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Chairman: Mr. Al-Hinai (Oman)

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The meeting was called to order at 3.25 p.m.

Agenda item 119: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/56/168, 190, 204, 207 and Add.1, 209, 212, 230, 253, 254 and Add.1, 255, 256, 258, 263, 271, 292, 310, 334, 341 and 344)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/56/210, 217, 220, 278, 281, 312, 327, 336, 337, 340, 409 and Add.1, 440, 460, 479 and 505; A/C.3/56/4 and 7)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/56/36 and Add.1)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/56/36 and Add.1)

1. **Mr. N'Diaye** (Director, New York Office of the United Nations High Commissioner for Human Rights), introducing the report of the Representative of the Secretary-General on internally displaced persons, Mr. Francis Deng (A/56/168), said that there was a gap between established legal and institutional frameworks and the need for protection and assistance for millions of internally displaced persons around the world. Awareness of the crisis had been heightened and a foundation for effective action laid, but the concerns of those people were still neglected.

2. In over 40 countries, on virtually all continents, internal conflicts, human-rights violations and disasters displaced people in astounding numbers. The logic that only refugees who had crossed State borders needed international protection was faulty. Internally displaced persons, although within their own countries, often received little or no protection and assistance from national authorities, of which the situation in Afghanistan, with the numbers of displaced persons growing daily, was a stark reminder. Their needs were going unaddressed, and access to them was being impeded.

3. An appropriate normative framework, the Guiding Principles on Internal Displacement (*ibid.*, para. 4), had been developed as a result of a cooperative process, drawing on human-rights and humanitarian law, and analogous refugee law. Progress was being made in the implementation of the Guiding Principles. A collaborative approach, utilizing the capacities of the international system, was the preferred option in emergency situations. The Emergency Relief Coordinator was responsible for ensuring that the internally displaced did not “fall through the cracks” of the United Nations system. An increasing number of Governments were opening their doors to international interlocutors in the dialogue and were allowing access to needy populations. However, progress was still needed in delivering assistance on the ground.

4. Internal displacement was not only a human rights and humanitarian problem, but a security problem that threatened regional and international stability. Domestically, it was a symptom of serious problems and should be viewed as a warning of the underlying challenges of nation building. Internal displacement was often the first leg of flight across national borders, and although the right to seek asylum abroad must never be compromised, it was in the interests of all concerned to create internal conditions ensuring respect for human rights and humanitarian standards.

5. He called on the international community to strengthen its support for the Guiding Principles, which built on existing standards and reinforced the concept of State sovereignty. The role of the Emergency Relief Coordinator and the Office for the Coordination of Humanitarian Affairs must be made more effective in mobilizing operational agencies to deliver protection and assistance. He reiterated his respect for national sovereignty and the value of cooperating with national authorities in behalf of internally displaced populations. However, national sovereignty should not be viewed as a means of barricading a country against the outside world, but as a means of ensuring the security and welfare of all citizens. As indicated in the report, he had been conducting research into the problems of internal displacement through the Brookings-CUNY Project on Internal Displacement, whose independent studies were a vital pillar of his mandate.

6. When he visited displaced populations in the name of the Secretary-General and the United Nations,

he was conscious of the moral authority and hope for support that his visit signified, but he also realized that he might be raising expectations beyond what he could deliver. The expectations of the displaced populations around the world were being raised by the increasing awareness of their plight. To guard against hope turning into despair, the United Nations, as the ultimate guarantor of human dignity on a global scale, must live up to its image and ensure international cooperation on behalf of the millions of internally displaced persons around the world for whom there was no credible alternative.

7. **Ms. Samah** (Algeria) said that her delegation would be grateful if its questions could be conveyed to the Representative. It would like to hear more about what was meant by analogous refugee law, which he had mentioned as one of the foundations of the Guiding Principles. Some of the misgivings about the Guiding Principles might stem from the fact that they had never been negotiated in an inter-governmental forum, and their discussion in the General Assembly might facilitate acceptance. She also asked why the Brookings-CUNY Project was the only outside source of information used by the Representative in his report.

