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Chairman: Mr. Al-Hinai (Oman)

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

Agenda item 119: Human rights questions (A/56/36 and Add.1 and A/56/118; A/C.3/56/3)

1. **Ms. Robinson** (United Nations High Commissioner for Human Rights) said that the horror and insecurity that had struck many countries in the aftermath of the tragic events of 11 September, particularly concerning the threat of biochemical attacks, should induce all Governments to make the struggle against terrorism a priority. That should be done, however, while respecting human rights and the principle of non-discrimination so that innocent people would not suffer from harsh measures, as was the case in some countries where individual rights were suppressed or restricted, in particular the right to a fair trial, the right to seek asylum, and the right to political participation, freedom of expression and peaceful assembly. In the counter-terrorism struggle, a balance should be reached between security needs and the respect of fundamental liberties. It was also crucial to combat the rise of racism and xenophobia that had followed the attacks against the United States, as some leaders, such as President Bush, had done. She urged all parties to the conflict in Afghanistan to respect the principles of human rights and humanitarian law. Referring to her latest report (A/56/36), she recalled that Afghanistan was facing a tragic humanitarian situation insofar as, after three years of drought and with the approach of winter, the civilian population was deprived of its fundamental rights, particularly the right to food, housing and health care. She mentioned also the discriminatory practices against women and ethnic minorities, and the forced recruitment of children as combatants, which were the result of the climate of impunity that had prevailed for years in Afghanistan. The United Nations should hence be equipped with a mechanism that would allow it to monitor and analyse the human rights situation in Afghanistan and to help the relevant authorities adopt appropriate measures. In particular, the country would need assistance, at the end of the conflict, in establishing a just system of governance within which those guilty of serious violations of human rights and humanitarian law would be judged, while ensuring that civilians were not victims of revenge, as was often the case in such situations.

2. She noted with satisfaction that the foundations of a society that was respectful of human rights had

been laid in East Timor, thanks to the efforts of its people and the United Nations mission there. That had occurred, inter alia, through the election of the Constituent Assembly in August 2001, the opening in July 2001 of the first trial for crimes against humanity, the accelerated pace of the return of East Timorese refugees, the establishment of the Commission on Reception, Truth and Reconciliation, and the will of the leadership to ratify as soon as possible the major international human rights instruments. Much remained to be done, particularly with regard to the likely return to East Timor of militia leaders, the way the justice system would deal with suspects, and the need to ensure that no amnesty would be granted for serious human rights violations.

3. She expressed concern at the deterioration of the situation in Israel and the occupied Palestinian territories since her latest visit to the Middle East, in November 2000. There should be a stop to the vicious circle of violence which had resulted in many dead and which had had disastrous consequences for human rights. The situation was particularly worrisome in the West Bank and the Gaza Strip, which witnessed a steady economic decline, aggravated by such measures as the prolonged siege and closures, and the destruction of homes and agricultural land. She reiterated her call for the establishment of an international monitoring presence in the occupied Palestinian territories and urged the parties to the conflict to resume negotiations in order to achieve a just and durable peace, in conformity with the fundamental standards of humanitarian and human rights law.

4. At the request of the Commission on Human Rights, she wished to give an update on the implementation of its resolution 2000/58, on the situation in the Republic of Chechnya of the Russian Federation. She said that the Russian Government welcomed the idea of a technical assistance programme in Chechnya provided by her Office, and had informed her that it had been striving to bring normalcy to life and to re-establish the relevant State and public institutions. The Russian Government had indicated that several cases of excesses had been brought before the military courts, the military prosecutor's office or, for further investigation, other law enforcement bodies. The Russian Federation had not yet sent any information to her Office regarding the establishment of a national independent commission of inquiry, as called for by the Commission on Human Rights. No

investigation had followed the statement issued by the European Committee for the Prevention of Torture on 10 July 2001, according to which many Chechens deprived of their liberty since the outset of the conflict had reportedly been physically ill-treated at the Chernokozovo detention facility. While the Special Rapporteur on violence against women and the Secretary-General's Special Representative for Children and Armed Conflict had been invited to visit Chechnya, the Secretary-General's Representative on Internally Displaced Persons, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on the question of torture had not yet received answers to their requests.

