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Chairman: Mr. Al-Hinai (Oman)
later: Mr. García González (Vice-Chairman) (El Salvador)

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The meeting was called to order at 10.25 a.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, 253-256, 258, 263, 271, 292 and Add.1, 310, 334, 341, 344 and 608)

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

(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. Requeijo Gual** (Cuba) expressed regret that the full realization of the human rights enshrined in the Charter of the United Nations was nothing but a pipe dream and that the basic objectives of eradicating poverty and attaining equality and social justice, participation by all people and all peoples in decision-making, respect for diversity and the right to peace and development had been reduced to mere talking points. The unipolar world order that had emerged at the end of the cold war and the neoliberal globalization process were aggravating inequality and exclusion. If humanity was truly to be able to benefit from the potential advantages of globalization, a new world order must be established, democratic and just, based on an integrated development approach, in which third world countries could participate actively in international political and economic processes. The dialogue that was needed to strengthen international cooperation on human rights had been undermined by the decision of certain countries of the North to set themselves up in judgement over the world in pursuit of their own interests, disguising their true intentions under demagogic disquisitions on political rights and freedoms, while in fact abusing their power and doing nothing to reduce poverty or promote development,

combat illiteracy, help the disadvantaged, the old, women or children in other countries or prevent millions of people dying of starvation or curable diseases. It had been impossible to mobilize the necessary resources to treat AIDS sufferers throughout the world, but military expenditure amounted to over US\$ 800 million every year. The efforts by certain countries of the North to impose their model of democracy had repercussions even in the United Nations human rights mechanisms, with the result that developing countries often found themselves unjustly stigmatized in debates on human rights.

2. His delegation was opposed to any terrorist act, wherever committed, and strongly condemned the atrocious attacks of 11 September 2001 but emphasized that a war waged against a whole people in order to find those presumed guilty would lead to the death of people as innocent as those who had died in the tragedy of 11 September. It would therefore constitute a flagrant violation of basic human rights, including the right to life. The struggle against terrorism should not entail new forms of discrimination, intolerance or repression. Barely two months after the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, there was an unacceptable resurgence of discriminatory behaviour and racist crimes against Muslims, Asians and any persons whose appearance might suggest that they were from the Middle East; and, in the name of the war against terrorism, restrictions on the exercise of their basic civil and political rights had been imposed on some individuals.

3. He also expressed concern at the legislative and administrative measures adopted or being considered in a number of countries, in particular in the Northern Hemisphere, including the prolonged detention of persons without trial and without access to a lawyer, simplification of extradition procedures, legalization of political assassinations on either side of national borders and resurgence of discrimination in immigration controls. Care should be taken not to attack the wrong target: national liberation movements were not terrorist groups and the organizers of demonstrations against the disastrous consequences of neoliberal globalization were not extremists. In fact, they were the real advocates of human rights.

4. Finally, human rights should be promoted and protected on the basis of dialogue and in an objective,

impartial and non-selective spirit, taking into account cultural, political, economic and social differences.

5. **Ms. Khalil** (Egypt) emphasized her country's attachment to the principles of the indivisibility, universality and interdependence of human rights and stressed that the Office of the High Commissioner for Human Rights should consider economic, social and cultural rights, including the right to development, as a priority since they were just as important as civil and political rights. According to the Vienna Declaration and Programme of Action, the promotion and protection of human rights in their countries were the first responsibility of governments; nothing should therefore be done to undermine the territorial integrity or political unity of independent sovereign States which respected peoples' right to self-determination. In that connection, the issue of human rights should not be used as a means of pressure to attain specific political, economic or commercial objectives or as a pretext to interfere in the internal affairs of States. Human rights called for a synoptic and holistic approach and must be addressed impartially. Egypt was very concerned by the human rights violations committed against Palestinians in the Israeli-occupied territories and deplored the fact that some countries were refusing, purely on political grounds, to take the effective action needed to tackle the deteriorating situation. Cultural diversity was a valuable asset in the modern world which must be reflected and recognized in the legislation of States. Referring to the statement made by the representative of Belgium on behalf of the European Union at the 38th meeting which mentioned human rights violations in Egypt, she expressed surprise that the speech had been used as an opportunity to list human rights violations in about 60 countries all over the world, but had omitted the European Union, where certain practices, such as the ill-treatment of minorities, in particular Arabs and Muslims, by the law enforcement officials could justifiably be criticized. Egypt deplored the selective nature of that statement and its lack of objectivity.