8. **Mr. Copithorne** (Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran), introducing his interim report (A/56/278), said there were signs that the incorporation of human rights values into Iranian society was accelerating, but government implementation of such rights was lagging behind public expectation.

9. The right to freedom of expression had been affected by broader political issues, for instance the case of a number of deputies to the Majilis (the parliament) against whom legal proceedings had been brought because of remarks construed as critical of the judiciary. More recently, crowds of young people who had gone into the streets following World Cup football matches had been arrested for defying authorities and flouting Islamic rules.

10. Information provided in recent months suggested that the situation of minorities had not improved and indeed might have deteriorated. He called on the Government to expedite the establishment of the National Committee for the Promotion of the Rights of Religious Minorities, which should have the participation of all religious minorities, recognized and

unrecognized. The past several months had also seen a sharp increase in punishments that were clearly contrary to international standards, including public hangings and floggings. In August 2001, the Supreme Court had ordered a retrial of 15 so-called “rogue elements” in the security services convicted of the 1998 murder of intellectuals and political dissidents. According to the press, the Intelligence Minister had declared the killings insignificant mistakes which had been forgiven by the public. In his view, if those events had been forgotten, it reflected public cynicism over the state of the Iranian legal system. He had also received no evidence thus far that a commitment conveyed to him by senior Iranian officials had been honoured, namely, to vacate the judgements rendered in the trial of citizens who had attended a conference in Berlin in April 2000.

11. His report had described the situation of religious dissidents in some detail (paras. 51 and 52). In the absence of any evidence of subversive behaviour, he remained of the view that their treatment was in violation of recognized standards for a legal system.

12. In conclusion, he found it very difficult to report that the human rights situation in the Islamic Republic of Iran had improved, and indeed, in such important areas as punishment and other aspects of the legal system, there had been serious backsliding. However, he expressed his immense respect for that country, its people and its culture and his admiration for those who were seeking to improve the human rights situation for all its people, including women and minorities. The road was not an easy one, but the Islamic Republic could win great international esteem by staying the course and building a society in which the dignity of all individuals would be respected and nourished.

13. **Mr. Alaei** (Islamic Republic of Iran) said that his Government had always appreciated the efforts of the Special Representative, notwithstanding its total rejection of the political basis of his mandate itself. It reserved the right to disagree with and contest the information contained in his report and his oral presentation. The reform process in Iran was genuine and ongoing; it had originated in the will of the Iranian people. The Government was engaged in an irreversible process of translating international human rights obligations into policies and programmes, and it would not react to outside pressure.

14. The remarks of the Special Representative in his oral presentation about the serial murderers belittled the fact that the Government had done its best to bring the perpetrators of those crimes to justice. The press reports he had cited did not reflect the fact that the killings had been considered crimes and that three of the perpetrators had been sentenced to death in accordance with the law. He had also noted that implementation of human rights was lagging, but the Government was doing its best to meet its own goals and international commitments.

15. In response to paragraphs 14 to 19 of the report, he said that the status of women had been given a great deal of attention in Iran. After the Fourth World Conference on Women, the Government had prepared a national plan of action and had submitted its national report. Yet, the Special Representative saw legalized discrimination across the board. The Government had begun work in 12 key areas, one of the most significant being women's political rights and participation. Between the first session of the Majilis and the sixth, there had been a big increase in the number of women candidates, from 90 to 504. Women also participated in town and village councils and held high-level posts in the administration and Government.

16. Furthermore, there was no discrimination against women in the economic field. Women enjoyed equal property and land rights, and access to credit. A range of measures had been introduced to reduce poverty among women, including the establishment of women's cooperatives. Affirmative action had also been introduced in several fields. The female literacy rate was now 83 per cent, with women accounting for an unprecedented 62 per cent of students at the university level.

17. Women also played an important role in the media, with 75 periodicals devoted to women's issues and 270 publishing houses run by women. In television, women were employed as producers and programme advisers. Iranian women had also achieved international acclaim as film directors.