5. Recalling that the Subregional Centre for Human Rights and Democracy in Central Africa had been opened in Yaoundé, Cameroon, she welcomed the signing of the host country agreement in September 2001, and the goodwill shown by all the countries of the subregion. As indicated in the report on its activities (A/56/36/Add.1), the Centre was working in close cooperation with the Department of Political Affairs, the United Nations Development Programme (UNDP) and other United Nations departments as well as civil society organizations.

6. Given the events of 11 September and the increased manifestations, since that tragic episode, of xenophobia against Muslims, Jews, Arabs and Asians throughout the world, it had become even more crucial to combat racial discrimination. In that regard, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban from 31 August to 7 September, had marked a decisive advance, and it was important for Member States to reach consensus rapidly on a final document. Her Office planned to establish an anti-discrimination unit focusing on technical cooperation activities aimed at combating racism and increasing the awareness of the work of the Committee on the Elimination of Racial Discrimination. Because some of the activities mandated by the Conference required a decision of the General Assembly, the draft resolution that the Committee would be considering on the subject ought certainly to be adopted by consensus. Human Rights Day, on 10 December 2001, which coincided with the day on which Secretary-General Kofi Annan would accept the Nobel peace prize on behalf of himself and the Organization, would be an occasion for an initial stocktaking of the activities and programmes

needed to combat discrimination. That would be followed by a second stocktaking on 21 March 2002, on the International Day for the Elimination of Racial Discrimination. Her Office's strategic goals were set out in her report.

7. **Mr. Tarabrin** (Russian Federation) said that the situation was slowly returning to normal in the Republic of Chechnya of the Russian Federation, despite the terrorist activities supported by foreign groups, and that the local authorities, courts, law enforcement bodies and social security and health systems were gradually resuming operations. As the President of the Russian Federation had stated on 25 September 2001, all must state where they stood in the fight against terrorism. All the illegal armed factions and those who claimed to be engaged in political action must break all this with the terrorists and establish contacts with the official organs of federal power to discuss the process of disarmament and reintegration into civilian life.

8. His delegation believed that the High Commissioner for Human Rights could further the process by making the terrorists understand that they could not hide their crimes and that they would be pursued everywhere. The Russian Federation would like to know how the High Commissioner thought that she could contribute to action against terrorism in her capacity as a member of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, a resolution that had reaffirmed the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorists acts.

9. **Ms. Stevens** (Belgium), speaking on behalf of the European Union, asked what projects should be given special attention by donors in establishing their short- and medium-term funding priorities. She asked, regarding Rwanda, with which the Office of the High Commissioner had recently concluded an agreement, if the Office intended to play a role in the process of participatory justice scheduled to be set up soon in connection with the genocide trials, and if a comparison could be drawn with the role played by the Office in Sierra Leone. Also, further information would be appreciated on the status of the issue of human rights and bioethics and on the action taken in that regard by the Office.

10. **Ms. Robinson** (United Nations High Commissioner for Human Rights), replying to the representative of the Russian Federation, said that she wholeheartedly welcomed the unanimity in the Security Council and in the General Assembly on the need to combat terrorism, but that at the same time a certain balance had to be maintained, in the sense that anti-terrorist action had to conform to the principles set out in the Charter of the United Nations, and thus to the criteria of respect for human rights and of proportionality and necessity, when undertaking a response. In addition, where there were serious violations of human rights, a response from the Government implicated was absolutely essential. That was the spirit behind the adoption of resolution 2001/24 by the Commission on Human Rights on the situation in the Republic of Chechnya of the Russian Federation, which, *inter alia*, gave the High Commissioner the role of reporting on the implementation of the resolution. She had had a good dialogue with the Russian authorities and had proposed technical assistance to help the Russian Federation to consolidate the justice and human rights situation in the Republic of Chechnya. As for her own conception of her role in the struggle against terrorism, the important thing was to see how the 189 Member States responded to Security Council resolution 1373 (2001) within the prescribed 90-day period by reporting to the Counter-Terrorism Committee on the steps they had taken. In meetings she had had with the Chairman of that Committee, she had discussed the human rights criteria that had to be an integral part of the approach to the problem, and such discussions would have to continue. Furthermore, the human rights obligations of Member States would also be taken into account in the context of the exchanges of information that were to take place with the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE) on how nations were fulfilling their obligations under Security Council resolution 1373 (2001).