6. **Mr. Siv** (United States of America), speaking on agenda item 119 (b), said that the coalition against terrorism would fail unless human rights were staunchly protected. It was thus more necessary than ever for the international community to strive to create tolerant and peaceful societies which respected those rights.

7. The prerequisites were clear: organization of free and fair elections not marred by violence or any attempt to intimidate either voters or candidates; respect for freedom of speech and freedom of the press; systematic investigation of human rights violations and punishment of violators; protection of human rights advocates; and freedom for minority and majority groups alike to adopt the religion of their choice and to practise it without harassment, violence or repression. That presupposed transparency, accountability and good governance, objectives which the United Nations system and multilateral development institutions were helping many countries to attain. Efforts must be stepped up in that field, and it was particularly important to strengthen multilateral organizations whose *raison d'être* was to promote freedom and democracy.

8. Democracy did not always allow the full exercise of all fundamental rights, but it was the best guarantor of those rights. In that vein, electoral assistance must be solidified. The United States would do everything possible to help the Electoral Assistance Division of the Department of Political Affairs to increase its support to democratic elections, institutions and processes. It also endorsed efforts to encourage a positive connection between business and human rights, given that businesses sometimes sowed the seed for more transparent laws and financial systems, and thus for democracy.

9. **Mrs. Afifi** (Morocco), while welcoming the increased focus on human rights protection, stressed that, in view of the current climate of violence and the upsurge in violations of fundamental rights, efforts were needed to step up international cooperation to combat not only torture, arbitrary arrests and summary executions, but also racism, xenophobia, terrorism, trafficking in human beings and sexual exploitation of children. In so doing, account should be taken of the principles of tolerance, peace, dialogue and mutual respect, while recognizing the importance of cultural diversity. Steps should also be taken to combat poverty and the blatant inequalities between rich and poor, which were a barrier to the exercise of rights, including the right to development, for which equal opportunities and the establishment of more democratic and more equitable international structures were needed.

10. Stressing that Morocco was determined to promote human rights, she pointed out that substantial progress had been achieved in a number of areas,

including institution-building, harmonization of legislation, reforms in various social sectors, and bringing national laws into line with international standards. She quoted a passage from the royal address to the nation marking the occasion of the fifty-first anniversary of the Universal Declaration of Human Rights, which highlighted the importance of those rights and pointed out that Morocco wanted all parts of society to be involved with a view to laying the foundations for a human rights culture in society. Morocco had met its obligations by reporting to the monitoring bodies for international instruments, which it had ratified within the set deadlines. Morocco, which currently chaired the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, urged other countries to enhance their human rights protection mechanisms.

11. She also deplored the fact that, 10 years after its adoption, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had not yet been ratified and she called on all States to accede to or ratify it as soon as possible. In order to implement the undertakings it had given, Morocco had taken various measures to strengthen its human rights protection mechanisms, in particular its Human Rights Advisory Council. It had set up an independent committee to compensate the victims of forced disappearance or arbitrary detention, adopted a law on prisons that met existing international standards, and set up a national body to monitor prisons.

12. With regard to the right to education, Morocco was currently striving to promote education for all, including girls in rural areas, and it was encouraging the organization of adult literacy and training courses. In order to comply with the principle of cultural diversity, it had recently established the Royal Institute for Amazigh Culture.

13. Morocco had launched a human rights education programme in schools and universities because, if a legal framework for human rights protection was to be established, the foundations needed to be laid for an education system designed to consolidate a human rights culture. Other bodies were providing training for managers and the centre for human rights documentation, information and training set up with help from the Office of the United Nations High Commissioner for Human Rights had held human rights training courses during the year. In addition,

chairs for human rights and culture studies had been established at universities with the assistance of UNESCO.

