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Chairman: Mr. Al-Hinai (Oman)
later: Ms. Mårtensson (Vice-Chairman) (Sweden)

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The meeting was called to order at 3.15 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. **Ms. Espíndola** (Ecuador) said that Ecuador had acceded to the principal international human rights instruments and had put in place national tools to enable it to comply with their objectives. It was also helping to draft an Andean human rights charter designed to strengthen respect for and promotion of human rights in the context of the ethnic and cultural plurality characteristic of the Andean subregion.

2. The issue of international migration was of great concern to Ecuador. Every year more countries were affected by migratory movements, which required increasing attention in the political sphere. International migration had existed throughout history and made many positive contributions. Its consequences had economic, political, social and demographic dimensions for both the country of origin and the host country and, in the current climate of globalization, it was necessary to work towards the free movement of persons in the service sector.

3. His Government supported the work of the International Organization for Migration and, in particular, that of the Special Rapporteur of the Commission on Human Rights on the human rights of

migrants. The transnational nature of migration called for cooperation among all the parties concerned. In that context, Ecuador had concluded an agreement with Spain regulating migration and called on all Governments and all sectors of civil society, particularly in the developed countries, to protect the rights of migrants and ensure that they were not discriminated against.

4. **Ms. Geels** (New Zealand) said that New Zealand called on all States to work together to ensure that the human rights standards embodied in the core human rights treaties were not only accepted but also implemented. Good governance provided a sound foundation to that end. Accordingly, it encouraged the establishment of national human rights institutions and had been providing financial support to the Asia Pacific Forum of National Human Rights Institutions.

5. New Zealand attached great importance to an independent judiciary as another crucial element for the protection of human rights. It also urged all States to ratify the Rome Statute establishing the International Criminal Court. The continued use of the death penalty was a cause for concern, particularly in the case of people under 18 years of age, and New Zealand called on those States that had not yet abolished it to do so. It also urged States to redouble their efforts to conclude the drafting of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was intended to establish a preventive system of regular visits to places of detention.

6. Referring to the human rights situation in various countries, she said that New Zealand had been concerned by the policies and practices of the Taliban in Afghanistan for some time and strongly condemned their actions in depriving the Afghan people, particularly women and girls, of their fundamental human rights. In the case of Cambodia, it was hoped that the first commune elections, to be held early in 2002, would help to strengthen democratic institutions, and New Zealand urged Cambodia to work with the United Nations to finalize a memorandum of understanding for the establishment of a special tribunal to try former Khmer Rouge leaders.

7. With regard to Myanmar, it urged all parties to engage in political dialogue and reform in order to facilitate the transition to democracy. The interaction between the International Labour Organization and the

Myanmar authorities was a positive sign on the issue of forced labour, but New Zealand remained concerned about the level of fundamental human rights violations, and called on Myanmar to take note of the recommendations of the Special Rapporteur on the situation of human rights in Myanmar and to continue working towards compliance with all international human rights standards.

8. In East Timor, good progress had been made to promote human rights and New Zealand welcomed the recent increase in the number of refugees returning. While encouraged by recent prosecutions and moves to establish a human rights tribunal for East Timor, it was concerned that few of those responsible for the human rights abuses committed in 1999 had been brought to justice.

9. New Zealand acknowledged China's efforts to improve its human rights record, particularly on the economic and social fronts. However, practices fell short of accepted international standards, particularly restrictions to freedom of expression and religion. Moreover, the Chinese Government should involve the people of Tibet more fully and directly in decisions regarding their development.

10. In the case of Iraq, it was particularly regrettable that the Government continued to prevent the Special Rapporteur on the situation of human rights in Iraq from entering the country, in view of the continuing reports of extremely serious human rights abuse. In the Islamic Republic of Iran, there had been encouraging progress in a number of areas; the promise shown in others, however, such as the reform of the judiciary, the administration of justice, freedom of expression and association, and the status of women and minorities, had not been borne out by recent developments. In view of the continued violence in the Occupied Palestinian Territory particularly its impact on civilians, New Zealand called for restraint on both sides and considered that the Mitchell report offered the parties a constructive way forward.

11. In the Sudan, the impact on human rights of the ongoing armed conflict was also a cause for concern, and New Zealand urged all parties to observe international laws aimed at protecting civilians during armed conflict, respect human rights and work towards a peaceful solution. It was also concerned that human rights abuses continued in Zimbabwe and urged the Government to comply with the rule of law.

