of the Office's staff, yet according to the JIU report on follow-up to the management review of OHCHR (JIU/REP/2006/3), there was a serious imbalance in geographic distribution and cultural representation across the different regions. That problem undermined the credibility, legitimacy and confidence that the Office required in order for it to work effectively.

55. The over-representation of the Western European and other States in the Office was a chronic problem that dated back many years. The High Commissioner should be authorized to introduce emergency measures to correct the situation. The use of national competitive examinations had been ineffective, as people from developing countries had never received adequate training. In any case, the preparatory courses that had once been organized for them had been discontinued. Candidates from developing countries were simply unable to compete on an equal footing with those from developed countries. Moreover, developed countries often made voluntary contributions to ensure the appointment of their nationals as Junior Professional Officers, which placed them at an advantage when competitions were held. The Council should ask the General Assembly to grant OHCHR special authorization to make a revolutionary change in recruitment practice, inter alia by using affirmative action when recruiting staff from developing countries. His delegation had in fact submitted a draft resolution to that end.

56. Mr. MACEDO (Mexico) thanked the High Commissioner for the work she had done on the development of a racial equality index, conscientious objection to military service, the right to truth, transitional justice and improvement of the special procedures. The Secretary-General, too, had provided highly interesting information on such topics as cooperation with United Nations human rights bodies, the death penalty, the activities of the Special Adviser on the Prevention of Genocide, basic humanitarian standards, measures to combat impunity, and technical advisory services and cooperation in the area of human rights. His delegation welcomed the information provided on the status of ratification of human rights treaties, and called upon all States that had not yet done so to ratify those instruments and their optional protocols.

57. His delegation supported the preparation by OHCHR of a publication on the subject of women and housing that would take up elements of the study prepared on that subject by the Special Rapporteur on adequate housing. It also welcomed the conclusion of negotiations on the draft International Convention on the Rights of Persons with Disabilities and hoped that that instrument would be adopted by the General Assembly with the support of all States. In that connection, it would be useful if OHCHR could prepare a study of specific issues related to the rights of the disabled.

58. The Commission on Human Rights had identified the lack of appropriate complaints mechanisms for child abuse as a serious problem that the international community must address. The Council should conduct a substantive debate on the conclusions reached by the Independent Expert for the United Nations study on violence against children.

59. Mr. VIGNY (Switzerland) expressed support for the work done by OHCHR in Nepal and said that the mandate of the OHCHR office in that country should be extended beyond April 2007. Both parties in Nepal must assume their responsibility so that all Nepalese citizens could fully enjoy their human rights and the rights guaranteed by international humanitarian law. In the wake of the armed conflict, that was no easy task: the fate of hundreds of disappeared persons must be determined; large numbers of displaced persons must be allowed to return home; minors who had taken part in the conflict must be reintegrated in civilian life; victims must be given compensation; and the perpetrators of grave human rights and humanitarian law violations must be held to account. At the same time, Nepal was reorganizing its political system, which meant that those who had previously been marginalized, such as women and minority groups, could now participate in the decision-making process.

60. At the sixty-first session of the Commission on Human Rights, Switzerland and a number of other delegations had put forward a draft resolution on human rights and transitional justice calling for OHCHR to carry out a study of activities in that field. That study had been issued in early 2006. He encouraged OHCHR to continue strengthening its participation in field operations in the area of human rights and transitional justice, including during peacekeeping and peacebuilding missions. His delegation was encouraged by the fact that OHCHR had taken transitional justice into consideration when it had drawn up instruments on the rule of law in States undergoing post-conflict transition. Such tools were very useful and should be developed further.

61. Mr. MARDALIYEV (Azerbaijan) expressed deep concern at the large number of persons around the world who were reported missing as a result of armed conflicts, a problem that continued to adversely affect efforts to end such conflicts. In Azerbaijan, 4,604 persons had been registered as missing as a result of the ongoing conflict with Armenia in Nagorny Karabakh and in nearby regions. Determining the fate of the missing must not depend on the settlement of political issues, but should be carried out on a daily basis, in accordance with the provisions of international humanitarian law. The International Committee of the Red Cross (ICRC) was to be commended for the positive role it played in clarifying the fate of missing persons. The goodwill and cooperation shown by Azerbaijan in that respect would hopefully elicit a response in kind by the other party to the conflict.

