

**General Assembly**

Fifty-sixth session

**Official Records**

Distr.: General  
5 December 2002  
English  
Original: French

---

**Third Committee****Summary record of the 41st meeting**

Held at Headquarters, New York, on Thursday, 15 November 2001, at 10 a.m.

*Chairman:* Mr. Al-Hinai . . . . . (Oman)

**Contents**Agenda item 118: Right of peoples to self-determination (*continued*)Agenda item 119: Human rights questions (*continued*)

- (a) Implementation of human rights instruments (*continued*)
- (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)
- (c) Human rights situations and reports of special rapporteurs and representatives (*continued*)
- (d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)
- (e) Report of the United Nations High Commissioner for Human Rights (*continued*)

---

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

*The meeting was called to order at 10.20 a.m.*

**Agenda item 118: Right of peoples to self-determination** (*continued*) (A/C.3/56/L.31)

*Draft resolution A/C.3/56/L.31: Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination*

1. **Ms. de Armas Garcia** (Cuba) introduced the draft resolution on behalf of the original sponsors and El Salvador, Nicaragua and Swaziland.
2. The activities of the mercenaries, far from belonging to the past, were increasing and were taking new and dangerous forms. Those forms threatened the principles established by the Charter of the United Nations concerning the right of all peoples to self-determination and respect for the equal sovereignty of States, which were the pillars of international law.
3. The activities of the mercenaries were often accompanied by terrorist actions, and she emphasized the importance of the draft resolution in the context of the attacks to which the American people had recently been subjected.
4. She welcomed the recent entry into force of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries.
5. More than ever, the mandate of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, was of crucial importance. The sponsors hoped that the draft resolution would be adopted with the support of the greatest possible number of delegations.

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

**(a) Implementation of human rights instruments** (*continued*) (A/C.3/56/L.36, L.37 and L.38)

*Draft resolution A/C.3/56/L.36: International Covenants on Human Rights*

6. **Ms. Mårtensson** (Sweden), introducing the draft resolution on behalf of the original sponsors and Costa Rica, Ireland and Italy, said that the text reflected the progress made over the past two years in the implementation of the two fundamental human rights

covenants, the International Covenant on Economic, Social and Cultural Rights, ratified thus far by 144 States, and the International Covenant on Civil and Political Rights, ratified by 148 States. She drew attention to the fourth and sixth preambular paragraphs and paragraphs 2, 3, 4, 12, 17, 20, 21 and 27 of the operative part. With regard to paragraph 27, she stated that the decision taken by the Human Rights Committee was recorded in document A/C.3/56/L.35 and that the Committee on Economic, Social and Cultural Rights had not renewed for the current year its request for additional meetings. The sponsors hoped that the draft resolution would be adopted by consensus.

7. **The Chairman** announced that Croatia, Cyprus, Ecuador, Greece, Luxembourg and Ukraine wished also to become sponsors of the draft resolution.

*Draft resolution A/C.3/56/L.37: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*

8. **Ms. Monroy** (Mexico), introducing the draft resolution on behalf of the original sponsors and Burkina Faso, said that the text brought up to date earlier General Assembly resolutions relating to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families which had been adopted by consensus. She drew attention to paragraphs 3, 4, 5 and 6 of the draft resolution, which she hoped would be adopted by consensus. She also drew attention to a change in the wording of paragraph 3 in the Spanish version of the resolution.

9. **The Chairman** announced that Ethiopia and Turkey also wished to become sponsors of the draft resolution.

*Draft resolution A/C.3/56/L.38: Equitable geographical distribution of the membership of the human rights treaty bodies*

10. **Mr. Ferrer** (Cuba), introducing the draft resolution on behalf of the sponsors, said that its aim was to enhance the functioning of the treaty bodies. He stressed the importance of universal ratification of United Nations human rights instruments and welcomed the marked progress towards that goal. He regretted that the principle of universality was not reflected in the make-up of the bodies established

pursuant to treaties and conventions. Although the General Assembly, the Commission on Human Rights and the Economic and Social Council had adopted resolutions recommending an equitable geographical distribution of the membership of human rights treaty bodies, the implementation of that principle had encountered a number of difficulties in past years. For example, in the election of the membership of the Committee on the Elimination of Racial Discrimination no candidates from the African Group had been elected. In that context, he encouraged the States parties to the United Nations human rights instruments to consider that question in the course of their proceedings and to establish more flexible systems of geographical quotas for the election of members of bodies established pursuant to the said instruments. He hoped that the members of the Committee would support that initiative.