14. *Mr. García González (El Salvador), Vice-Chairman, took the Chair.*

15. **Mr. Shen** Guofang (China) said that international peace and security were a precondition for the promotion and protection of human rights; it was the large-scale human rights violations during the two world wars which had prompted the inclusion of the maintenance of international peace and security as one of the purposes enshrined in the United Nations Charter, and respect for sovereign equality and non-interference in the internal affairs of States as one of the principles stated therein. Regrettably, burning topical issues, including the situation in the Middle East, had not yet been resolved, not only posing a threat to international peace and security, but also jeopardizing the fundamental rights of the peoples of the region. China therefore hoped that Palestine and Israel would resolve their disputes through peaceful negotiations.

16. The Chinese Government, which had always condemned terrorism in all its forms and steadfastly advocated international cooperation to combat it, believed that the means used to combat terrorism should be consistent with the final objective, which was to protect human rights.

17. Narrowing the development gap among countries also helped to promote human rights, particularly as rapid economic globalization was only making the problem worse. China hoped that, at its third meeting, the Working Group on the Right to Development of the Commission on Human Rights would focus on identifying obstacles — particularly international ones — to the realization of that right, recognized as one of the fundamental rights, and would make concrete proposals on how to remove them. The international community should attach equal importance to the two categories of rights: civil and political rights, on the one hand, economic and social and cultural rights, on the other. While respecting and endorsing the principle of universality of human rights, China believed that each country was entitled to choose how to promote and protect those rights on the basis of its national situation. Differences of views on human rights should be resolved through dialogue and cooperation.

18. The Declaration and Programme of Action adopted at the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance were extremely important documents for efforts to combat those phenomena. China hoped that the international community and the Governments of all countries would formulate concrete plans and create the follow-up mechanisms required by those documents.

19. Domestically, the Ninth Five-Year Plan of Economic and Social Development had helped to ensure a relatively comfortable life for the Chinese people. In order to strengthen democracy and the rule of law, China was currently undertaking a comprehensive reform of its legal system and establishing a system of legal assistance across the country. Projects based on the memorandum of understanding concluded between the Chinese Government and the Office of the High Commissioner for Human Rights were being implemented. Three seminars had been organized on the punishment of minor crimes, human rights and the police, and human rights education. In the course of the year, the Chinese Government had reported to the Committee on the Elimination of Racial Discrimination. In February 2001, it had ratified the International Covenant on Economic, Social and Cultural Rights, and it was currently endeavouring to implement all the obligations stipulated in that instrument. China had, moreover, conducted human rights dialogues with countries such as the United States and the European Union countries whose social system and values were different from its own.

20. **Mr. Motomura** (Japan) said that, in conformity with the principles stipulated in the Vienna Declaration and Programme of Action, the Japanese Government considered that the promotion and protection of all human rights were a legitimate concern of the international community. It also attached a great importance to establishing a constructive dialogue and cooperation with the countries concerned, within the framework of a practical and balanced approach.

21. Japan hoped that the discussions in the General Assembly would aim to promote and protect human rights, and not level accusations. The resolutions adopted should exactly reflect the human rights situation in the countries under discussion, whether that situation represented violations that needed to be

remedied or positive developments that needed to be encouraged.

22. The Japanese Government was strongly encouraged by the positive changes taking place in Cambodia. The decision of the Cambodian Government to organize commune elections in February 2002 was an important and commendable step in the promotion of democracy.

23. As regards the Khmer Rouge Tribunal, the Japanese Government welcomed the promulgation, in August 2001, of the Law on the Establishment of Extraordinary Chambers. It very much hoped that the Cambodian Government and the United Nations would reach an agreement without delay so that those Chambers could start to function promptly. The international community should provide its assistance, particularly in financing and personnel support. Japan would continue to assist the Government of Cambodia in its efforts in the area of human rights and invited all Member States to do likewise.