62. Given its magnitude, the problem of missing persons should remain a priority on the agenda of the United Nations. His delegation intended to submit a draft resolution on missing persons to the General Assembly, and he invited all delegations to take part in the drafting of that text.

63. Mr. JAZAÏRY (Algeria), speaking on behalf of the Group of African States, said that while he welcomed the High Commissioner's report on the geographical distribution of OHCHR staff (E/CN.4/2006/103) he regretted that a copy of the report had not been made available a day earlier, as that would have allowed the Council to prepare an in-depth response to it. The

High Commissioner had offered assurances that she was implementing an action plan to redress the imbalances in the geographical distribution of OHCHR staff, which was a welcome step. From 1998 to 2005, the proportion of staff from Africa had in fact declined by one half. The African States concurred with JIU that the skewed nature of the composition of the staff could diminish the Office's effectiveness if OHCHR was perceived to be culturally biased and unrepresentative. They shared the concerns expressed by the Vice-Chairman of JIU at the further deterioration of the situation, despite repeated calls for corrective action. That deterioration was due to the fact that there had been no institutional interaction between the Council and the secretariat on management issues. He therefore welcomed the response of the Secretary-General contained in document A/HRC/2/CRP.4, which clearly recognized the right of the Council to review OHCHR management issues.

64. The revised draft Manual of the United Nations Human Rights Special Procedures that had been drawn up by the Coordination Committee of Special Procedures Mandate-Holders should be submitted to Governments and other stakeholders for input. The open-ended intergovernmental Working Group on the review of mandates should review the revised draft and make recommendations on possible amendments. It should also elaborate a code of conduct regulating the work of the special procedures, taking into account the improvements suggested by Council members during the second session.

65. Mr. FLORÊNCIO (Brazil) endorsed the findings of the report by the Independent Expert for the United Nations study on violence against children which would soon be presented to the General Assembly. It was to be hoped that the Assembly would adopt a resolution to ensure the necessary follow-up and implementation of its recommendations. He also commended the High Commissioner for addressing in her presentation key issues such as discrimination, which had been the subject of a conference held in Brazil in July 2006 with OHCHR support and extensive civil society participation. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance should analyse the question of incitement to racism and discrimination in political discourse and should prepare a report on the political participation and representation of vulnerable groups and victims of discrimination. The Brazilian Government hoped that a forum on international migration would be established and believed that the Council should take a more active position on the question of international migration and development.

66. Mr. MARTÍNEZ ALVARADO (Guatemala) said that despite the fact that the OHCHR office in Guatemala had only recently been established, the High Commissioner's report on the activities of her office in Guatemala (E/CN.4/2006/10/Add.1/Corr.1) contained a series of complex recommendations, several of which the Government was undertaking to implement. Other recommendations, however, appeared to fall outside the office's mandate. The Government hoped that the office would work in a spirit of dialogue and cooperation with national institutions to meet the enormous human rights challenges that had to be faced in Guatemala. It was committed to cooperating with human rights mechanisms at all levels, and had recently submitted periodic reports to three United Nations treaty bodies; it had also received visits from two special rapporteurs and the Working Group on Enforced or Involuntary Disappearances and was expecting visits from two more special rapporteurs in the near future. Aware of their constitutional responsibilities and the country's treaty obligations, the

Guatemalan authorities had established a high-level commission involving the three branches of government, the Human Rights Procurator and the OHCHR office to set priorities for the adoption of legislation and the ratification of international instruments, strengthen the judiciary and human rights institutions, and follow up recommendations aimed at ensuring compliance with the State's obligations.