11. **The Chairman** announced that Cambodia, Croatia and Indonesia also wished to become sponsors of the draft resolution.

- (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 and Add.1, 310, 334, 341, 344 and 608)
- (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 and 524)
- (e) **Report of the United Nations High Commissioner for Human Rights** (*continued*) (A/56/36 and Add.1)

12. **Mr. Le Hoai Trung** (Viet Nam) said that he shared the general viewpoint according to which the twentieth century had been characterized by noteworthy advances in the promotion and defence of human rights and fundamental freedoms, and that if

those advances should continue, the consolidation of entitlements needed to be pursued and the problems that still needed to be resolved or that were beginning to appear had to be decisively tackled.

13. As was explained by the Secretary-General in his Millennium report (A/54/2000), poverty had to be eliminated so that everyone could become free from want. Yet, globalization neither reduced inequity nor set all nations on a sustained economic and social growth path. The erosion, all over the world, of the human rights situation, as a result of the increase or renewed intensity of wars and conflicts in the past 10 years, should also be urgently remedied. Any approach to the question should be comprehensive, aimed at examining all diplomatic, political, economic and cultural aspects and upholding the rule of law, nationally and internationally. The question of extremism and fanaticism, which was currently being debated in various forums, needed to be carefully examined, given that the two phenomena, by their very nature and because they led to terrorist acts, hampered efforts promoting human rights, undermining vital international confidence, sowed the seeds for intolerance and disrupted peace and development endeavours.

14. The twentieth century had seen Viet Nam go from being a colony to becoming a sovereign and independent country. That change had allowed the Vietnamese people to exercise their right of self-determination and other rights as fundamental as writing a constitution and voting. After all the ordeals they had experienced, they were profoundly encouraged by the consolidation of those rights and new favourable conditions for their promotion. In the past 15 to 20 years, the Government had indeed taken many measures in that regard (promulgation of more than 13,000 legal instruments concerning fundamental political, civic, economic, cultural and social rights; information campaigns on the rights and duties of citizens, particularly in schools; granting free legal assistance to the poor and vulnerable groups, etc.). To improve their implementation, it had also taken technical measures, inter alia, to reform the functioning of State agencies, to improve the performance of judicial bodies, and to train honest and competent public employees. In 1999, it had promulgated a decree inviting the population to participate in important decision-making concerning public life and to monitor the implementation of the decisions. Its task was

facilitated by the fact that the annual economic growth rate, by reducing poverty and improving most of the other socio-economic indicators, had created a situation that was conducive to the improved implementation of fundamental rights.

15. With regard to respect for international human rights law, Viet Nam had acceded to the major international human rights instruments and had recently signed and ratified the two Optional Protocols to the Convention on the Rights of the Child. Furthermore, over the past year, Viet Nam had submitted its second and combined third and fourth reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its second report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. Viet Nam had also participated in international cooperation in the field of human rights. In that context, it had held, or was about to hold, bilateral talks with the Governments of a number of countries, such as Switzerland, the United States, Australia, member States of the European Union and Norway, to exchange views and resolve differences. He pointed out that, like most other countries, Viet Nam considered that, for international human rights cooperation to be effective, the principles of non-interference in each other's internal affairs, objectivity and mutual trust must be observed. As a victim of repeated wars in which its fundamental rights had been systematically violated, the Vietnamese people rejected in advance any behaviour based on prejudice, selectivity, double standards and patronization.

16. One indication that the Vietnamese were able freely to exercise their fundamental rights and freedoms was the total freedom of belief and religion, as evidenced by the fact that over the past 20 years the number of Christians in Viet Nam had almost doubled and the Catholic and Protestant clergy was now the second largest in South-East Asia after that in the Philippines. There were now in Viet Nam approximately 14,000 pagodas, 6,000 Catholic churches, 500 Protestant churches, 1,000 Cao Dai oratories and 90 mosques. All citizens were equal before the law, and trials were held in public and governed by the Law on the Organization of the People's Courts and the penal and civil codes that were applicable to all Vietnamese citizens.