18. Although violence against women in the Islamic Republic of Iran was not as widespread as in many other countries, the following mechanisms were in place to combat the problem: a national committee, a national plan of action and "hotlines" that women could use to report abuse. There were currently 290 women's associations in the country, compared to only

67 in 1988. Various legislative reforms relating to women had also been introduced in the social, political and economic fields, in particular in the area of employment, the family and sport.

19. Given the priority thus accorded by his Government to the welfare of women, his delegation had been astonished at the reference (in para. 14 of the report) to the Iranian film *The Circle*, with its "strong overtones" of the country as a "prison for women". The Islamic Republic was in actual fact a "flag-bearer" for women's rights at all levels, as evidenced by statistics which his delegation was willing to make available to any interested delegations.

20. A number of points required clarification. The thousands of arrests mentioned by the Special Representative had involved breaches of law and order by football fans and had not been politically motivated. Most — if not all — the fans had subsequently been released on the grounds of youth.

21. Certain publications had indeed been closed down (para. 8), but in every case by a competent court. Many other new and ongoing publications continued to voice criticism of government policy; such dissent was not discouraged, but viewed as an integral part of the political process.

22. The Constitution recognized three religious minorities, all of whom had their own representatives in the Majilis. They enjoyed political and cultural rights and possessed their own publications promoting their language, way of life and religious beliefs. Certain problems existed, but the Government was doing its best to tackle them.

23. His delegation was not merely seeking to paint a rosy picture. The Government faced persistent challenges in the realization of its human rights objectives, as did every country, developed or developing. No country could claim perfection in that area, and there was thus no reason to deny the existence of problems. The Government continued, however, to make progress on human rights and to pursue relevant reforms. It refused to condone any shortcomings, and welcomed constructive advice based on mutual respect. Politically-motivated resolutions supported by a limited number of States were hardly wise, fair or effective. The international community should rather work together to improve the human-rights situation in all parts of the world.

24. **Mr. Amorós Núñez** (Cuba) said that the report (paras. 87, 89, 92 and 120) appeared to suggest that the causes of the country's economic difficulties were primarily internal. The Special Representative might also consider the possible impact of external factors, such as coercive measures and globalization.

25. **Mr. Copithorne** (Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran) said that his mandate required him to focus on the situation within the country, which was admittedly a difficult task in view of the obvious interplay of internal and external factors. The report dealt primarily with measures the Government might implement to improve the situation. However, he would take external factors into account in future reports.

26. **Mrs. Stevens** (Belgium), speaking on behalf of the European Union, asked the Special Representative to provide information on the status of his request to visit the Islamic Republic of Iran. His opinion on prospects for the revision of gender-discriminatory provisions in Iranian legislation and for improvement of the overall human-rights situation would also be appreciated.

27. **Mrs. Ahmed** (Sudan) said it was hardly conceivable that such a rich and deeply rooted civilization would deliberately seek to abuse women, especially in view of women's active participation in the political life of the country. It was a matter of some concern that the Special Representative should use a film such as *The Circle* (para. 14) as primary material evidence that such abuse took place in the Islamic Republic of Iran. Films by their very nature tended towards dramatization. The Special Representative should indeed consider the impact of economic sanctions on the Iranian people, especially women.

28. **Mr. Copithorne** (Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran) said that, although he periodically raised the issue of a country visit with the Iranian authorities, no invitation appeared to be forthcoming. He had not visited the country since February 1996.

29. Concerning violence against women, lively public debate indicated that the problem was being acknowledged, which was a first step towards change. In paragraph 18 of his report, he had given credit to the Government for measures implemented to combat the

physical abuse of women. Much clearly remained to be done, and Iranian sources indicated that the situation could be deteriorating.

30. Films did often exaggerate, but not always. He had not used his reference to *The Circle* as evidence of abuse, but as a useful metaphor of the psychological constraints to which many women considered themselves to be subject in the Islamic Republic of Iran. Clearly, women's participation in politics could be traced to the 1905 Constitution. The focus of his report had been on domestic legislation, however, not politics.

31. **Mr. Rogov** (Russian Federation) requested further information on activities of the Islamic Human Rights Commission mentioned in paragraph 99 of the report.