12. In the case of Chechnya, New Zealand was encouraged that the Government of the Russian Federation was collaborating with United Nations human rights representatives who wished to visit that country and supported the Commission on Human Rights' call for an independent national commission of inquiry to investigate allegations of serious human rights violations. It considered that a political settlement was the only way to resolve the problems.

13. **Mr. Pokharel** (Nepal) said that Nepal reiterated its commitment to the international human rights instruments and stressed the need for their effective implementation. Institutional monitoring mechanisms were part of the global endeavour to promote human rights, providing forums for constructive dialogue among States parties. The Office of the United Nations High Commissioner for Human Rights and the Commission on Human Rights should be provided with adequate resources to enable them to monitor implementation.

14. The effectiveness of the human rights treaty system needed to be enhanced. The reporting process was useful for monitoring the system; however, it imposed a considerable burden on both the States parties and the treaty bodies. It was necessary to avoid the duplication of reporting requirements under different instruments, ensure that the reports were comprehensive, and monitor the measures taken by States to implement the recommendations of the treaty bodies.

15. The restoration of a multi-party democracy in Nepal and the promulgation of a new Constitution were motivated by the need to build a society based on the rule of law. Nepal recognized the links between development, democracy and human rights. Illiteracy, disease and poverty were the main obstacles to the promotion of human rights in poor countries such as Nepal, because human rights meant little to those who lacked the bare essentials. Therefore, eliminating absolute poverty could improve the human rights situation in many developing countries; in that regard, the collaboration of the developed countries was required in order to boost sustainable development.

16. Nepal had ratified or acceded to all the major human rights instruments and had taken various legislative and administrative measures to implement them, including the establishment of an independent human rights commission. Civil society was also

playing an important role in building awareness about human rights at the grass-roots level.

17. **Mr. Chowdhury** (Bangladesh) said that, while Bangladesh was committed to international efforts to develop a common approach to combating terrorism, it considered that international human rights standards should not be disregarded, since the absence of human rights often provided fertile ground for terrorism.

18. Bangladesh was troubled that some developed countries were clearly unwilling to support the international consensus on the right to development, and it called on all States to commit themselves to finding ways to operationalize that right in the current context. Globalization had undermined economic and social progress in developing countries by marginalizing their participation in international trade, with very harmful consequences for human rights, such as illicit migration, trafficking in persons, transnational crime and drug trafficking.

19. Bangladesh was taking far-reaching measures to institutionalize democracy and human rights, including the establishment of an independent national human rights commission. In that regard, he acknowledged the positive response to the recently held elections in his country, involving 150 million people.

20. **Mr. Lee Ho-jin** (Republic of Korea) said that the Republic of Korea placed its confidence in the United Nations to continue working for human rights throughout the world, since serious human rights violations persisted, owing, in some cases, to the actions of repressive Governments and, in others, to poverty and exclusion. Moreover, while the forces driving globalization had generally strengthened the promotion and protection of human rights, they had also led to certain violations. Economic and social development, accompanied by efforts to build a truly democratic society, were crucial for human rights to thrive.

21. As part of its commitment to promoting higher human rights standards, his Government was establishing an independent national human rights commission and had appointed a human rights ambassador. While national authorities had the primary responsibility for bringing human rights violators to justice, the international community should send a clear message that impunity was unacceptable. In addition to international cooperation, civil society had a major role to play in the promotion and protection of

human rights, particularly those of women and other disadvantaged groups. Moreover, an educated public was crucial to the success of efforts to prevent, investigate and punish human rights violations.

22. *Ms. Mårtensson* (Sweden), *Vice-Chairman*, took the Chair.

23. **Mr. Zackheos** (Cyprus) said that forcible displacement of populations had been used as a tool of war throughout history, but that humanity had advanced to a point where a comprehensive regime of international agreements — the human rights instruments — had been established precisely to counter such phenomena.