17. **Mr. Wenaweser** (Liechtenstein), speaking on agenda item 119 (b), said that in view of the terrorist attacks in the United States in September and the ongoing deadlock in the negotiations on the draft convention against terrorism, it would be most timely if the Third Committee adopted a draft resolution on human rights and terrorism at the current session, as it had done for a number of years. It should, however, reconsider its approach to the question with a view to enabling the General Assembly to make a substantive contribution to combating that scourge.

18. While it was true that terrorist attacks seriously violated human rights, as things stood it was not possible to hold terrorist groups accountable for human rights violations, because to do so would be tantamount to bestowing on them a status under international law to which they were not entitled. Under international law States were responsible for implementing those rights and consequently only States could be held accountable for human rights violations. It would be prudent to carry out and reflect an in-depth examination of the increasingly important role of non-State actors in promoting, protecting and violating human rights. The Rome Statute of the International Criminal Court might prove useful in that connection.

19. It was also time that discussions on terrorism genuinely took into account the need to protect human rights. Flouting human rights in the name of fighting terrorism was unacceptable, because it amounted to making concessions to those who were clearly determined to destroy the most fundamental human values. It would be particularly welcome in that connection if the General Assembly took a clear stance against the ongoing trend towards discriminating against people based on ethnic or religious affiliation.

20. With regard to the frequently discussed question of striking the right balance between respect for human rights and the requirements of security, it should not be forgotten that the international human rights instruments provided for the limitation of some rights and thus made it possible to tackle the threat of terrorism with the necessary determination and legitimacy.

21. The Security Council played a key role in fighting terrorism, but there was also room for a significant contribution by the General Assembly. A strong and consensual resolution on terrorism with a clear human rights perspective would contribute to the

fight against terrorism and enhance both the credibility of international cooperation to fight terrorism and the role of the Third Committee in the work of the United Nations.

22. **Mr. Dauth** (Australia), speaking on agenda item 119 (b) said that despite the priority rightly given to dealing with the aftermath of the events of 11 September 2001 and to the humanitarian tragedy unfolding in Afghanistan, it should not be forgotten that human rights abuses continued to take place unabated in many parts of the world. In an uncertain global environment it was now all the more important that Governments, individually and collectively, should do everything possible to uphold international human rights standards.

23. He recalled that human rights were founded on the premise that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family was the foundation of freedom, justice and peace in the world. His delegation was convinced that the development and establishment of democratic principles were essential for ensuring the advancement of human rights. It was pleased to note that the Millennium Declaration had confirmed at Heads of State and Government level the formal recognition by the Commission on Human Rights of the indissoluble link between good governance and human rights.

24. The delegation welcomed the progress achieved by Indonesia in building a civil society and democratic institutions. It was particularly encouraged by the statement made by the President of Indonesia that Indonesia would benefit from the promotion of civil, social, cultural, economic and political rights as part of a concerted strategy to respect human rights, including in Aceh and Irian Jaya. It noted the decree of 6 August expanding the jurisdiction of the ad hoc human rights court to cover human rights violations committed in East Timor before the 1999 referendum and urged that the court should be made operational as soon as possible. Australia would continue to support strongly Indonesia's efforts to improve its legal and judicial system, including through practical technical assistance.

25. He acknowledged China's continuing efforts to build greater transparency into its legal and administrative systems and to guarantee respect for social and cultural rights and particularly welcomed the

ratification of the International Covenant on Economic, Social and Cultural Rights. His delegation was pleased at the development of the bilateral human rights dialogue and at the positive approach adopted by China in that regard. At the same time, it was concerned by the harsh measures sometimes taken in China's anti-crime campaign and the use of its judicial system to take action against individuals and groups that appeared to have done no more than exercise their rights to freedom of expression and assembly. It also urged China to ensure the cultural rights and religious freedoms of its ethnic minorities.