24. As for Myanmar, the Government of Japan fully supported the efforts of the Secretary-General's Special Envoy, who had greatly facilitated the dialogue between the Government of Myanmar and the leader of the National League for Democracy, Daw Aung San Suu Kyi. It welcomed the progress achieved, particularly the release of more than 180 political prisoners since October 2000, which had helped to improve the political climate. The Government of Myanmar had extended its cooperation to the High-Level Team of the International Labour Organization and to the Special Rapporteur of the Commission on Human Rights investigating the human rights situation in Myanmar, during their visits to Myanmar. Japan agreed with the Secretary-General that the current climate would lead to national reconciliation and democratization. It strongly hoped that the Government of Myanmar would accelerate its efforts to improve its human rights situation. It called on the international community to provide humanitarian assistance, particularly in the field of HIV/AIDS.

25. With regard to Afghanistan, the Government of Japan had always been deeply concerned about serious human rights violations perpetrated in that country, particularly in the regions controlled by the Taliban, which included massacres, detentions, executions of civilians and gross abuses of the rights of women and girls. In the extremely fluid military situation, it was

important that all parties concerned should adhere to the principles and obligations of international humanitarian and human rights laws and standards. Japan joined the international community in appealing to all parties concerned to properly protect and promote human rights in the areas under their control.

26. The Government of Japan was committed to making further efforts to implement the principles proclaimed in the Millennium Declaration, particularly freedom and tolerance, convinced as it was that men and women had the right to live their lives and raise their children in dignity, free from hunger, violence, oppression or injustice.

27. **Mr. Tekle** (Eritrea), speaking on agenda items 119 (b) and (c), said that he wished to associate himself with those delegations which had emphasized the universality, indivisibility and interrelatedness of human rights and the need for a holistic approach in protecting those rights.

28. In that connection, he said that globalization was threatening to further marginalize developing countries and thus prevent them from fully implementing the human rights instruments to which they were party. It was therefore necessary to define the conditions under which globalization could benefit all countries and to recognize that the tensions it generated were due not only to disparities in wealth and power, but also to the techniques being adopted by some countries in their acquisition. As for terrorism, it had become clearer than ever before that it posed a serious threat to human rights. It was essential for the international community, acting in the name of the ideals, norms and principles enshrined in the numerous human rights instruments, to fight it until it had been eliminated.

29. While most States had signed the essential human rights instruments and had committed themselves to implementing the Vienna Declaration and Programme of Action, adopted in 1993, many others were still not scrupulously adhering to them. In fact, some States were systematically violating the conventions and treaties which they had signed or to which they had acceded. Thus, despite the comprehensive peace treaty which it had signed with Eritrea, Ethiopia was continuing to violate the major international human rights conventions and international humanitarian law in the Eritrean territories it was occupying as well as in its own territory.

30. In the occupied Eritrean territories, the Addis Ababa regime was continuing to terrorize innocent civilians, particularly in the temporary security zone; to press-gang young children for slave labour and subject the elderly to humiliating and degrading treatment; to commit rape and engage in pillage and destruction; to forcibly displace people; and to inflict collective punishments, in particular by denying access to water supplies and food as well as international humanitarian assistance to certain population groups.

31. Inside Ethiopia, again in blatant violation of the comprehensive peace agreement, the regime continued to hold more than 400 political prisoners and 1,600 prisoners of war; to deport Eritreans and Ethiopians of Eritrean origin and confiscate their property; to force Ethiopians of Eritrean origin to carry identity cards identifying them as Eritreans thus exposing them to harassment and attacks by police, members of the security forces and members of the Tigrean People's Liberation Front; to subject Eritreans and Ethiopians of Eritrean origin to hate campaigns; to discriminate against Eritreans and Ethiopians of Eritrean origin in employment, housing and access to schools, hospitals and other social services, thus making life unbearable for them; and to deny them any freedom of movement except in return for exorbitant bribes. Those abuses constituted breaches of the agreements that had been signed and crimes against humanity.