11. Replying to the Belgian delegation's question, she said that it was a matter of great importance to her that, in connection with the Durban Conference, the General Assembly should adopt a resolution giving the programme budget implications and providing support for the unified anti-discrimination agenda that her Office was currently putting in place, as well as providing the funds necessary for the five-member panel of independent eminent experts responsible for

monitoring the implementation of the Declaration and Programme of Action adopted in Durban. As to the more general human rights questions, her Office's Annual Appeal 2001 for funding, which would be launched on 26 November 2001 in Geneva, would set out the Office's short- and medium-term needs and would probably be the best source of information on that point.

12. With regard to Rwanda, the Office of the United Nations High Commissioner had a sound working relationship with the Government and institutions of that country. It actively supported the National Human Rights Commission and the National Commission for Unity and Reconciliation and planned to step up its support for capacity-building and improving justice in Rwanda, bearing in mind the enormous burden the country had had to bear since the 1994 genocide and the need to try to overcome the problems caused by the existence of an extremely large prison population. In Sierra Leone, the Office of the United Nations High Commissioner was closely involved in the preparatory work of the Truth and Reconciliation Commission and the approach being taken in that case could serve as a point of reference, if necessary.

13. With regard to human rights and bioethics, in January 2002 the Office of the High Commissioner was planning to hold consultations on women and bioethics involving leading experts, in response to the mandate it had been given by the Commission on Human Rights. In addition, the High Commissioner and experts from UNESCO were advising the Secretary-General on how to discharge the responsibilities entrusted to him by the Commission in that area, where leadership needed to be shown. Those difficult, yet topical, moral and ethical questions, which were swiftly assuming great importance, were therefore specifically covered in the annual appeal by the High Commissioner's Office.

14. **Ms. Šimonović** (Croatia), referring to the International Conference on Human Rights and Democratization in Europe, Central Asia and the Caucasus, held in Dubrovnik, Croatia, from 8 to 10 October 2001, which had signalled the start of a sounder and more coherent human rights cooperation process in the region and in which the Office of the United Nations High Commissioner, the European Commission, the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE) had taken part, wanted to know the High

Commissioner's views on the measures to be taken in future to follow up the conclusions of that conference.

15. **Ms. El-Hajjaji** (Libyan Arab Jamahiriya) stressed that the proposal to set up a panel of five independent experts, one from each region, to monitor the implementation of the outcome documents of the Durban Conference was particularly welcome, and she reiterated her delegation's support for the proposal. Her delegation was also in favour of the idea of operational and structural prevention put forward in the report of the High Commissioner (A/56/36), and wondered what implications it would have for conflict prevention and human rights protection, with particular reference to the recent terrorist attacks. On the same subject, the Libyan Arab Jamahiriya fully supported the remarks made by the High Commissioner in paragraph 134 (b) of the report concerning the ramifications for future human rights work of the international crisis provoked by those acts. Such acts were an attack on the rights of the person and the right to life. Nevertheless, the fight against terrorism should not itself end up violating those same human rights.

16. The growth in hatred and intolerance, the situation of asylum-seekers and migrants and the threat that dialogue between civilizations could give way to a confrontational approach, were all matters of concern to the international community. There was a danger that, under the present circumstances, international cooperation and solidarity could be sidelined and replaced by confrontation and interference in the internal affairs of other countries.

17. That approach must not prevail and all Governments must make an effort, at a time when the economy was moving into recession, when populations were seeing their economic situation placed in jeopardy and were in fear of unemployment, and when international trade was falling, with the risk that economic, social and cultural rights — as well as civil and political rights — could come under threat. Perhaps it was time to go back to the beginning, in other words the willingness of the Member States to act together in cooperation with the United Nations agencies, particularly those responsible for human rights issues, and the support of the international community and the private sector, in an effort to alleviate the harmful effects of recent events and consolidate human rights and fundamental freedoms.