24. The situation in Cyprus was a classic case of the inability of the international community to end such violations, however. The continuing occupation of one third of his country's territory by Turkey was a violation of human rights. In an important recent development, the European Court of Human Rights had issued a landmark decision finding Turkey guilty of 14 violations of the European Convention on Human Rights. Those violations fell into four broad categories: Greek-Cypriot missing persons and their relatives; homes and property of displaced persons; living conditions of Greek Cypriots in the Karpas region of northern Cyprus; and the rights of Turkish Cypriots living in northern Cyprus. Furthermore, a 1996 decision of the Court was still awaiting implementation. The reaction of Turkey had been, as expected, to resort to threats and accusations against the Court for taking a political decision. Its approach seemed to ignore international legal instruments; it could best be described as "might makes right".

25. That decision of the European Court of Human Rights was a test case for the international community in its efforts to promote and protect human rights. If it did not effectively address the question of impunity, large-scale human rights violations would continue. It was therefore imperative that the decision should be implemented. If Turkey wished to be considered a law-abiding member of the international community, it must respect the decision by withdrawing its occupation troops from Cyprus and allow the people of Cyprus, Greek and Turk alike, to live in peace, prosperity and security in a reunited federal Cyprus.

26. **Mr. Belli** (Brazil) said that, despite the reports of unspeakable abuse it had heard, the Committee found itself once again embroiled in the same political

controversies. It must not lose sight of the objective of realizing the promises contained in the Charter and the human rights instruments by following up good intentions with meaningful action. In order to translate commitment into action, the principles that all human beings were born equal and that all human rights were universal and interdependent must be embraced.

27. The 1993 World Conference on Human Rights had reaffirmed that human rights protection was a legitimate concern of the international community, but attempts were still made to hide human rights abuses behind the principle of non-interference in the internal affairs of States. Others simply placed themselves above scrutiny; however, no country was completely free from some form of abuse.

28. A thorough consideration of the reports before the Committee should be followed by efforts to change reality on the ground, and to that end the universal mechanisms to monitor human rights must be strengthened. The thematic rapporteurs were of particular importance because of the universal scope of their mandates, while special rapporteurs and representatives might be necessary to deal with the most serious situations. There was general agreement, at least in theory, that all human rights were interdependent, but in fact the practice persisted of picking and choosing which rights to emphasize. The realization of human rights demanded an approach that accepted that all human rights — civil, political, economic, social and cultural — were mutually reinforcing.

29. The Brazilian Government and society were deeply committed to democracy, the rule of law and the protection of human rights. During the past year the Government had strengthened its cooperation with the United Nations human rights system through a fruitful dialogue with the Special Rapporteur on the question of torture and submission of its initial report to the Committee against Torture. It had come to the conclusion that cooperation with the human rights system was not only an international obligation but a way to galvanize domestic support for change.

30. Human rights were a powerful tool for change especially through forging partnerships between Governments and civil society. Disregard for basic rights eroded the legitimacy of Governments. In the face of the suffering, despair and exclusion of victims, no excuse to avoid addressing human rights violations

was acceptable. Human rights mechanisms, despite their limitations, were the best tools available at the international level to protect the integrity and dignity of human life. Those whose lives had been saved by the attention brought to their plight were living symbols of what the work was all about.

31. **Mr. Beyendeza** (Uganda), in response to the statement made by Belgium on behalf of the European Union at the previous meeting, said that his country had not prohibited political parties, but had temporarily suspended their operations within the framework of its Constitution in order to review the situation. Uganda did not wish to repeat mistakes of the past.

32. Turning to the report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (A/56/327), he said that his delegation categorically denied the accusations against his country and found the tone of the report biased. Uganda was fully committed to the Lusaka Peace Agreement, which provided for an orderly withdrawal of troops according to a schedule drawn up by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). Out of 14 battalions initially deployed, Uganda had withdrawn 12; as soon as the Security Council put in place a peacekeeping force that would assure security, the two remaining battalions in Buta and Bunia would be withdrawn. In April 1998, a protocol had been signed between Uganda and the Democratic Republic of the Congo recognizing Uganda's security concerns, confirming that Uganda was not an "uninvited" country, as was alleged in paragraph 13 of the Special Rapporteur's report. His delegation found no evidence that any efforts had been made to verify that information. For instance, the statement in paragraph 15 that Uganda People's Defence Forces (UPDF) were operating in the north-east was incorrect and indicated poor research.