67. The Government saw the need to step up its efforts to implement many of the recommendations made by the OHCHR local office. The authorities were working with civil society to draw up citizen-friendly security policies. Draft legislation on the prison system and other criminal matters had recently been adopted. With international cooperation, a project to introduce a preventive approach to policing was being implemented. Efforts were also being made to depoliticize, modernize and strengthen the justice system and strengthen the Commission for the Investigation of Illegal Groups and Clandestine Security Apparatuses (CICIACS) through the conclusion of a new agreement on its mandate and to implement the victim compensation programme. A national commission and plan for the tracing of disappeared persons had recently been established, and a comparable legislative body was contemplated. The records of the National Police dating back before the year 2000 and the Records of the Presidential General Staff and the Military Journal had been recovered and had been given to the Human Rights Procurator for review and classification. There were high hopes that those resources would make it possible to move towards truth and justice, reparation and a commitment that human rights violations would not recur.

68. Clearly, there were many challenges to be met. Most importantly, however there was a national commitment to the human rights agenda and a determination to keep the door open to the various international human rights mechanisms.

69. Mr. MEYER (Canada) expressed support for a strengthened role for the special procedures in the new Council, including in the mandate review process and in the universal periodic review mechanism. The mandate-holders themselves must play a major part in defining that role, and the efforts of the Coordinating Committee of the Special Procedures Mandate-Holders in that regard were to be commended, as was the development of the draft Manual of the United Nations Human Rights Special Procedures. OHCHR should work with the special procedures to produce a consolidated report on Governments' responses to requests for visits.

70. He strongly supported the place accorded to governance, human rights and the rule of law in the Afghanistan Compact, which Canada was actively engaged in implementing. Canada had provided the Afghan Independent Human Rights Commission with \$1 million in funding for the advancement of women's rights, human rights education and transitional justice, and had supported other human rights-related activities, including the promotion of treaty monitoring and reporting in Afghanistan's Ministry of Foreign Affairs. The recent murder of Ms. Safia Amajan, who had worked for human rights, underlined how much work was left to do in the country. Canada condemned that heinous crime and remained determined to support efforts to empower Afghan women.

71. The United Nations Development Fund for Women (UNIFEM) was doing commendable work to eliminate violence against women and girls. Canada would continue to take concrete action against all acts of gender-based violence wherever it occurred. It was happy to play a

constructive role in Colombia through the Organization of American States (OAS) mission there and through the National Commission for Reparation and Reconciliation. It was imperative that the paramilitary leaders in Colombia should be held accountable for the serious crimes that they committed. The compensation of victims and continued international cooperation would be instrumental in ensuring a lasting peace.

72. He commended the efforts of OHCHR to strengthen the protection of indigenous peoples' human rights. Canada was fully committed to the promotion of such rights at the international level. He also endorsed the Office's efforts to reform the treaty bodies and the proposal to establish a unified, standing treaty body. A meeting of States should be convened to consider that proposal.

73. Mr. RIPAI (Indonesia) said that his delegation was concerned at the meagre improvements that had been made to remedy the imbalance in the composition of OHCHR staff and the underrepresentation of several States, especially developing countries and countries with economies in transition. While he appreciated the High Commissioner's commitment to remedying those inequalities, he wished to know what the measures she had mentioned would entail and how they would be implemented, especially in the light of the 91 new posts that had been created as a result of the increase in the OHCHR budget.

74. He also wished to draw attention to the need to ensure that there was no overlap between the reports prepared by the special procedures and other reports on similar topics prepared by the High Commissioner's Office.

75. Mr. CHUMAREV (Russian Federation) commended the efforts made by OHCHR to correct the imbalance in the geographical distribution of the Office's staff and expressed the hope that they would soon have an effect. The Council should exercise regular monitoring of the administrative and financial questions handled by the Office.

76. In dealing with racial discrimination, Council members and OHCHR must constantly be on the lookout for new threats, including the emergence of Nazi or revisionist ideologies in a number of countries. The Commission on Human Rights had accumulated a great deal of experience in its efforts to combat discrimination; the Council should draw on that experience and consider ways of combating contemporary forms of discrimination, including deprivation of citizenship.

77. The Council, its future expert body and OHCHR should pay special attention to the responsibility of non-State actors for terrorist crimes, which violated the human rights of their victims. Any reform of the special procedures should be based on international law. Thus, any agreements that had been reached by the mandate-holders without the participation of States must be considered by the Council's open-ended intergovernmental Working Group on the review of mandates.

78. Mr. RIMDAP (Nigeria) said that his country was interested in the forging of links between human rights and development, since it was clear that countries in which systematic human rights violations took place also had a low level of development. He wondered whether there was a positive correlation between respect for human rights and development.