26. His delegation acknowledged Myanmar's cooperation with the international community, in particular with the Secretary-General's Special Envoy and the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, and welcomed the access granted to the International Labour Organization's high-level technical team on forced labour. It also welcomed the re-opening of some of the political offices of the National League for Democracy (NLD) in Rangoon and recent releases of political prisoners, and it encouraged all parties to continue the process of confidence-building. His delegation urged the authorities, to show their good faith, to expedite the release of the remaining political prisoners and to allow the Secretary-General of the NLD, Aung San Suu Kyi, complete freedom of movement. It also urged the Government to end its discrimination against ethnic and religious minorities. His delegation would welcome the accession of Myanmar to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

27. With regard to Cambodia, he welcomed the progress made towards the establishment of the Khmer Rouge Tribunal and urged the Government and the United Nations to accelerate their efforts to conclude the necessary Memorandum of Understanding that would govern the Tribunal's operation. His delegation encouraged the Government's continued cooperation with the Office of the United Nations High Commissioner for Refugees to ensure fair and equitable treatment for ethnic minority asylum-seekers. However, it was disturbed by the continuing culture of impunity, particularly the increase in political intimidation, violence and extrajudicial killings associated with the 2002 commune elections, and urged

the Government to take further steps to establish an environment conducive to free and fair elections.

28. Australia condemned the ongoing human rights abuses resulting from terrorist activity in Sri Lanka and called on all parties to commit to the Norwegian-sponsored peace initiative.

29. His delegation recognized the positive developments in certain areas in Iran and was encouraged by President Khatami's promotion of the rule of law and the high level of democratic participation. However, it was concerned by the ongoing suppression of the freedom of the press and continuing violations of due process, particularly during pre-trial detention. He urged Iran to allow a visit by the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, to continue and intensify the process of judicial reform and to ensure that minorities, particularly Jews and Baha'is, were accorded the full protection of the law under the Iranian Constitution.

30. His delegation remained deeply concerned by the loss of life and injury resulting from the violent confrontations in the West Bank, Gaza and parts of Israel. There had been worldwide condemnation of cycles of provocation, violence and retaliation in that region, and he appealed to all parties to respect the lives and welfare of others, stop the violence and develop conditions for peaceful coexistence.

31. The humanitarian and human rights situation in the Sudan was an ongoing source of concern, and he urged the Government and all parties to the conflict to cooperate with international agencies to address the needs of the suffering Sudanese people.

32. His delegation was encouraged by the commitments made by Zimbabwe in Abuja on 6 September 2001, inter alia to halt illegal land occupation, restore the rule of law to the land acquisition process and respect human rights and democratic principles as set out in the Harare Commonwealth Declaration. In October 2001, a Commonwealth ministerial team had reviewed those commitments and found that compliance with them was at an early stage. Some parties had accused the Government of human rights violations and had called for international observers to participate in the 2002 presidential elections. Those accusations, and the low rate of convictions for violence against opposition

supporters had given rise to grave concerns about human rights in Zimbabwe. He urged Zimbabwe to invite international observer well in advance of the elections, to pursue a speedy return to democratic governance and to respect the rule of law.

33. **Mr. Jooyabad** (Islamic Republic of Iran), speaking on agenda item 119 (d), said that the Vienna Declaration and Programme of Action, adopted in the period following the end of the cold war, constituted the ideal basis for global action to promote human rights. Those instruments recognized the need for the international community to devise means to remove obstacles to the full realization of all human rights. Achievement of the goals set at Vienna required effective policies at the national level and the creation of a favourable political, economic and social environment at the international level. The main issue was to assess to what extent the current international order was based on core values (equality, justice, human dignity, cooperation and mutual understanding).

34. His delegation noted that although globalization offered great opportunities and helped materialize the notion of a human family, its benefits were not equitably shared. Developing countries in particular suffered the negative effects of globalization (including poverty, underdevelopment, marginalization, social exclusion, cultural homogenization and economic disparities between States), and the current tendency to emphasize productivity only aggravated the phenomenon of exclusion in developed as well as developing countries. The poor were, moreover, held responsible for their own situation and were associated with the major calamities of the day: overpopulation, epidemics, environmental degradation, drug trafficking, fanaticism, exploitation of children and crime.

35. The international community must strengthen cooperation between countries and adopt long-term measures to ensure equality of opportunities. It was necessary to approach the issue of human rights from a global perspective, in a fair and equal manner, refraining from all selectivity or bias based on political interest, in order to contribute to the development of international cooperation and the realization of human rights and fundamental freedoms.