33. The allegations about the behaviour of Ugandan troops towards the Congolese population contained in paragraphs 15, 16, 85 and 91 were untrue. The people had hailed the discipline of UPDF soldiers and had even appealed to them to stay because they provided security. It was unfortunate also that the Special Rapporteur had depended on hearsay when reporting the mass murder of people accused of witchcraft, which the UPDF had made great efforts to stop. In paragraph 17, his inability to name his sources was further testimony to his lack of candour.

34. Paragraphs 18, 85 and 100 of the report showed a lack of knowledge of the history of the region. The Hema-Lendu conflict was an old one originating from socio-economic disparities between the two communities stemming from land scarcity. In May 1999 the Lendu had attacked the Hema, killing many and burning hundreds of homesteads. The Hema had sought UPDF intervention, preventing a genocide. The continued presence of Ugandan forces in the Bunia area provided security and a stabilizing effect in the conflict.

35. His delegation rejected the allegations contained in paragraphs 47 and 48 of the report. Because of Uganda's commitment to the Lusaka Ceasefire Agreement, UPDF had withdrawn from the Bafwasende area. Uganda continued to support the call for the demilitarization of Kisangani. Furthermore, Uganda was not responsible for the fate of the Congolese people, and for the Special Rapporteur to suggest the contrary in paragraph 50 was a value judgement. Uganda supported the Inter-Congolese Dialogue under the Lusaka Agreement, which should be the path for deciding their fate. Nor would Uganda take any responsibility for internal struggles among the *Rassemblement congolais pour la démocratie/Mouvement de libération (RCD/ML)* factions, as suggested in paragraph 52.

36. The sweeping statements made in paragraphs 22, 92 and 100 were utterly untrue. Uganda condemned the illegal exploitation of the natural resources of any State and had no territorial or economic interests beyond the normal course of bilateral and regional economic cooperation. Its security concerns were legitimate.

37. Uganda had challenged the findings contained in the first report of the Expert Panel on the illegal exploitation of natural resources of the Democratic Republic of the Congo to the Security Council; the panel had been reconstituted and had not yet issued its revised report. Uganda had cooperated fully with the panel when it had visited Kampala in August 2001 and had established an independent commission of inquiry.

38. In paragraph 93, the Special Rapporteur alleged that Uganda had exported its conflict to the Democratic Republic of the Congo, revealing that he did not know the history of the region. Uganda had been involuntarily drawn into the conflict because the previous Congolese leadership had supported rebel groups fighting Uganda.

39. In conclusion, it was his delegation's hope that future reports would not rely on anonymous sources, unsubstantiated allegations and hearsay. Uganda was still committed to the Lusaka Peace Agreement and was implementing it accordingly. Only through the establishment of the Inter-Congolese Dialogue could the situation of human rights in the Democratic Republic of the Congo be improved and stability in the Great Lakes region achieved.

40. **Mrs. Šimonović** (Croatia) said that the international community must find creative ways of addressing new and emerging human rights challenges, including in the field of bioethics. Scientific developments in biomedicine and biotechnology posed serious questions for mankind, raising complex issues such as freedom of reproductive choice, medically assisted procreation, protection of the human genome, genetic discrimination and prohibition of cloning. In that regard, significant contributions were made by the United Nations Educational, Scientific and Cultural Organization (UNESCO) Universal Declaration on the Human Genome and Human Rights and the Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine and its Additional Protocol on the Prohibition of Cloning Human Beings.

41. It was her delegation's hope that the International Conference on Human Rights and Democratization in Europe, Central Asia and the Caucasus, held in Dubrovnik in October 2001, would pave the way for closer cooperation between the United Nations, the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE).

42. Following independence, Croatia had become party to all six core United Nations human rights treaties. The country abided by its reporting requirements and cooperated with the Office of the United Nations High Commissioner for Human Rights in the framework of technical assistance programmes. The national legal system had greatly benefited in recent years from incorporation of United Nations and European standards. Croatia had also entered a new phase in its relationship with the European Union by signing the Stabilization and Association Agreement.

43. **Mr. Fadaifard** (Islamic Republic of Iran) said that the cultural aspects of human rights had yet to be clearly defined. Controversies surrounding the issue

only impeded the realization of human rights, detracting from their universality. Although the importance of cultural diversity was clearly highlighted in the 1966 UNESCO Declaration of the Principles of International Cultural Cooperation, *inter alia*, rigid attitudes persisted in certain quarters. Some adopted an absolutist approach which rejected any attempt to incorporate culture, history and religion into the human rights discourse. Others rejected any international instrument *per se*, on the grounds that such instruments were alien to their thought, tradition and culture. Both sides failed to understand that different cultures could contribute to one another.