79. He wished to see concrete steps taken to address the geographical imbalance in the composition of OHCHR staff, since that problem had been under discussion for more than 10 years, with no results to date.

80. With regard to discrimination, he called on OHCHR to ensure full implementation of the Durban Declaration and Programme of Action, and welcomed the High Commissioner's report on the development of a racial equality index (E/CN.4/2006/14). Education was the key to promoting religious tolerance and dissuading people from violence.

81. The High Commissioner should give priority to the right to development, which was the key to all human rights in developing countries, and to the promotion and protection of economic, social and cultural rights. Abject poverty, which threatened the right to life, should also be addressed. Violence against children, especially in the forms of trafficking in children and the use of child soldiers, was a serious issue that Nigeria was addressing through a national programme for the prohibition of trafficking in persons.

82. Mr. LA Yifan (China) welcomed the statement by the High Commissioner in her report on the realization in all countries of economic, social and cultural rights (E/CN.4/2006/38) that measures would be taken to address the situation whereby economic, social and cultural rights did not receive the same treatment as civil and political rights. He also welcomed the measures identified to address the imbalance in the composition of OHCHR staff. However, it was regrettable that, as the Vice-Chairman of JIU had noted and the High Commissioner had confirmed, the imbalance in the representation of States in OHCHR had not improved but worsened. Although the High Commissioner had cited technical reasons, there were also political reasons that should be addressed. One year previously the States Members of the United Nations had agreed to double the budget of OHCHR; he therefore hoped that the Office would use that increase to help solve the problem of imbalanced representation.

83. Mr. ALI (Bangladesh) said that the introduction by the Vice-Chairman of JIU of the Unit's report (JIU/REP/2006/3) as well as the report itself had showed that cooperation between the Council and OHCHR on administrative matters could not be postponed. The mechanism that the High Commissioner said she had established to address the imbalance in the geographical representation of OHCHR staff was clearly not sufficient, as the JIU report made clear. His delegation wished to hear the High Commissioner's response to the Vice-Chairman's statement that the bulk of funds needed to address the situation should come from the core resources of the United Nations. He also wished to know how much of the OHCHR budget came from core resources and how much came from extrabudgetary and other sources. He asked how many OHCHR staff members were Junior Professional Officers or funded directly by countries or other organizations. He also wished to hear the High Commissioner's proposals for ensuring greater openness and cooperation between her Office and the Council.

84. A holistic approach was required to address the right to development, taking into account a positive correlation between democracy, development and the full engagement of human rights. The Council must begin work on an international legal instrument containing norms and standards governing all aspects of the right to development.

85. With regard to the High Commissioner's report on combating defamation of religion (E/CN.4/2006/12), he expressed serious concern at the increasing instances of intolerance and discrimination on grounds of religion or belief. Achieving common peace and security depended on mutual understanding rather than demonization; dialogue, shared values and mutual respect were needed now more than ever.

86. His delegation believed that the special procedures should be an integral part of the Council and should be adapted to new realities and further strengthened through improved coordination, transparency and good cooperation with Governments.

87. Mr. LOULICHKI (Morocco) noted with satisfaction that some of the recommendations contained in the JIU report on follow-up to the management review of OHCHR (JIU/REP/2006/3) had already been implemented by the Office. However, his delegation was concerned about the fact that the response of OHCHR to the basic recommendations for improving the geographical composition of the staff remained unsatisfactory, and he hoped that determined action would be taken to implement recommendation 8 of the report. Such action should focus on countries that were underrepresented or lacked representation altogether, and a balance should be struck among different cultural systems. He looked forward to the results of the High Commissioner's review of the recruitment process.

88. Morocco had actively participated in the preparation of the draft International Convention on the Rights of Persons with Disabilities, which he hoped would soon be adopted by the General Assembly. Extensive dissemination of that important instrument was necessary and should involve concerted and innovative efforts by OHCHR and the United Nations information centres.

89. Mr. HAIDARA (Senegal) said that problems with regard to the availability of documents hindered a detailed analysis of them by the regional groups, and the fact that documents were not always available in all language versions hindered a broad and participative interactive dialogue among delegations.