36. **Mr. Davidson** (United States of America), addressing agenda item 119 (c), said that over the past year, a number of Governments had undertaken

noteworthy measures for the protection of human rights and the promotion of democracy. In December 2000, an opposition leader had been elected President of Mexico for the first time in over 70 years. That historic event demonstrated the commitment of the Mexican people to democracy, political pluralism and the protection of human rights. His delegation welcomed the lead role Mexico intended to play in defending human rights throughout the world.

37. In Yugoslavia, the election of President Kostunica had been a positive step towards that country's integration in a Europe that was fully committed to the realization of human rights and fundamental freedoms. The United States continued to support the people of Yugoslavia in their efforts in that regard.

38. Although his delegation continued to have serious concerns about religious freedom and human rights for those in custody in China and about the arrest of hundreds of "counter-revolutionaries", it noted that important progress had been made in terms of rule of law, local elections, legislative oversight and journalistic independence. It welcomed the new prosperity and the strengthening of individual liberties in China.

39. In the Persian Gulf, Oman was experimenting with an increasingly independent legislature, while Qatar would hold parliamentary elections in 2003 with the participation of women.

40. In early October, the Turkish parliament had passed innovative human rights reforms. Legislation to amend the Constitution had widened freedom of expression and assembly, limited the period of incommunicado detention and set the stage for relaxing restrictions on broadcasting and publication of information in Kurdish. His delegation welcomed the various positive developments and looked forward to continued improvements by Turkey.

41. Even though the improvements shown over the past year were heartening, the situation in many countries remained a source of concern. In Iraq, the Government remained one of the most repressive in the world. The abuses by security forces, especially against perceived opponents exercising their freedom of expression through non-violence, were common. Detainees were routinely beaten, raped and tortured. His delegation was also concerned at the forcible expulsion from their homes of non-Arabs, mostly Kurds.

42. In Cuba, the government remained hostile to all those who questioned its human rights practices. Members and supporters of opposition political groups were regularly detained without trial. Journalists and human rights defenders were subjected to harassment. The repression of dissent was legitimized by the Constitution and Penal Code, religious activities were subjected to strict limits, and freedom of movement was curtailed.

43. In Zimbabwe, State-sponsored violence, torture and harassment of members of the opposition were increasingly common in the run-up to the presidential elections. The chaotic and often violent implementation of the land reform programme had destabilized the country's economy and threatened regional economic growth. Press freedoms were frequently violated, and the Government had announced its intention to bar international election monitors.

44. In the Islamic Republic of Iran, human rights abuses remained widespread. Treatment of the Baha'is and other religious minorities did not meet international standards. Restrictions on freedom of expression and freedom of the press continued.

45. In the Sudan slavery remained a tragic reality, and the Government was taking no action to stop it. The security forces were committing numerous abuses, including killings, torture, rape, harassment of various kinds, arbitrary arrests, kidnappings, displacement, forced labour and the forced conscription of children. The southern rebel forces were also committing the same types of abuse and had recently attacked a United Nations facility. The Government was restricting most fundamental freedoms, and there were no independent human rights organizations. Despite the President's statements that the Sudan would allow humanitarian organizations access to all areas of the country, progress remained slow.

46. With regard to Sierra Leone, his delegation welcomed the progress that had been made towards establishing a special court to bring to justice those responsible for violations of international humanitarian law. The United States had been a strong proponent of the Sierra Leone Special Court and had made a \$5 million contribution for its establishment. It urged the Government of Sierra Leone to sign immediately, and without amendment, the draft agreement with the United Nations to establish the special court.

47. With regard to Central Asia, there continued to be reports of the torture and ill-treatment of prisoners. In some countries, independent Islamic congregations had been singled out for abuse. In other countries, members of “unregistered” religious denominations and their families faced frequent harassment by the authorities, including deportation and internal exile. Restrictions on freedom of the press and the work of human rights defenders were also a matter for serious concern.

48. In the case of Belarus, the United States Government agreed with OSCE that the September 9 presidential elections had failed to meet OSCE commitments for democratic elections. The Lukashenko regime had gagged dissidents by ordering the closure of newspapers and by harassing journalists. A series of disappearances, which included opposition figures and a journalist, had been linked to the Lukashenko regime. His Government reiterated its call for credible investigations into all those crimes in order to establish who was responsible.