32. **Mr. Heyward** (Australia), having paid tribute to the Special Representative for producing such a thorough and balanced report, requested him to elaborate on the interrelationship between the acceleration of human rights values in Iranian society and the freedom of expression.

33. **Mr. Copithorne** (Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran) said that the Islamic Human Rights Commission was making significant, albeit gradual, progress. It had set itself a high standard and constituted a success story in the field of human rights. He was in direct contact with the body, and was encouraging it to provide him with further information.

34. There was a strong relationship between the freedom of expression and the development of a human-rights culture in Iranian society. Although many newspapers had been shut down, public discourse was clearly more lively than it had been five years previously.

35. **Mr. Leuprecht** (Special Representative of the Secretary-General for human rights in Cambodia), introducing his report (A/56/209), said that he had received good cooperation from the Government of Cambodia on the occasion of his three visits to the country and that the Government's response to his report to the Commission on Human Rights had been constructive.

36. One of the main objectives of the peaceful struggle for human rights was to reduce human

suffering. Cambodians had experienced terrible suffering under the Khmer Rouge regime and, despite improvements in their situation, they were still suffering — from relocation to heavily mined land, from human trafficking and sexual exploitation, and from gravely inadequate conditions in Cambodian prisons. The root causes of that suffering were poverty, violence, corruption and lawlessness. Those evils were not of the Government's making but responsibility for their eradication lay with the Government, while the solidarity of the international community was desperately needed.

37. He paid tribute to Cambodia's donor countries, including Japan, the European Union, Canada and Australia, and encouraged them to follow through on their pledged assistance and to take into account the protection and promotion of human rights. The Cambodian Government for its part should understand that the donor community was eager to see concrete results from Government reform programmes. The Cambodia Office of the United Nations High Commissioner for Human Rights and national and international non-governmental organizations were also making an essential contribution to building a democratic society in Cambodia.

38. In his report to the General Assembly, he had focused on specific issues, such as land rights and land grabbing, natural resources, demobilization of armed forces and human trafficking, the solution of which would undoubtedly foster the enjoyment of human rights and reduce human suffering in Cambodia. The Cambodian authorities must demonstrate a clear political will to tackle them.

39. In his reports to the Commission on Human Rights and the General Assembly he had drawn attention to the sad state of the Cambodian judiciary and appealed to the Cambodian authorities to intensify efforts for legal and judicial reform. He had also raised concerns with regard to the political climate leading up to the commune elections scheduled for February 2002; recent cases of political violence must be investigated. There could be no impunity for those responsible, who must be brought to justice. He had addressed the issue of political violence independently of the political "colour" of the victims, and had referred in the report to cases in which both government and opposition candidates had been the victims.

40. With regard to the Special Tribunal to try those responsible for crimes during the Democratic Kampuchea regime, the law had been approved by the competent Cambodian authorities and was being examined by the United Nations Legal Counsel. It was to be hoped that an agreement would be concluded in the near future so that the Tribunal could come into operation.

41. The outstanding issue of the Memorandum of Understanding between the Government of Cambodia and the Office of the United Nations High Commissioner for Human Rights (*ibid.*, chap. IV) was cause for frustration since it had still not been possible to reach agreement on a Memorandum of Understanding that would be in line with the Convention on the Privileges and Immunities of the United Nations and with normal practice in such matters.

42. **Mr. Ouch Borith** (Cambodia), referring to the Special Representative's report (A/56/209), said that the reference in the second paragraph of the summary to the evils of poverty, violence, corruption and lawlessness in Cambodian society gave the impression that they were rampant throughout the country and that there was no ruling authority. In fact, Cambodia currently enjoyed political, social and economic peace and stability as a result of the priority given to the reform of the administration, the judiciary, the military and the police by the coalition Royal Government, which had been elected to a second mandate in 1998. The reforms introduced had been implemented with success and recognized by the international community.

43. Cambodia was on the path to democracy although some issues of corruption and violence still existed; there was nevertheless a willingness to deal with those problems. The Government of Cambodia had always cooperated with the Cambodia Office of the United Nations High Commissioner for Human Rights; the unique arrangements between them were on the point of being reviewed.