44. The UNESCO Declaration recognized that cultural cooperation was a right and a duty for all peoples, which should share with one another their knowledge and skills. Constructive dialogue was thus indispensable to reaching international understanding on the issue. It was to be hoped that the 2000 UNESCO Declaration on Cultural Diversity would pave the way for further conceptualization and codification of cultural diversity.

45. **Mr. Paiva** (Observer for the International Organization for Migration (IOM)) said that the events of 11 September had occurred only days after the end of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban. Barely two months later, the world was a different place. Although it was too early to determine the long-term ramifications of those horrendous events, there would clearly be many changes in the way people thought and interacted with others. One immediate effect had been on the way migrants were perceived by many individuals and societies. Already facing discrimination in their efforts to integrate into their host countries, migrants now bore a disproportionate share of the reaction to the events of 11 September. They were suddenly regarded with increased suspicion and viewed as potential enemies.

46. Discussion of migration currently focused on security issues. IOM wished to stress, however, that although the fight against terrorism was imperative, the vast majority of persons moving around the globe did so for legitimate reasons, and many needed international assistance. IOM was accordingly committed to: promoting better management of migration, highlighting its positive aspects, combating trafficking in and exploitation of migrants, and

ensuring their equal access to due process and civil liberties.

47. The operational work of IOM in one of the longest-standing displacement-producing situations had been brought into sharp focus in recent weeks. Afghanistan, with its millions of internally displaced people, asylum-seekers, irregular migrants and refugees had a history of persecution, poverty and war. As a result of the strikes against the terrorists and their hosts, the civilian population had been even more desperate to leave their homes in search of safety. The ensuing extensive internal and external displacements had further hampered the agency's efforts. Moreover, the departure of IOM international staff from Afghanistan, and limitations on communications and movement of goods and local personnel, made the continuing achievements of Afghan colleagues even more remarkable. The emergency shelter, food and blankets provided in that context by IOM contributed to the protection of the people's most fundamental human rights.

48. Together with its partners, IOM was actively engaged in urging States that had not already done so to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The world must not forget that it was one human family, regardless of differences. Governments, organizations and individuals should work to ensure that all people — whatever their origin — were treated as one would wish one's own family to be treated.

49. **Mr. Ouseng Vixay** (Lao People's Democratic Republic), speaking in exercise of the right of reply, expressed his delegation's regret that the representative of Belgium, speaking on behalf of the European Union at the previous meeting, had made negative comments about the Lao People's Democratic Republic, which had been further elaborated in the text circulated to delegations. Given that different countries were at various stages of development and had different historical and cultural backgrounds, it followed that they also had different needs and approaches to the realization of human rights; it was not necessary to follow the same standard.

50. In meeting the legitimate needs of the Lao people, the Government had consistently affirmed its faith in the Universal Declaration of Human Rights. The country had its own cultural identity and history

dating back thousands of years. Following independence in 1975, the population had freely chosen the political system best suited to national specificities. No efforts had since been spared to safeguard national security and stability and to promote socio-economic development. The Government had, moreover, worked to protect and promote the human rights of the country's multi-ethnic population pursuant to domestic legislation. Contrary to the impression given by the representative of Belgium, the arrest and detention of individuals had nothing to do with the religious beliefs of the persons concerned, but with maintaining law and order. (Religions institutions were protected by the Constitution.) The Government did not allow human rights to be used as a pretext for interference in the country's internal affairs.

51. Accordingly any cooperation in the field of human rights must be conducted on the basis of the principle of non-interference in the internal affairs of States and full respect for national independence and sovereignty. It was essential to respect the rights of others to independently choose their social system and path to development.

52. **Mr. Cherif** (Tunisia), speaking in exercise of the right of reply, said that his delegation regretted the references to Tunisia contained in the representative of Belgium's statement and circulated text. The practice of pronouncing judgement on the situation in selected countries amounted to interference in the internal affairs of States and was unacceptable. Moreover, there was no single model in the area of human rights and democracy. Each country had its own characteristics which must determine its path to development. His delegation furthermore rejected all selectivity and bias in the choice of countries mentioned by the representative. No country was without reproach in the field of human rights.