49. In Myanmar, forced labour and the denial of basic freedoms continued. The treatment of ethnic minorities and restrictions on political activities were ongoing concerns. The speaker welcomed the recent visit by the ILO mission and called on the regime to consider favourably the recommendations of the ILO report. His delegation looked forward to progress in the talks between Aung San Suu Kyi and the Government of Myanmar and to the United Nations Special Envoy’s forthcoming visit.

50. North Korea remained one of the world’s most serious human rights abusers. Restrictions on individual liberties continued, and there were reports of public executions of political prisoners. There were no restrictions on the Government’s ability to hold people incommunicado. Forced labour was widespread in prison camps, where conditions were extremely harsh.

51. **Mr. Bhattacharjee** (India), speaking on agenda items 119 (b) and 119 (c), said that the common understanding of the rights and freedoms enshrined in the Universal Declaration of Human Rights had been replaced by a multiplicity of views about the relative importance of civil and political rights, on the one hand, and economic, social and cultural rights, on the other. There was also an imbalance between individual and collective rights in the promotion and protection of human rights. Those trends had led to an extensive

politicization of human rights issues, which was regrettable.

52. Aware of that situation, his delegation had already called on all nations to work together in a spirit of cooperation, to be impartial and fair, to recognize and jointly combat the threats to human rights posed by terrorism and to make human rights mechanisms impartial, credible and representative of all regions of the world. The universality of human rights could be achieved only if all human beings were treated equally.

53. Referring to the report of the High Commissioner for Human Rights (A/56/36), he observed that the concept of a Global Compact which was mentioned in connection with the promotion and protection of human rights could not have any impact unless Member States achieved consensus on the basic principles. Furthermore, although the Office of the High Commissioner had refrained from commenting on the availability of resources to achieve its mandate, India had continued to express its disquiet that, because a disproportionate share of non-budgetary resources went to the work of the Office, it was conceivable that less attention was being paid to the priorities of developing countries.

54. The report of the Special Rapporteur on the question of torture and other cruel, inhuman, or degrading treatment or punishment (A/56/156) was concerned primarily with the question of impunity. While the eradication of impunity was, admittedly, important, it would have been interesting to explore the crucial interrelationship between poverty and torture.

55. Turning to the report of the Representative of the Secretary-General on internally displaced persons (A/56/168), he noted the campaign to have the Guiding Principles on Internal Displacement accepted as a normative framework, even though they had not been negotiated at intergovernmental level. In his report, the Representative had treated the problem of internal displacement as one caused only by conflicts. The fact was, however, that it was sometimes caused by natural disasters, poverty and economic insecurity, and that had prompted a regrettable trend to seek the application of the 1951 Convention relating to the Status of Refugees to the internally displaced.

56. His delegation welcomed the efforts made by the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief to prevent the destruction of the Bamiyan Buddhas and agreed that



the Taliban were not just an instance of the misuse of religion, but also a manifestation of obscurantism.

57. Referring to paragraph 41 of the Special Rapporteur's report (A/56/253), which indicated that a communication had been sent to India regarding statements allegedly made by the Prime Minister to Parliament, he said that his Government had addressed an official response to the Special Rapporteur, affirming that those allegations were unfounded. Complaints against Heads of State or Government constituted serious matters and should not figure in official documents without thorough investigation and verification; otherwise, they ran the risk of undermining the credibility of the Special Rapporteur.

58. With regard to the preparations for the International consultative conference on school education in relation to freedom of religion or belief, tolerance and non-discrimination, he recognized the importance of education as a means to combat intolerance and obscurantism; however, he would have preferred the process to have an intergovernmental feature, because it was the responsibility of Governments to frame policies and implement changes in the education system.

59. It was essential that the principle of periodic and genuine elections should be applied in countries that committed themselves to democratization, and assistance from the United Nations would therefore be increasingly in demand. Requiring a country to submit a request for electoral assistance four months in advance could be detrimental to the political process in many countries.

60. As to mass exoduses, recommendations had been formulated even before all the causes had been determined.

61. With regard to the basic rights of the disabled, views had been expressed on the necessity of preparing an instrument on the subject, although there was no consensus. In his view, the harmonization of the definition of disability required attention.