18. **Ms. Robinson** (United Nations High Commissioner for Human Rights) said that the regional conference organized in Dubrovnik by Croatia had been extremely useful in enabling the regional organizations which had taken part and the Office of the High Commissioner to formulate a strategy that represented a clear step forward in terms of cooperation and coordination among those bodies. Indeed, extensive follow-up arrangements had been introduced in the wake of the conference. She had recently held a working meeting with a human rights official from OSCE to determine areas of future cooperation, particularly as regarded Central Asia. She had also held discussions with the Council of Europe. As she had announced in Dubrovnik, she had appointed an honorary regional adviser with special responsibility for the countries of Central Asia and the Caucasus. Clearly, the United Nations human rights system also had an important role to play, and a mission consisting of the High Commissioner's Office and senior advisers would be visiting five Central Asian countries in the coming months. The regional approach underlying the conference was also useful in that it was enabling her Office to act as a catalyst and effectively coordinate its efforts with regional organizations, the countries of the region and civil society.

19. As for the panel of five eminent experts, which the Libyan representative had welcomed, she also favoured balanced geographical representation. Ultimately, it was the responsibility of the Secretary-General to appoint those persons, on a proposal from the Chairperson of the Commission on Human Rights. In that regard, the Libyan representative would certainly agree with her that efforts should also be made to ensure a balanced representation of both sexes on the panel.

20. She also agreed that existing possibilities for the debates and dialogue should be better used and perhaps new ones found. She welcomed the fact that the Organization of the Islamic Conference had expressed interest in holding a second seminar of Islamic scholars to discuss the events of 11 September, along the lines of the one held in October 1998 to mark the fiftieth anniversary of the Universal Declaration of Human Rights, the highly informative debates from which would shortly be published.

21. **Mr. Roshdy** (Egypt), referring to the comment by the High Commissioner that she could not report on the conclusions of the NGO Forum at the Durban

Conference owing to their highly anti-Semitic nature, said that such an attitude cast serious doubts on the willingness of the United Nations to incorporate the contribution of non-governmental organizations in its work. He denounced the selective approach whereby the submission to Member States of the conclusions of a non-governmental organization forum depended on whether or not they were welcome, and asked what the impact of the episode would be on the future participation of non-governmental organizations in United Nations meetings.

22. Secondly, with regard to paragraph 87 of the High Commissioner's report (A/56/36), which referred to the International Guidelines on HIV/AIDS and Human Rights, he asked why the Guidelines, which had been the source of difficulties in the negotiations on the Declaration of Commitment, were termed international whereas they emanated from a group of experts and had not been submitted to Member States for approval. In fact the document contained two provisions, in paragraphs 102 and 30 (g), on the rights of men engaging in sexual relations with other men, which cast doubt on its effectiveness in combating HIV/AIDS. That was not necessarily the right approach; HIV/AIDS could be combated only by tackling the true causes of the illness and strengthening the capacities of developing countries to respond to it.

23. **Ms. de Armas García** (Cuba) said that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had been a major success, and that the final document was valuable, despite the difficulties it had given rise to. Her delegation trusted that the General Assembly would take a decision by consensus on that important text, and would take the necessary measures to ensure adequate follow-up to the decisions adopted at the Durban Conference, as it had for other summits and conferences on other important issues.

24. She noted that the report of the High Commissioner (A/56/36) had been distributed only the day before, so that her delegation had not had adequate time to consider it. Measures should be taken to ensure that in future delegations were able to consult documentation in good time.

25. She noted with satisfaction the importance accorded to the report on combating terrorism. The position of her Government, as a victim of criminal terrorist acts over the preceding 42 years, was that

terrorism in all its forms and manifestations and from whatever source must be effectively combated. The fight against terrorism must be based on international cooperation and conducted in accordance with the purposes and principles of the Charter of the United Nations. The international community must not ever allow innocent people to suffer or die in the name of combating terrorism. In that connection the report of the High Commissioner rightly emphasized that the international community must ensure that justice, and not revenge, was served.

26. With regard to the study of the situation by country contained in the report, she noted that the list of countries in which serious human rights violations occurred grouped together developing countries and so-called transition countries. That was a selective and discriminatory criterion, since human rights violations occurred in countries of the North as well as those of the South. The criteria should be changed and such reports should offer an accurate description of current global realities.

27. With regard to operational and structural prevention, her delegation would welcome clarification of the related activities, which were linked to the work of the Carnegie Commission, and asked what mandate of the Office of the High Commissioner they were based on. With regard to firms and human rights, her delegation was concerned by the fact that the Office of the High Commissioner was carrying out a range of activities in the context of the Global Compact, which had not been approved by Governments, and asked what mandate of the High Commissioner such activities were based on.