44. Respect for human rights and the practice of democracy could not be separated from social and economic development, peace and political stability. In its war against poverty, his Government was in the process of setting up development projects in order to improve living conditions, meet material needs and provide education.

45. Referring to the land issues mentioned in chapter III.A of the report, he said that the traditional system of land control had come under severe strain and serious conflicts of interest were emerging. The Government had formulated a dynamic policy of registering and titling all land. A mechanism to solve land disputes had been adopted whereby illegal encroachment and occupation by force were punishable; some 4,000 families had received satisfaction.

46. The issue of the failure to nominate any representative of the opposition Sam Rainsy Party (SRP) to the National Election Committee for the forthcoming commune elections concerned that party's intention to boycott the elections, and had been solved. It was regrettable that only complaints by the SRP about violence committed against its members were acknowledged, giving the impression that the SRP had more influence than other parties. Paragraphs 65 and 66 were misleading; it was sad that the unscrupulous and conflictive methods of opposition party members were given publicity by the media while the Government's achievements in rebuilding Cambodia were not recognized.

47. With reference to paragraph 67 of the report, his Government strongly opposed any foreign interference or financial or material assistance to any political party through international or non-governmental organizations and considered it to be a violation of the sovereignty of Cambodia. The Cambodian people must be allowed to use their franchise freely.

48. Where paragraph 77 of the report was concerned, a full description was needed of the incidents created by the SRP to cause civil unrest and obstruct Cambodia's new economic development strategies.

49. The position of the Cambodian Government concerning the Memorandum of Understanding was that no immunity or privileges should be accorded to Cambodian citizens participating in meetings or courses organized by the Office of the United Nations High Commissioner for Human Rights since the rest of the population had no such privileges. He stressed that even without complete agreement on the Memorandum of Understanding, the Cambodia Office had been functioning freely without interference from the Government of Cambodia. All agreements must be reached on the basis of respect for the sovereignty of the country.

50. **Mr. Maertens** (Belgium), speaking on behalf of the European Union, asked the Special Representative to elaborate on the situation of evicted and displaced persons in connection with the issue of land rights, and on the efforts of the authorities to rectify the situation. He also asked about the current status of the reform of the system of justice and what main difficulties had been encountered. With reference to the Memorandum of Understanding, he asked what the prospects were for the process.

51. **Mr. Le Hoai Trung** (Viet Nam), referring to paragraphs 73 and 74 of the report concerning the Montagnard asylum-seekers from Viet Nam, said it was regrettable that the information was one-sided and that application had not been made to the Government of Viet Nam. The persons in question had violated public order; some had been arrested and had admitted their crimes. Others had been incited to flee to Cambodia to seek asylum. Situations of that nature were liable to lead to chaos and the borders between Viet Nam and Cambodia needed to be protected so as to stop the illegal infiltration of asylum-seekers. While his Government cooperated with the Government of Cambodia, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights in Cambodia in connection with those persons, it categorically rejected the claims set out in the report.

52. **Mr. Leuprecht** (Special Representative of the Secretary-General for human rights in Cambodia), replying to the representative of Viet Nam, said that paragraphs 73 and 74 contained facts, not claims. He had, however, used the word "reportedly" in connection with reasons given by the people in question for fleeing Viet Nam. He had also drawn attention to UNHCR's negotiations with both the Vietnamese and the Cambodian Governments to resolve the situation.

53. Replying to the representative of Cambodia, he said that when he drew attention to existing problems it was not to criticize but to help to tackle them. Referring to the problem of evicted and displaced persons, he said that most were in a desperate situation; Cambodian society was largely rural and when those people were expelled from the land from which they made their living, often because of brutal speculation, they were left destitute; some, having nothing more to lose, had gone to the capital to demonstrate. Such issues were dangerous for any society and it was to be

hoped that the Government would address them. An end should be put to impunity and fraud in land titles. Unless a land registration system existed with impartial bodies to settle disputes, the potential for civil unrest remained.

54. He recognized the efforts made to introduce new legislation in Cambodia; the main problem was that of the implementation of new laws and texts. The judiciary suffered from lack of independence, from interference by the authorities, from corruption and from lack of training and financial resources; young lawyers could not find posts. Judicial reform was urgently needed.