53. The Government had long defended the indivisibility of human rights and had never ceased working towards an egalitarian, free and prosperous society. The positive economic and social trends in Tunisia had been hard won in the context of a difficult international environment. His delegation had been surprised at the criticisms voiced, in view of Tunisia's low poverty index, high school attendance rates, stable growth rates and excellent record on women's rights which had made the country a model for the region.

54. **Mr. Mbella Mbella** (Cameroon), speaking in exercise of the right of reply, said that the text circulated by the representative of Belgium on behalf of the European Union appeared to reflect the Union's unceasing concern with human rights. However, it focused primarily on violations of human rights in the South. His delegation would rather have heard details of the situation within European Union countries, from which it could have drawn useful lessons. The comments relating to the situation in Cameroon failed to take account of more recent progress made in the field of human rights and of clarifications already provided by the Government in United Nations and other forums.

55. The operational commandos, established originally to combat civilian insecurity, had since been disbanded. As had been explained at the most recent session of the Commission on Human Rights, it was difficult to prevent all blunders on the part of all security forces. The case of the Bépanda disappearances mentioned in the Belgian text had, however, in no way received the Government's seal of approval, and justice was following its course. The trial would be public, and the representative of Belgium was welcome to attend. The Government for its part had established a national mechanism to promote good governance and to combat corruption. Any suspects detained for the purpose of inquiries were, moreover, treated in strict accordance with domestic law. The Special Rapporteur of the Commission on Human Rights on the question of torture had visited the country in 1999 to assess the situation, and his delegation wished to assure the Committee that the relevant legislation had been adopted to criminalize torture and to ensure that perpetrators were brought to justice.

56. **Mr. Esaw** (Togo), speaking in exercise of the right of reply to references to his country in the text circulated at the previous meeting by the representative of Belgium, said that the Government was in fact hoping to organize early legislative elections by 15 March 2002. Only the previous day, the President had held a meeting on the matter with opposition leaders. At no time had a government representative not been present at meetings of the electoral committee. Independent observers could also testify to the goodwill of the Government to hold free, transparent and democratic elections. In addition, Togo's President had recently reaffirmed the independence of the

judiciary, the importance of maintaining a climate of peace and the need for a free, dynamic and responsible press. He had also indicated his readiness to grant amnesty to one of the opposition leaders. No persons, however, were above the law in Togo, whether or not they happened to be political leaders. His delegation intended to further clarify the political situation in Togo in the plenary Assembly.

57. **Mr. Al-Nima** (Iraq), speaking in exercise of the right of reply, said that the basic problem of the statements by the delegations of Canada, New Zealand and Norway was that human rights issues could not be dissociated from the political position of the countries in question. His delegation therefore entertained reservations regarding their objectivity. For example, the delegation of Canada had focused on civil and political rights in Iraq but had ignored the impact of more than 11 years of economic sanctions on the basic human rights of its population in terms of life, food, health and the rights of women and children. The delegation of New Zealand had made a similarly unbalanced statement. The delegation of Norway had called on the Government of Iraq to improve the living standards of its population, forgetting that they had been the highest in the region in the 1980s and that their deterioration was due to the comprehensive sanctions imposed on the country. In that regard, the Government of Norway, as a member of the Security Council, must be aware of the year-long suspension of \$4 billion worth of contracts for humanitarian supplies for Iraq.

58. The Government of Iraq had accepted all obligations deriving from the resolutions of the Security Council; the latter was therefore duty-bound to lift the sanctions and fulfil its commitments.

59. **Ms. Khalil** (Egypt), speaking in exercise of the right of reply, expressed astonishment that the Belgian representative speaking on behalf of the European Union had omitted the countries of the European Union from his comments on the situation of human rights in a total of 61 countries worldwide. The European Union, which lacked the authority to make such comments, should consider how to raise the human rights situation in its own "backyard" to the level of perfection demanded of other countries, regardless of their economic, social and cultural circumstances. Much could be done to improve the condition of the ethnic minorities, religious minorities and immigrants within the European Union itself and alleviate the

suffering which they endured as a result of discrimination and violation of their human rights.