28. **Ms. Robinson** (United Nations High Commissioner for Human Rights), replying to a statement by the representative of Egypt, said it was important to bear in mind that the document submitted by the NGO Forum was not an official document of the Conference. As Secretary-General of the Conference, she considered that there were two problems with that document (the fact that it re-opened the question of Zionism as racism and the allegation of genocide) which would have been contrary to the spirit of a conference intended to promote tolerance and respect. She had therefore indicated that she could not recommend that document to the government representatives, as she usually did in cases of that kind, and the great majority of non-governmental organizations had perfectly understood that position. It

had emerged from the very constructive talks which she had held with non-governmental organizations since the Durban Conference that the structure of the organization of the Forum posed problems for a considerable number of them. It might be useful to have an independent assessment in that regard in order to learn lessons for the future.

29. Although the participation of non-governmental organizations had been a process fraught with difficulties, like the Conference itself, her Office enjoyed the confidence of most of those organizations. They had played a valuable role in the preparatory work of the Conference and currently formed part of the worldwide alliance which was preparing to implement the programme to combat discrimination agreed at Durban.

30. Referring to paragraph 87 of her report (A/56/36), which mentioned the International Guidelines on HIV/AIDS and Human Rights, the High Commissioner emphasized that a lack of respect for human rights was linked to virtually every aspect of the pandemic. That was why she considered that the human-rights-based approach must be strengthened as part of efforts to combat HIV/AIDS, and encouraged Governments to make use of the Guidelines. They were called "International Guidelines" because they had been drawn up by international experts in partnership with her Office and the UNAIDS Programme and had been the subject of wide-ranging consultations. They were only guiding principles, and Governments were encouraged to adapt them through a dialogue with those most affected, to suit the priorities of the AIDS situation in their countries. Furthermore, while there was no doubt that sexual relations between men promoted infection with HIV, that was not a form of behaviour that could be regulated or condemned as counter-productive, but a reality of the situation.

31. She welcomed Cuba's expression of support for the Durban Programme of Action and said that she, too, wished that a consensus might emerge to make it easier to carry out that programme. Referring to operational prevention, she specified that that was a way of envisaging human rights activities: for instance, the work of the special rapporteurs of the Commission on Human Rights, as part of their respective mandates, and the work of the Commission itself, were preventive in character. That was also the spirit in which the Durban Programme of Action had been drawn up, a programme which might prove extremely useful in

combating the kind of hatred, intolerance and prejudice that culminated in terrorism. The main contribution she could make in combating terrorism would be to ensure that there was a very robust follow-up to the Durban Conference and that, in applying Security Council resolution 1373 (2001), States did not harm the vulnerable sectors of the population.

32. Lastly, the fact that her Office was one of the bodies chosen by the Secretary-General to support the Global Compact indicated that businesses must not be a party to human rights violations. That project had generated great interest in the private sector, and in the globalized world of today, it was essential that civil society and non-governmental actors should be involved in the global process of promoting and protecting human rights.

33. **Ms. Afifi** (Morocco) said she was aware of the difficulties which had beset the negotiations on the Declaration and Plan of Action of the Durban Conference. In view of that, she wanted to know what role the Office of the High Commissioner had played or envisaged playing, under the guidance of the High Commissioner in her official capacity and as Secretary-General of the Conference, to overcome those difficulties and reach an equitable solution without, however, compromising the Plan of Action of the Conference.

34. **Ms. Robinson** (United Nations High Commissioner for Human Rights) said that, having been asked to act as a bridge, she would do everything within her power to help make progress over the placement of the paragraphs in question, but that she had a difficult task, since both the positions taken had their merits. She could only hope that the forthcoming high-level general debate in the General Assembly would produce a breakthrough. That was particularly important, given the large number of victims of racism and racial discrimination (minorities and vulnerable groups) in the world. That delicate matter could be resolved only at the political level, and the key was perhaps mutual respect for different positions.