32. For the past three years the international community had remained silent in the face of those abuses, thus allowing the Addis Ababa regime to pursue its policies with total impunity. While the Eritrean Government fully appreciated the swift action taken to defend human rights in the case of other countries, it did not accept that Ethiopia should be treated more favourably and that any distinction should be made between victims of human rights violations; the international community must be fully aware that, unless it practised what it preached, history would very probably repeat itself.

33. **Mrs. Perez de Planchart** (Venezuela) congratulated the United Nations High Commissioner for Human Rights on her actions to promote human rights and the initiatives she was taking to facilitate the delivery of humanitarian aid to Afghan refugees.

34. Terrorism was a flagrant denial of human rights and must be fought with determination by all States Members of the United Nations. The terrorist attacks of

11 September, which Venezuela had strongly condemned, were directed not only at the United States of America but at all peace-loving nations. Confronted with such “macro-terrorism”, a united front was needed based on the norms and principles of international law.

35. As part of an approach centred on prevention, it was important above all to address the root causes of terrorism, such as marginalization, poverty, hunger and social inequality, by appealing for international cooperation. In that spirit, Venezuela proposed that an instrument — a “social charter” — should be adopted at the inter-American level to harmonize actions seeking to promote the well-being of peoples. The Venezuelan Government had, moreover, made a contribution to the Office of the United Nations High Commissioner for Refugees to fund humanitarian aid for Afghan refugees.

36. In 2001 Venezuela had submitted its third periodic report on the implementation of the International Covenant on Civil and Political Rights to the Human Rights Committee. The Committee had then drawn up its observations, which had been forwarded to the competent national bodies for consideration and to decide on what further action should be taken. Venezuela had also submitted its second and third reports on the implementation of the International Covenant on Economic, Social and Cultural Rights and had committed itself to implementing the provisions of that instrument. It had also submitted its second report on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to the Committee against Torture.

37. It should be noted that the new Venezuelan Constitution, which had entered into force in 1999, reflected the most recent provisions of international human rights law, on which the country’s domestic and foreign policy was based.

38. It was of fundamental importance that the General Assembly had considered the full realization of human rights as an essential factor in the struggle against HIV/AIDS. That confirmed Venezuela’s approach, which consisted in tackling the problem in the context of human rights promotion and focusing on prevention and increased awareness based on the principles of free care, universality and social integration. Venezuela therefore welcomed the action

of the Office of the High Commissioner for Human Rights, which reflected that approach.

39. **Mr. Sangaré** (Mali) regretted that, despite the proclamation of human rights, the importance given to human dignity and the sanctity of the person, those values might be threatened by current events and practices.

40. States should respect human rights and fundamental freedoms and enforce those rights; that required the establishment of a legal regime that was not only respectful of individual and collective freedoms, but also credible and strong enough to ensure the maintenance of order and establish an efficient safeguards system. Mali embraced the principles of democracy and the multiparty system. The dilemma which consisted in finding ways of encouraging States to abide by the law, while giving them the means to play their role as human rights custodians, was particularly acute in developing countries, given their troubled past. However, that could not justify the reluctance of some of those countries to assert those rights, given their importance. The developed countries were not setting an example in that regard.

41. Respect for human rights and fundamental freedoms also required promotion of pluralism and dialogue, leading to respect for the rights of the least privileged groups. It was important, in the name of the right to development, for the benefits of globalization to be distributed more equitably in order to avoid marginalizing the poorest countries, and for inequalities in the commercial and financial sectors to be eliminated.

42. The exercise of human rights also meant combating impunity by introducing effective sanctions at the national, regional and international levels. Accordingly, national legislations should be harmonized with international instruments, regional monitoring mechanisms for the impartial and prompt consideration of petitions should be created (he regretted in that regard that the African Commission and Court on Human and Peoples’ Rights did not meet current needs, and encouraged political leaders and African jurists to work for change), and an efficient and non-discriminatory international penal code should be developed.