60. In regard to the reference made to Egypt, she affirmed that any suspect in Egypt was presumed innocent until proven guilty by a court of law and was guaranteed the right of self-defence. Pursuant to the Egyptian Constitution, the sovereignty of the law was not only a guarantee of the freedom of the individual but also the sole basis for the legality of authority, as well as the basis of rule in the State. The Constitution also stipulated that peace was founded on justice alone. She added that the Egyptian Emergency Act could be extended with the approval of the elected Parliament and that it was subject to full and impartial legal supervision in accordance with the guarantees specified in the Constitution for the protection of public rights and freedoms.

61. Egypt had long been renowned for the homogeneity of its social fabric, of which the Copts were an essential part. They were also an indivisible part of the political, social, cultural and economic history of Egyptian civilization. The Egyptian Constitution guaranteed freedom of belief and the practice of all religious ceremonies and rites, including those in connection with matters of personal status, thereby reflecting above all the values and heritage of Egypt and its full compliance with its international obligations. In her view, any attempt to segregate the Copts was but an attempt to fuel dissension within the homogeneous group represented by the Egyptian people.

62. Human rights questions were a national responsibility. No specific party could demand the protection of those rights or monopolize their defence, which were matters for the concern of the international community as a whole. It was now essential to increase the level of tolerance among the members of that community, irrespective of their multiplicity and their differences in culture and religion. In its simplest sense, tolerance meant respect for others, born out of a profound sense that the planet was created for everyone and not for a specific group nor with a view to imposing the values of a specific culture on other communities.

63. **Ms. Astanah Banu** (Malaysia), speaking in exercise of the right of reply, said that her delegation had appreciated the positive aspects of the statement by the delegation of Belgium on behalf of the European

Union with reference to human rights in Malaysia. The National Commission on Human Rights, which had been in existence for 18 months, had contributed to the human rights debate in Malaysia and, for example, had called on the Government to review the Internal Security Act with a view to its possible abolition. In a multicultural, multi-ethnic and pluri-religious State, peace and security were all-important as prerequisites for economic and social development and the protection of human rights. The Government, recognizing the importance of reviewing legislation, had therefore taken the decision in 2001 to review the relevance and applicability of the Act.

64. Regarding the question of capital punishment, it was an issue of criminal justice and not of human rights. Further dialogue would be welcome in that regard.

65. **Mr. Shen Guofang** (China), speaking in exercise of the right of reply, said that his delegation refused to accept the comments by the delegation of Belgium on behalf of the European Union concerning the question of Falun Gong. The Chinese Government had stated on many occasions that Falun Gong was not a religion but a vicious cult which preached heretical doomsday theories, collected money illegally, exercised mental control over its practitioners and claimed to be omnipotent and omniscient. Many practitioners had killed themselves and, in a recent case, five had publicly burned themselves to death. The Chinese Government had performed an act of justice in outlawing a cult that was against science, humanity and society. Comments by delegations that were untrue to the facts were contrary to the objectives of the Third Committee's work.

66. **Ms. Ahmed** (Sudan), speaking in exercise of the right of reply, said that while she thanked the delegations of Canada and New Zealand for their interest in human rights in the Sudan, she had the impression that they were anxious to join the group of self-appointed custodians of human rights around the world. Her delegation had been surprised that New Zealand, which had no embassy in the Sudan, had not chosen the appropriate diplomatic channels to refer to human rights in that country.

67. Her delegation had further made its position very clear regarding its reservations on the report of the Special Rapporteur of the Commission on Human

Rights on the situation of human rights in the Sudan (A/56/336).

68. Her delegation would have liked the delegations of Canada and New Zealand to demonstrate their objectivity by raising concerns about serious violations of the human rights of the indigenous peoples in their own countries; those rights included the conservation of their culture, language and land and equal enjoyment of social services with the rest of the population. It would have been interesting to hear about the fate of asylum-seekers in Canada, about the recent limitations in Canadian legislation and about police brutality vis-à-vis would-be immigrants.

69. The United Nations was not, however, a forum for revenge or confrontation, but a space where understanding and cooperation in overcoming difficulties facing all nations could be exercised.

70. **Mr. Mekdad** (Syrian Arab Republic), speaking in exercise of the right of reply, prefaced his response to the statement made by the Belgian representative speaking on behalf of the European Union by stating that he looked forward to strengthening the valuable economic, cultural and social relations between his country and the European Union, with particular reference to the ongoing dialogue concerning their partnership agreement. He reiterated his country's belief that the question of human rights should always remain above political considerations and the selective approach. No place in the world enjoyed human rights to the full, while most of the countries mentioned by the Belgian representative, all of which were developing countries, allegedly enjoyed only minimum human rights, in the latter's view. While sincerely hoping that no human rights violations took place within the European Union and the countries now linked with it, he believed that many of them, as had long been the case, still needed to step up their human rights efforts at the domestic level.