35. **Mr. Despouy** (Argentina), speaking as Chairperson of the Commission on Human Rights, said he would sum up the most important recent developments. As requested by the Commission at its most recent session, he had recently appointed, following consultations with regional groups, four special rapporteurs and two independent experts: the

Special Rapporteur on the situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro); the Special Rapporteur on the sale of children, child prostitution and child pornography; the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967; the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people; the expert charged with examining the question of enforced disappearances with a view to drafting a convention on the issue, and the expert charged with examining the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights. The appointment of a further three special rapporteurs remained pending.

36. In close cooperation with the Office of the High Commissioner, the extended Bureau of the Commission had held meetings with various United Nations agencies with a view to exchanging information, sharing thoughts and concerns, identifying common problems and seeking adequate responses. It had also maintained close links with non-governmental organizations, whose support was essential to the smooth functioning of the Commission and the achievement of its objectives. It had also arranged two videoconferences, one with the Bureau of the Commission on the Status of Women and the other with the Bureau of the Economic and Social Council, and had held an important meeting with all the specialized agencies with a view to involving them in its work and helping to harmonize their human rights activities. All those activities testified to the Bureau's dynamism and to its increasingly operational and almost permanent character.

37. Following the terrorist attacks of 11 September 2001, terrorism had leapt to the forefront of the agenda of the international community and, in particular, of the Security Council and the General Assembly. To be a success, the fight against terrorism had to be a collective effort, carried out in a spirit of total solidarity, while remaining consistent with international law and having due regard for the security of peoples. Therefore, efforts must be made to encourage the work of existing international tribunals and seek further ratifications of the Statute of the International Criminal Court.

38. As could be established from the documents of the Third Committee, there had been no reduction in

the frequency of armed conflicts, and the number of civilian victims continued to rise. The Commission on Human Rights joined numerous others in calling for the urgent resumption of peace negotiations in the Middle East, where the situation was deteriorating to an alarming extent. The tragic situation of millions of refugees in the world also gave considerable cause for concern, since the number of asylum-seekers and displaced persons had risen sharply. Sufficient attention must be paid to extreme poverty and its impact on all human rights, given that poverty and social exclusion were among the leading causes of human rights violations. In that regard, it was vital to establish a fairer, more inclusive international order than that which had emerged as a result of globalization.

39. In spite of the numerous difficulties it had faced, the Durban Conference had formulated recommendations on measures to be taken at the national, regional and international levels to combat racism, intolerance and racial discrimination. To implement its programme of action, it would be necessary to involve all the actors of civil society and the international community, particularly non-governmental organizations. It was hoped that the final version of the Durban Declaration and Programme of Action would be issued within the next few days, to enable the General Assembly to adopt a resolution on that important matter.

The meeting was suspended at noon and resumed at 12.10 p.m.

40. **Ms. Tobing-Klein** (Suriname), recalling that, at the substantive session of the Economic and Social Council in Geneva in July 2001, the High Commissioner had said that human rights education was a key element of development, asked whether her Office and the international community were satisfied with the measures taken by Member States in the context of the United Nations Decade for Human Rights Education. She also wanted to know what methods the High Commissioner's Office advocated in order to ensure that human rights education served to promote the formation of partnerships between Governments and civil society, and how it intended to help countries interested in undertaking human rights education projects.

41. **Ms. Ahmed** (Sudan), regretting that she had not received the report of the High Commissioner in

advance, said she would focus on just a single issue. The Chairperson of the Durban Conference had been instructed to request the secretariat to transfer certain paragraphs from the final document to the Programme of Action. As the High Commissioner had already said, the delay in any decision regarding those paragraphs jeopardized the implementation of the final document. Her delegation would be interested to learn whether the High Commissioner endorsed the transfer of those paragraphs, and whether she was ready to support such a step. The issue was particularly important for the Sudan and indeed all delegations, given that the Committee had decided to postpone consideration of the item concerning the elimination of racial discrimination.

42. **Ms. Galvez** (Mexico) said that she attached particular importance to the results of the Durban Conference and hoped that the General Assembly would make progress in drawing up the agenda with regard to discrimination. Her delegation shared the interest expressed by the High Commissioner in the Permanent Forum on Indigenous Issues and was convinced that the Forum would yield positive results, particularly in the field of health, development, education and the environment, and could improve the living conditions of indigenous populations. The High Commissioner should continue the world campaign to protect the rights of migrant workers and members of their families, which had proved to be effective, so that the International Convention in that field could speedily enter into force.