62. As to the United Nations Decade for Human Rights Education, the mid-term evaluation indicated that one of the obstacles which developing countries faced was the lack of resources. The importance of international cooperation in order to enable those countries to ensure human rights education for their population therefore deserved emphasis. The defenders

of those rights were an important part of civil society and played a useful role in the promotion and protection of human rights. The first report of the Special Representative of the Secretary-General on human rights defenders (A/56/341) gave the impression that Governments were on one side while defenders were on the other, instead of providing a more thorough analysis of the situation.

63. The right to development was an inalienable right without which the other fundamental rights could not be exercised. It was therefore regrettable that since the Declaration was adopted in 1986 and reaffirmed by the Vienna Declaration and Programme of Action in 1993, there had been no progress in its implementation. More and more people were living in poverty and were marginalized because of globalization. Unless impediments were removed through strong international cooperation to enable developing countries to improve living conditions, globalization would lead to inequalities that were unacceptable under any human rights norms. The effect of international trade on the right to food resulted from the fact that agricultural trade rules affected food security for the most impoverished people. Developed countries did not yet liberalize their agricultural sector, despite the provisions of the World Trade Organization agreement. That protectionism discouraged agricultural production in developing countries, which in turn influenced their food security.

64. Terrorism had grave consequences for the exercise of human rights and was contrary to the norms of democracy and pluralism. As a victim, India had several times asked the international community to examine the growing threat of terrorism and its effect on human rights, especially the right to life. Unfortunately, past resolutions on human rights and terrorism had had to be put to the vote. Those countries that had voted against had explained that States alone violated rights, while terrorism was a purely criminal activity without any links to human rights. He hoped that viewpoints had changed and that the draft resolution submitted at the current session would be adopted by consensus. The resolution should be submitted to the Third Committee and the Commission on Human Rights every year.

65. India was the sponsor of a resolution on national institutions for the protection of human rights, which was submitted every two years. The current draft resolution updated its predecessor and took into

account the activities of national institutions, which were one of the best mechanisms for the protection of human rights. He hoped that all countries would become sponsors and that the resolution would be adopted by consensus.

66. **Mr. Mun** Jong Chol (Democratic People's Republic of Korea) observed that, since the adoption of the Universal Declaration of Human Rights, the United Nations had made significant progress with regard to the promotion and protection of human rights.

67. There was, however, still a lack of impartiality in the discussion of the question. The inequality which characterized relations between States and the inequitable international order, in particular, had had a negative impact in the field of human rights. The growing number of human rights violations was to a great extent impeding the development of nations.

68. The infringement of the sovereignty of States was the most serious problem. When the sovereignty of a State was infringed, human rights, fundamental freedoms and democracy were jeopardized, as colonialism, the adoption of racist policies and wars of aggression had amply demonstrated. Today it was by imposing multilateral sanctions, exerting pressure and, more subtly, taking advantage of economic and trade opportunities that some tried to undermine the sovereignty of States. Interference in the affairs of sovereign States and attempts to overthrow regimes on the pretext of protecting human rights gave rise to serious concern.

69. It was important not to politicize the question of human rights, not to interfere in the internal affairs of countries and not to impose a single model on countries with very different levels of socio-economic development and traditions.

70. The imposition of sanctions on sovereign States and the artificial division of nations hindered development and inflicted untold suffering on the population, as was demonstrated in the case of Korea.

71. Selectivity and double standards were other problems of equal concern. Some countries accused others of violating human rights because they had a different socio-political system and a different culture, but ignored violations committed by friendly nations. That attitude, a legacy from the period of the cold war, was inadmissible.

72. Relations between States must be based on the principle of equality, and international cooperation must be fair and based on mutual respect. The decision of some countries, such as the United States of America, to ask other countries to prepare annual reports on the human rights situation or other similar reports ignored the basic ethical practice of international relations and amounted to arrogance.

73. In his statement to the Committee, the representative of the United States of America, through his provocative allegations, had sought to tarnish the reputation of the Democratic People's Republic of Korea. It was clear that, while the United States claimed to wish to initiate a dialogue between the two countries, its aim was to inveigh against the social system of the Democratic People's Republic of Korea. It would do better to look into its own violations of human rights and publish the results of the surveys it carried out instead of making judgements about others.