43. It was important to support and strengthen the national institutions which played an important role in

the creation of monitoring mechanisms. He therefore invited States to respond generously to requests for assistance for that purpose and to strengthen national capabilities in terms of human rights education, making voluntary contributions to the Fund, in the context of the United Nations Decade for Human Rights Education (1995-2004) to finance training courses and increase public awareness of human rights.

44. The United Nations had also a responsibility in that regard under the Charter, which emphasized international cooperation. The human rights question should not be used to exert unilateral pressure on certain States. International cooperation should meet non-selective, impartial and objective criteria, and the United Nations system should promote the development of law but also, and especially, the establishment of monitoring mechanisms by creating synergy between its various agencies.

45. The non-governmental organizations, thanks to their presence in the field, could also make a useful contribution in that regard, as could the Rapporteurs and Special Representatives, provided that they were given credible, objective, legal and legitimate mandates and that States cooperated with them.

46. He reaffirmed the importance of the Vienna Declaration and Programme of Action for the promotion of human rights and welcomed the role played by the Office of the United Nations High Commissioner for Human Rights in the struggle against racism and impunity.

47. In 1991, Mali had established a broadly representative regime based on the multiparty system. In that context, institutions had been created to guarantee freedom of expression and broad participation in the management of public affairs. Measures had been taken to allow the creation of independent media political parties, NGOs and other civil society organizations. In order to ensure efficient distribution of the benefits of growth, the Government had also implemented a solidarity covenant and developed programmes in the sectors of education, health and justice. It had designated October as the month of solidarity and struggle against poverty. Moreover, it had organized an annual televised forum in which citizens could question government representatives about cases of human rights violations, and had appointed a mediator who would receive citizens' complaints in that regard. An inter-ministerial

committee for the promotion of human rights education had been established, and a course on international humanitarian law had been introduced at the university.

48. **Mr. Vienravi** (Thailand), recalling the universality, interdependence and indivisibility of all human rights, said that those rights must be addressed together in a holistic manner that made it possible to improve the living conditions, potential and development of the human being. Development could not be dealt with independently of those rights, and the fight against racism and racial discrimination was an indispensable part of their promotion and protection. The delegation of Thailand, referring to the Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban in September 2001, considered that it was incumbent upon the international community to take concrete measures, at both the individual and collective levels, to implement those documents. Thailand, for its part, was ready to undertake that task.

49. Human rights, democracy and efforts to counter racism were firmly embodied in the Constitution of Thailand, which adhered to the principal human rights instruments. During the previous year, the Government had put in place the National Human Rights Commission, designed to work with other independent organs in promoting and protecting human rights, and had formulated the National Plan of Action on the Promotion and Protection of Human Rights to ensure coordinated action by governmental agencies in that area. The Plan had been approved by the Thai Cabinet.

50. The Government of Thailand accorded priority to improving the living conditions of the people and had embarked upon a fight against poverty, developing policies and programmes that called for the participation of the local population. It was actively fighting corruption and continued to work in partnership with civil society in all areas, including the promotion and protection of human rights. At the regional level, the country had hosted the Ninth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region in early 2001 and continued to support the establishment of a human rights mechanism within the context of the Association of South-East Asian Nations (ASEAN). Thailand believed that only dialogue and cooperation (between Governments and civil society) would effectively serve to promote and protect human

rights, while respecting the diversity of societies. The delegation of Thailand called on the international community, which had undertaken in the Millennium Declaration to “spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development”, to match those words with deeds.

51. **Mr. Denaxas** (Greece) said that his delegation concurred with the statement made by the representative of Belgium on behalf of the European Union. Greece was deeply concerned over the persisting grave violations of human rights in Cyprus since the invasion of the island and the military occupation of its northern part by Turkish forces 27 years earlier. The previous day, he said, the representative of the Republic of Cyprus had given the full picture of the human rights violations that had been and were still being committed on the island. The resolutions adopted on that subject by the Security Council and the Commission on Human Rights had been ignored by Turkey and 37 per cent of the sovereign territory of the Republic of Cyprus had remained under military occupation since 1974. Human rights and fundamental freedoms had been systematically violated by Turkey in the occupied territory (forcible eviction and displacement of persons from their homes, expulsion of Greek Cypriots and Maronites living in the occupied territories, plundering of the Cypriot cultural heritage, colonization and obstruction in reaching a solution to the issue of missing persons).