90. He welcomed the JIU report and the collective actions the High Commissioner had planned to broaden the representativity of the staff of her Office.

91. Ms. FORERO UCROS (Observer for Colombia) said her Government was pleased that the High Commissioner's report on the situation of human rights in Colombia (E/CN.4/2006/9) had recognized the progress her country had made in improving its human rights situation, in spite of the difficulties created by the illegal armed groups in the country. She welcomed the assessment that the military and police presence was needed to guarantee the safety and rights of the Colombian population, and she welcomed in particular the condemnation by OHCHR of the illegal armed groups' disregard for and constant breaches of humanitarian law. The country's democratic security policy, with its human rights and international humanitarian law components, had helped to improve the situation with regard to the fundamental rights of the Colombian people. Colombia had adopted a strategy to address impunity in cases of violations of human rights and international humanitarian law which sought to strengthen the capacity of

the State with regard to investigations, trials and penalties. It also contemplated the question of reparations to victims. The National Commission on Disappeared Persons was receiving additional support and a National Register of Disappeared Persons had been introduced.

92. Colombia was continuing its policy of openness and dialogue with civil society and protection of human rights defenders and continuing to fulfil its obligations to the treaty bodies. The National Reparation and Reconciliation Commission, composed of members of the Government, State monitoring bodies, civil society and victims' representatives, was fully operational and had established a working group to investigate incidents and the evolution of illegal armed groups. The Colombian Government had formally agreed to extend the mandate of the OHCHR office in Colombia and looked forward to continued cooperation and dialogue with it.

93. Mr. OMER (Observer for Afghanistan) said that his delegation was pleased with the High Commissioner's report on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights (E/CN.4/2006/108). He welcomed in particular the reference made in the report to the Bonn Agreement and the Afghanistan Compact, which had been endorsed by the international community. While Afghanistan had made tremendous progress after 23 years of conflict and 5 years of relative peace, much remained to be done to achieve the ambitious objectives the country had set for itself: it still faced many challenges in complying with the norms of the various human rights conventions.

94. There were three major variables affecting the protection and promotion of human rights in Afghanistan. The first was security, which was being ensured through the national army and the police force, with the help of the international coalition and other international forces in the country. The second was poverty, one of the greatest challenges facing Afghanistan; it was being tackled through the policy and financial assistance provided under the Afghanistan Compact. The third variable was institution-building, since even if the country could formulate policies, it had to be able to implement them. The support and technical assistance of the international community thus remained crucial.

95. Ms. SIMONYAN (Observer for Armenia), speaking on a point of order, said she wished to clarify a point made in paragraph 10 of the report of the Secretary-General on missing persons (E/CN.4/2006/68). The question of the more than 1,100 persons considered missing in the area of the Nagorny Karabakh armed conflict was of great concern to Armenian society. Like Azerbaijan, Armenia believed that a non-politicized and humanitarian approach was needed to resolve that problem. Armenia also believed that both parties should be engaged in joint action to that end. She welcomed the role played by ICRC in the matter, and said that her country was committed to resolving the issue of missing persons, as evidenced by its sponsoring of Commission on Human Rights resolution 2004/50.

Report of the Special Rapporteur on the situation of human rights in Myanmar (continued)
(E/CN.4/2006/34)

96. Mr. CHARNBHUMIDOL (Observer for Thailand), speaking in exercise of the right of reply, drew attention to the statement made at the 18th meeting by the representative of Pax Romana, which had referred to Myanmar's neighbouring countries. Thailand was currently

undergoing a transition and reform process and would emerge a stronger and more vibrant democracy as a result. The recently established Council for Democratic Reform had clearly stated its intentions not to exercise governmental power, and had affirmed its determination to intervene only briefly in order to restore peace, unity and justice in the country. An interim constitution would be in place by the end of the current month; the new text contained provisions relating to the military and the establishment of a civilian Government, and provided full guarantees for civil liberties and rights. The democratic reforms under way would lead to the adoption of a new constitution and the holding of general elections within one year at the latest and, it was to be hoped, would ensure the accountability of the executive branch of government.

The meeting rose at 1 p.m.