71. As for the Belgian representative's remarks concerning the Syrian Arab Republic, he said that his country, which upheld the freedom and dignity of the individual, attached particular importance to guaranteeing the full enjoyment of civil, political, economic, social and cultural rights, as enshrined in the Constitution. The Constitution provided for the sovereignty of the law and the independence of the judiciary, and regarded freedom as a sacred right. It upheld the right of all citizens freely to express their

opinions in any form. It also upheld the right of peaceful assembly and demonstration. The Syrian Arab Republic had, moreover, acceded to the International Covenants on Human Rights and had submitted its reports thereunder.

72. His country had achieved much progress in human rights, especially of late. As in the European Union, a small number of lawbreakers had recently appeared before the criminal courts, which, in some cases, now conducted open trials attended by diplomats and representatives of international human rights commissions. He gave his assurance that all trials were fairly and transparently conducted in the Syrian Arab Republic; the law and the courts jointly and impartially guaranteed the rights of anyone who appeared in court. Syrians were brought up to espouse the values of tolerance and freedom advocated by the Belgian representative and would therefore be astounded by the error of his remarks. Anyone speaking on such matters would do well to consider the situation in his own country before dispensing advice to others.

73. **Mr. Mun Jong Chol** (Democratic People's Republic of Korea), speaking in exercise of the right of reply, rejected the statement by the delegation of Belgium on behalf of the European Union as lacking objectivity and as confrontational regarding its references to human rights in the Democratic People's Republic of Korea. His Government had established an advantageous social system based on policies which ensured full enjoyment of human rights for its people. It continued to fulfil its obligations under the international instruments to which it was a party; in 2001 it had acceded to the Convention on the Elimination of All Forms of Discrimination against Women and had submitted its report under the International Covenant on Civil and Political Rights. It had recently established official relations with the European Union on the basis of mutual respect and understanding.

74. The aforementioned statement, by expressing hostility to the countries of the South, would undermine human rights and result in confrontation. The irrational attitude of the European Union towards human rights merited caution.

75. **Mr. Tekle** (Eritrea), speaking in exercise of the right of reply, expressed appreciation to the representatives of the European Union, Norway and Canada for raising the question of human rights in

Eritrea and thus giving him the opportunity to explain his Government's position. Under the comprehensive peace agreement of December 2000, Eritrea and Ethiopia had committed themselves to the repatriation of all prisoners of war and other persons detained as a result of the armed conflict. That process, which had begun immediately, had been halted by Ethiopia, although his Government was ready to resume the process at any time. While Eritrea held no civilian detainees, some 1,900 Eritreans and 400 Ethiopian prisoners of war were being held hostage by Ethiopia on the basis of the pretexts used by the Ethiopian Government to halt repatriation, in violation of the third and fourth Geneva Conventions of 1949.

76. It was true that his Government had taken into custody some senior government and military staff, but it was because they had committed acts endangering the sovereignty of the nation, not because they had criticized the Eritrean President. The criticism of the President had, in fact, already continued for over a year without any curtailment of the right of expression of the persons in question. They were being held in good government facilities, had not been subjected to human rights abuses, and would be brought before a court in the near future.

77. With reference to other allegations, the information concerning the students was outdated since no detention had been involved and they had returned in time for the new academic year. The privately owned newspapers referred to had been shut down because of repeated violations. They would be permitted to reappear following a case-by-case review. Again, there had been no violation of constitutional or human rights.

78. **Mr. Assaf** (Lebanon) said that he wished to make a clarification regarding the attacks by security forces on Lebanese demonstrators in August 2001. As reflected in the statement by Belgium on behalf of the European Union, the event had been a passing incident, limited in time. The security forces had acted against orders in showing violence to the demonstrators. The Lebanese Government had subsequently ordered an investigation and the members of the security forces concerned had been punished, while the persons detained following the incident had been released. The Government of Lebanon had always taken pride in its respect for human rights and fundamental freedoms.

The meeting rose at 6.10 p.m.