52. The nearly 200,000 Greek Cypriots forcibly displaced by the Turkish invading forces in 1974 were still unable to return. They had been dispossessed of their property, which had been illegally distributed, especially to the Turkish occupation forces and settlers from mainland Turkey, who had been illegally transplanted to the occupied part of Cyprus in an effort to alter the demographic balance of the island. Since the local Turkish Cypriot population had been forced to emigrate because of the deterioration of living conditions in the north, Turkish citizens had come to outnumber the Turkish Cypriots in the occupied part of the island nearly two to one. Less than 500 Greek Cypriots and Maronites had managed to remain in the area.

53. On 10 May 2001, the European Court of Human Rights had ruled that Turkey had violated 14 articles of

the European Convention on Human Rights. It was unfortunate that the negotiating process initiated in 1999 (proximity talks under the auspices of the Secretary-General of the United Nations) was still at an impasse due to the unconstructive attitude of the Turkish side, which fuelled the intransigent stance of Mr. Denktash. Whereas the invitation to resume negotiations extended by the Secretary-General to the two parties on 12 September 2001 had met with prompt acceptance on the Greek Cypriot side, it had been rejected outright by the Turkish Cypriot side, backed by Turkey. Greece felt that it was still possible to reach a settlement. Any attempt to change the basis of the negotiating process, however, even in order to facilitate Mr. Denktash's return to the negotiating table, should be avoided. It was obvious that one of the parties accepted the United Nations resolutions and the good offices mission of the Secretary-General while the other, on various pretexts, did not. The international community should seek to persuade Turkey to cooperate so that agreement might be achieved, on the basis of the Security Council resolutions, for the establishment of a bi-zonal, bi-communal federation that would safeguard the human rights and fundamental freedoms of all Cypriots.

54. **Mr. Natalewaga** (Indonesia) said that for some years Indonesia had been engaged in a process of reform to strengthen its economic situation and human rights infrastructure. Convinced that respect for human rights was the very foundation of peace and stability, Indonesia was committed to strengthening its institutions and its legislation for the promotion of human rights.

55. As part of its cooperation with the human rights bodies of the United Nations and other organizations, Indonesia had welcomed the Special Representative of the Secretary-General on Internally Displaced Persons in September 2001.

56. In a new environment of freedom and democracy, Indonesia was working to correct the mistakes of the past and achieve a balance between economic growth, democracy and the promotion of human rights. To that end, it was reviewing its national laws, which should make it easier to apply the Convention on the Rights of the Child, for instance.

57. As a party to the International Convention on the Elimination of All Forms of Racial Discrimination and a multi-ethnic country with many different religions,

Indonesia had always endeavoured to strengthen tolerance and acceptance. It was working towards becoming a party to the International Covenant on Civil and Political Rights and was seeking to implement a number of the recommendations contained in the report on torture and other cruel, inhuman or degrading treatment or punishment.

58. At the national level, Indonesia was committed to using the appropriate legislation to prosecute the perpetrators of gross violations of human rights in the courts. Following an exchange of letters with the High Commissioner for Human Rights, the Government had extended the jurisdiction of the Ad Hoc Human Rights Court to include alleged human rights violations leading up to and immediately following the referendum held in East Timor in August 1999.

59. With regard to the technical cooperation project on capacity-building in the administration of justice, Indonesia found it unacceptable that the High Commissioner had insisted that the project would be implemented only after the Government of Indonesia had met certain conditions. It deplored the fact that the project could not be implemented within the agreed time frame owing to problems for which it was not responsible.

60. That being the case, as part of measures taken by the Indonesian Government to ensure that the Ad Hoc Court functioned properly, the Office of the Attorney-General had held a course on training investigation teams working on serious human rights violations.