43. **Ms. Robinson** (United Nations High Commissioner for Human Rights), responding to the representative of Suriname, said that, to date, the education of the follow-up to the Plan of Action for the United Nations Decade for Human Rights Education had been disappointing since only a rather limited number of States had set up action plans for developing that type of education, whose importance had been stressed by the Vienna Conference and to which other conferences had referred. The international community could and should do much more in that field, and her Office was prepared to support, within the limits of its mandate and resources, the efforts that any Government or civil society might undertake in order to develop human rights education. For example, within the next few days, she would be taking part in a workshop in China on the teaching of human rights in the country's primary and secondary schools.

44. In response to the representative of the Sudan with regard to moving certain paragraphs in the final document of the Durban Conference, she said that she had requested the opinion of the Legal Counsel, who had indicated that the Conference's Programme of Action adopted on 24 September 2001, must be considered the text that had resulted from the World Conference and could not be changed. Any modification could give rise to further requests for changes and thus compromise its status and implementation. Accordingly, while it was not possible to comply with the request of numerous delegations which wished to move the paragraphs in question, on the other hand, their opinion should be taken into account. The Secretary-General had been consulted, and he encouraged delegations to seek a fair solution. For the time being, however, there was a deadlock in that regard.

45. In reply to the comments and questions put forward by Mexico, she said that she also considered it very important to draw up speedily the agenda for combating discrimination. Progress had been made with regard to indigenous populations since the Permanent Forum would soon be set up. Her Office, which had been designated as the lead agency for everything relating to it, was determined to make full use of inter-institutional cooperation. The replies received to date from the United Nations bodies concerned were very encouraging, and a seminar was to be held on that question in January. In addition, the process of appointing eight representatives of indigenous populations to the Permanent Forum was well under way, and her Office was determined to do everything to ensure that it would be completed by 15 December. The Forum's first meeting would be held not from 6 to 17 May, as planned, but from 13 to 24 May because of the convening, shortly beforehand, of the special session of the General Assembly on children.

46. In terms of giving further impetus to the world campaign to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, her Office was fully prepared to work in that regard with Governments and non-governmental organizations. The Office would also be discussing, in the near future, the provisions of the final document of the Durban Conference relating to migration with representatives of the International Labour Organization and the International Organization

for Migration. It would take that opportunity to urge Governments planning to accede to the Convention to give the highest priority to the question of their accession. Only a few more ratifications were required for the Convention to enter into force.

47. **Mr. Bhattacharjee** (India), referring to the question of the need to combat terrorism and the extent of the efforts to be undertaken in that regard, said that he would like to know who should decide that matter: Governments or international organizations. With regard to the latter, he enquired whether it was the United Nations and, more specifically, the Commission on Human Rights, which had the mandate to investigate violations of those rights.

48. **Mr. Kanyemera** (Rwanda) asked what the Office of the High Commissioner intended to do in implementation of resolution 1999/33 of the Commission on Human Rights on behalf of the victims of grave human rights violations and, in particular, the victims of the genocide that had taken place in Rwanda.

49. **Ms. Robinson** (United Nations High Commissioner for Human Rights) said that the basic principles for combating terrorism — limiting action to the measures necessary and ensuring that such measures were in proportion to the terrorist acts — were clear, but their implementation depended on the circumstances. In Serbia and Kosovo, for example, NATO had taken the initiative. On the other hand, after the attacks of 11 September in the United States of America, the Security Council, acting under Chapter VII of the Charter, had taken action by requesting Member States, in its resolution 1373 (2001), to mobilize against terrorism.

50. In reply to the question raised by the representative of Rwanda, she said that her Office intended to do everything that it could to assist Rwanda in dealing with the considerable consequences of the genocide (large numbers of incarcerated persons, widows and orphans) and to rebuild Rwandan society on the basis of the principles of tolerance and respect. The Office was also preparing to mobilize the necessary funds to finance its technical cooperation programme with the country for 2002.