55. With reference to the Memorandum of Understanding, no progress was being made despite cooperation from the Government of Cambodia. The current problem was that of immunity for statements made at meetings organized by the United Nations. The Prime Minister had shown a positive attitude in exchanges of proposals, but when the Special Representative had written to the Minister for Foreign Affairs to propose a formulation which might reconcile the concerns both of the Government and of the United Nations, the response had been unsatisfactory. There was a need for a clear legal basis for the Cambodia Office of the United Nations High Commissioner for Human Rights, in line with the Convention on the Privileges and Immunities of the United Nations and United Nations practice in those matters.

56. **Ms. Jilani** (Special Representative of the Secretary-General on human rights defenders), introducing her report (A/56/341), said that the implementation strategy devised for the mandate included initiating dialogue with Governments, intergovernmental organizations, human rights organizations and defenders in order to collect information on the issues and design appropriate responses. She had made two country visits in 2001, the first to Kyrgyzstan and the second to Colombia, and would be presenting her reports on those visits to the Commission on Human Rights at its fifty-eighth session.

57. The current report dealt with issues of special concern and provided information on the trends and conditions undermining the rights enshrined in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and

Fundamental Freedoms (General Assembly resolution 53/144, annex) and threatening human rights defenders, in order to identify areas where there was a need for dialogue and initiatives to improve the situation.

58. The issue of impunity was of foremost concern. The culture of impunity persisted and had become the most serious human rights problem in many countries, increasing the risks attached to the work of human rights defenders. Despite the seriousness of the cases in which defenders had been killed or suffered acts of intimidation, Governments had insufficient interest in investigating complaints and punishing the perpetrators. Human rights violations committed by non-State entities were increasing and their targeting of human rights defenders gave cause for alarm. The inability or unwillingness of States to call those entities into account for such actions had increased the vulnerability of defenders and strengthened public perception that human rights could be violated with impunity.

59. Progress towards the establishment of the International Criminal Court was a positive development towards ending the climate of impunity, but while relevant legislative, administrative or other government measures were appreciated, their existence did not necessarily guarantee against impunity for human rights violations; there was a need for a stronger political will.

60. Another matter of deep concern was that of legal action against human rights defenders. It appeared that criminal prosecution and judicial repression were being used to silence human rights defenders and pressure them into discontinuing their activities. Governments had demonstrated a disturbing tendency to view human rights activities as being against national interests and a threat to national security. They had taken actions that were clearly an attempt to control civil society and undermine its autonomy and integrity. Moreover, smear campaigns against human rights defenders were increasingly being used to discredit their work.

61. There appeared to be a distinct connection between militarism and the severity of human rights violations. State reliance upon military force and methods to combat situations of internal conflict or as a response to security concerns was increasing, and serious human rights violations had resulted directly from military operations and intelligence activities. The absence of peace or security could never excuse

non-compliance with human rights principles and standards. The practice of trying civilians in military courts continued to be of serious concern, as the respective procedures were insufficiently transparent and did not conform to the required standards of fairness. In addition, military tribunals had become the cornerstone of impunity for perpetrators of human rights violations and it was urgent to remedy the lack of accountability.

62. A further concern was the failure to modify national laws that impaired or contradicted the purposes and principles of international human rights instruments. Governments should increase their tolerance of dissent and cease to view human rights defenders as adversaries. A stronger commitment and the political will of States to eliminate the many dangers that threatened human rights defenders was essential for any improvement in the situation.

63. Lastly, human rights defenders had played a significant role in inducing States to recognize the concepts of fundamental freedoms, participatory democracy, transparency and accountability in governance. Striving for effective means to protect them was a recompense that the international community owed them.

64. **Mr. Maertens** (Belgium), speaking on behalf of the European Union, said that it would be useful to know how the regional consultations in Senegal and Mexico (para. 5 of the report) had contributed to her mandate and how it was proposed to ensure that the Declaration was incorporated into national legislation. With regard to the lack of political will mentioned by the Special Representative, it would be interesting to know what role she proposed to play in creating such will and how she foresaw the collaboration of the different countries. Lastly, further information on impunity would be appreciated.