61. Given the multiple challenges with which Indonesia was confronted, the pace of reform might sometimes appear slow, but Indonesia was determined to continue to promote human rights and bring about genuine change in this area.

Rights of reply

62. **Mr. Kahende** (Kenya) responded to the shocking, misplaced and unwarranted allegations made at the 38th meeting by the representative of Belgium, speaking on behalf of the European Union. He said that, in the context of the general debate of the General Assembly on terrorism, the heads of State and Government of the African countries had called upon the international community to address situations (going back to the age of the slave trade, colonialism and neo-colonialism in which Africans had been brutalized and exploited or arising out of unequal

relations between the North and the South) which were being exploited by terrorist organizations.

63. Kenya had been at the forefront of the struggle for independence and restoration of the dignity of the peoples of Africa. Since achieving independence in 1963, Kenya had scrupulously held free and fair elections every five years.

64. Kenya had become an island of peace for thousands of refugees from the neighbouring countries and a staging post for United Nations humanitarian relief operations. It also hosted the headquarters of UNEP and Habitat. Kenya was an open and free society visited by large numbers of tourists who were attracted by the bounty of nature with which it was endowed. The capital was home to a large number of foreign journalists and correspondents who would undoubtedly report on any failure to respect human rights.

65. Despite the fact that guarantees of all forms of freedom were enshrined in the Kenyan Constitution, the representative of Belgium had deplored the absence of freedom of association, the absence of an independent judiciary, the excessive use of force by the security forces and the use of torture and other repressive actions. In the document which had been distributed to all delegations during the meeting, he had even established a link between those allegations and the general elections scheduled to be held at the end of 2002. However, the numerous political parties representing the whole spectrum of opinion in Kenya which had played an active part in elections in the multiparty democracy that had existed in Kenya since 1991 had not so far made any complaints. It was unclear therefore which constituency the speaker was representing. In any case, the delegation of Kenya repeated that no Kenyan had been ill-treated or persecuted while acting within the confines of established law.

66. The Kenyan delegation, seeking only to defend the integrity of its country, took grave exception to accusations made by the Belgian representative, speaking on behalf of the member States of the European Union with which Kenya enjoyed excellent relations and dismissed those allegations and requested the representative of Belgium to be guided by the facts on the ground.

67. **Mr. Andrabi** (Pakistan), responding to the accusations levelled against his country by the

European Union and other delegations, said that he did not wish to re-open the debate on the evils of slavery, colonialism, racism and hatred. He expressed indignation, however, at the selective approach adopted by some countries which, when examining human rights violations, seemed to forget that even in the world's great democracies some people were still forced to live in inhuman conditions purely because of the colour of their skins and that peoples who only wished to be able to exercise their inalienable right to self-determination were the victims of State terrorism, acts of torture and rape. To those countries which were so full of self-righteousness while applying double standards, Pakistan, replied, firstly, that there were no restrictions on political activities in Pakistan (as evidenced by the active participation of different candidates in the elections and the opinions freely expressed during the recent events in Afghanistan); secondly, that inter-ethnic rape was a worldwide phenomenon which was often instigated from abroad and that the only hope of tackling that problem was to establish an ongoing dialogue and interaction between the various groups and by encouraging a political process based on participation; thirdly, that women were considered equal partners in the country's economic and social development and were active in all sectors of society (the proof was that a woman had twice been elected Prime Minister of Pakistan; seven women held high office in the Federal Government and provincial governments; and a third of the seats in elected local government bodies were reserved for women); fourthly, that Pakistan strongly condemn violence against women, including crimes of passion and crimes against women committed in the name of honour, and that the Government, in its determination completely to eliminate those crimes, had given instructions to ensure that the legal process took its course unhindered; and fifthly, that it strongly condemned the sexual and economic exploitation of women (unlike some Governments which treated prostitution as an industry and levied taxes on those activities). In conclusion, the representative of Pakistan, echoing to the words of Christ, called on those without sin to cast the first stone.

The meeting rose at 12.40 p.m.