(a) Implementation of human rights instruments
(A/56/3, 40 and Add.1, 44, 156, 177, 178, 179, 181, 205 and 212)

51. **Mr. Ndiaye** (Director, New York Office, Office of the United Nations High Commissioner for Human Rights) said that, currently, 145 States were parties to the International Covenant on Economic, Social and Cultural Rights, 147 States were parties to the International Covenant on Civil and Political Rights and 45 States were parties to the Second Optional Protocol to the latter, aiming at the abolition of the death penalty. The one hundredth State had now become party to the first Optional Protocol to the latter Covenant, which established an individual-complaints procedure.

52. Furthermore, 133 States had ratified or acceded to the Convention on the Prevention and Punishment of the Crime of Genocide, while 126 States had ratified or acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Sixteen States had ratified or acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the United Nations should now plan for its entry into force, since only four more States needed to accede to the Convention for it to take effect.

53. The Committee on Economic, Social and Cultural Rights had considered 17 reports of States parties, and had adopted 14 general comments on substantial provisions of the Covenant, as well as statements addressing substantial issues relevant to the promotion and protection of economic, social and cultural rights worldwide. At its twenty-second session, it had adopted a statement addressed to the Convention to draft a Charter of Fundamental Rights of the European Union; at its twenty-fifth session, it had adopted a statement addressed to the Third United Nations Conference on Least Developed Countries; and at its twenty-eighth session, it intended to adopt a statement on human rights and intellectual property.

54. At the three sessions held between October 2000 and July 2001, the Human Rights Committee had considered 15 reports of States parties, adopted a general comment on article 1 of the Covenant on derogations during states of emergency and, under the Optional Protocol, had adopted 22 views on communications, ruled on the admissibility of 24

communications and discontinued consideration of nine communications.

55. The Human Rights Committee had amended its rules of procedure to enable it to examine the application of the Covenant in States parties that had failed to report to the Committee despite repeated reminders and to examine the reports of States that had failed to appear before the Committee. It had also introduced a procedure for follow-up to its concluding observations. In July 2001, the one thousandth individual communication had been registered under the Optional Protocol. The number of communications under that procedure was likely to continue to grow, as the number of States parties to the Optional Protocol increased. Since its establishment in the Office of the High Commissioner, the Petitions Team had considerably reduced the backlog of complaints submitted to the Committee. In view of the number of cases prepared for its review, the Committee had requested in its annual report and in a draft decision addressed to the General Assembly that its regular session in July 2002 should be extended by one week.

56. At its twenty-fifth and twenty-sixth sessions, the Committee against Torture had considered reports submitted by 14 States parties and had continued its work on four confidential inquiries under article 20 of the Convention. In addition, 45 States parties had accepted the Committee's competence to consider individual communications submitted under article 22 of the Convention. At its two sessions, the Committee had adopted views or decisions regarding 22 communications, formulated 11 final views and found one violation of the Convention.

57. Following preliminary discussions at its twenty-fourth session, the Committee had decided to implement the decision to establish a pre-sessional working group to facilitate its monitoring activities, with particular regard to individual communications under article 22 of the Convention, starting from the biennium 2002-2003. The financial implications of the decision were considered in the Committee's report (A/56/44, chap. I and annex VIII). If authorized by the General Assembly, the group would consist of four members who would meet for five days during the week preceding each Committee session, starting from its May 2002 session.

58. **Mr. Xie Bohua** (China) stressed that China was now a party to 18 international human rights

instruments and had signed the International Covenant on Civil and Political Rights and the two Optional Protocols to the Convention on the Rights of the Child, and that the Chinese Government had just deposited with the Secretary-General its instrument of ratification of the International Covenant on Economic, Social and Cultural Rights. In line with the principle of "one country, two systems", the Chinese Government was supporting the Hong Kong and Macao special administrative regions in their efforts to promote and protect human rights. The Chinese Government was scrupulous in meeting its obligations to submit reports and felt that the reporting and consideration procedures were conducive to the implementation of international human rights instruments and helped the international community to better understand the measures taken by States parties. However, it was possible to improve the situation and avoid the pointless duplication which inevitably arose from the large number of reports submitted, for instance, by asking States parties to shorten the reports or requiring them to submit a single comprehensive report on all the human rights instruments to which they were a party. That would make it easier for many countries, especially developing countries, by enabling them to submit better-quality reports within the required deadlines. Furthermore, enhanced cooperation was needed between the bodies set up under international human rights instruments and the States parties to those instruments.

The meeting rose at 12.40 p.m.