65. **Ms. Kok Lipeng** (Singapore) said that it would be useful to know more about the Special Representative's methods of work, the verification procedures and the geographical representation of the countries from which complaints were received.

66. **Mr. Roshdy** (Egypt) said that one of the elements missing from the report was a section on the responsibilities and obligations of human rights defenders. Article 17 of the Declaration merely asserted that, in the exercise of the rights and freedoms referred to therein, everyone should be subject only to

such limitations as were in accordance with applicable international obligations and were determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and meeting the just requirements of morality, public order and the general welfare in a democratic society.

67. **Ms. Ahmed** (Sudan) said that she would appreciate it if the Special Representative could explain the juridical framework for the implementation of the rights referred to in the Declaration.

68. **Ms. Jilani** (Special Representative of the Secretary-General on human rights defenders), replying to the representative of Belgium, said that the regional consultations were part of the strategy to implement her mandate, because she needed to inform herself of regional issues. They were also the occasion for human rights defenders from throughout a region to meet and share information and experiences. She would soon be attending a regional seminar for Asia, in Bangkok, to learn more about that region.

69. The Declaration contained provisions on the incorporation into national legislation of the necessary measures. However, many experts in the field encountered problems arising from the lack of awareness and application of international norms and standards, because the national framework was lacking. Increased cooperation from States was therefore required.

70. She saw her role as serving to alleviate the difficulties experienced by human rights defenders. The very fact that the mandate had been established was an acknowledgement of the excellent work carried out by human rights defenders and recognition that their work should be facilitated by the United Nations and the international community; it represented a commitment by the international community to take initiatives to implement the principles contained in the Declaration. Her role should complement regional and national initiatives and make situations where human rights defenders were at risk more visible.

71. Impunity was a very serious problem. She had received various complaints, and they had been communicated to the Governments concerned, but there was a lack of attention to the problem. The reigning climate of impunity underscored how the failure to implement a legal framework impeded the prosecution of perpetrators of human rights violations.

72. In response to the representative of Singapore, she said her methods of work were explained in the report and were similar to those of other Special Representatives. She was required to receive and seek information on issues and complaints. Once the information had been received and verified, it was communicated to the Government concerned and follow-up activities were subsequently undertaken. Adequate verification was of great importance for any human rights mechanism, and information was verified with multiple, credible sources before any communications were sent out. As for geographical representation, information was received from many regions; it was important to erase the perception that human rights violations were more serious in any one part of the world.

73. She informed the representative of the Sudan that paragraph 53 of the report stated that the juridical framework for the implementation of rights referred to in the Declaration was “domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms” (art. 3).

74. Lastly, responding to the representative of Egypt on the issue of the responsibilities of human rights defenders, she drew attention to article 2 of the Declaration, which established that each State had the prime responsibility and duty to protect and promote human rights and should adopt such steps as might be necessary to ensure that the rights and freedoms referred to in the Declaration were effectively guaranteed. Therefore, the States were the principal guarantors of human rights. However human rights defenders had a duty towards the community to play a role of safeguarding democracy and human rights.

75. **Ms. de Armas García** (Cuba) said that the basic emphasis of the Declaration was on the protection of the rights of human rights defenders and there was no mention of their responsibilities; it was almost as if there was legal impunity for their acts. She was disturbed that the Declaration appeared to give human rights defenders a “blank cheque”, even though they might violate national laws. It appeared that only individuals could be human rights defenders and all those who violated their rights were Governments; but Governments also defended the human rights of their peoples.

76. **Ms. Jilani** (Special Representative of the Secretary-General on human rights defenders) noted that Cuba had raised that issue previously. The notes covering both the issue and her response could be found in the annex to her report to the Commission on Human Rights at its fifty-seventh session (E/CN.4/2001/94). Regarding the concern that the report created the impression that only Governments violated human rights, she had tried to increase awareness of growing violations by non-State entities.

The meeting rose at 6.15 p.m.