74. The principle of humanitarian intervention could not be justified. Priority should, instead, be given to the right to survival and the right to development. Those rights were inseparable from the promotion and protection of human rights. His Government had established a system to serve the people based on the ideology of Kim Il Sung and had adopted measures to ensure full enjoyment of their rights by its citizens. It would continue along that path and would respect the instruments relating to human rights.

75. **Mr. Agam** (Malaysia), speaking on agenda items 119 (b) and 119 (c), said that the results of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban from 31 August to 7 September 2001, were on the whole disappointing, even though common ground had emerged on some issues, in particular the recognition that slavery was a crime against humanity and that the victims of historical injustices continued to suffer its consequences — poverty, underdevelopment and social exclusion. Like the United Nations High Commissioner for Human Rights, his delegation believed that only by squarely confronting the past could the process of healing begin.

76. It was regrettable that the final documents of the World Conference had not adequately stated that the policy of discrimination and exclusion pursued by the occupying Power was the cause of the suffering of the Palestinian people, even though mention was made of

the foreign occupation and the right of the Palestinian people to self-determination and the establishment of an independent State. He noted that the two World Conferences held in 1978 and 1983 had been more categorical in condemning the occupying Power.

77. It was incumbent on the international community to demonstrate the necessary will to implement the Declaration and Programme of Action adopted in Durban at the national and international levels, taking into account the special features of each society, and, in that connection, he welcomed the creation within the Office of the United Nations High Commissioner for Human Rights of an anti-discrimination unit to promote equality and non-discrimination. That unit should operate on the basis of transparency and avoid duplication of effort.

78. His delegation was concerned about the frequency of racist acts perpetrated against Muslims following the events of 11 September and, in that connection, appealed to the United Nations High Commissioner for Human Rights to use her moral authority to prevent anti-Islam sentiments and to encourage dialogue, tolerance and respect for diversity.

79. In considering human rights, it was important also to take into account the complex reality of the interdependent world of today, in which the state of flux was the norm rather than the exception. In that connection, it should be emphasized that the approach to human rights had been fundamentally changed. On the one hand, it was no longer considered that violations of human rights were perpetrated only by States and it was recognized that terrorists violated the right to life. On the other hand, it was now acknowledged that difficult choices had to be made in order to protect the right to life and that, in such situations, the rights of individuals who constituted a group must take precedence over the rights of an individual within that group.

80. His delegation believed that the Special Rapporteurs played an important role in the promotion and protection of human rights worldwide and that they should carry out their mandate on the basis of the principles of fairness, objectivity and non-selectivity in order to enhance their credibility. It was for that reason that the Malaysian Government was endeavouring to cooperate with them while encouraging them to define their mandate more clearly.

81. It was regrettable that some of the Special Rapporteurs used their office to promote their own interests and in so doing targeted certain Governments. Malaysia continued to believe that it was important to establish rules to guarantee their objectivity. While there was a need for them to be granted immunities in order to be able to carry out their mandate without fear or favour, they should not be able to hide behind their immunities when they were engaged in activities which were outside their mandate or when they criticized the countries in which they resided. His delegation believed that the Special Rapporteurs were required to respect the legislation of countries and that clear guidelines should be adopted to govern their conduct, particularly in their own country, so that they would enjoy immunities only when officially performing their functions.

82. **Mr. Tekin** (Turkey) condemned terrorism, which, by targeting the right to life, impeded the enjoyment of other human rights. The aftermath of the terrorist attacks of 11 September confirmed the need to adhere to the principles of objectivity and non-selectivity in dealing with terrorism and human rights issues. It was imperative that those events should not give rise to a policy of double standards or be used as a pretext to restrict fundamental rights and freedoms. As the United Nations High Commissioner for Human Rights had stated in her latest report to the General Assembly, international security and stability were now more than ever dependent on efforts to advance equality, tolerance, respect for human dignity and the rule of law in every corner of the globe.

83. In the belief that the human rights situation could always be improved, Turkey was proceeding to carry out wide-ranging reforms in that area. On 3 October 2001, the Parliament had approved a series of constitutional amendments which, inter alia, strengthened the exercise of fundamental rights and freedoms and reduced the scope of the death penalty. The Turkish Government was also engaged in strengthening the institutional framework, in particular by creating a Department of Human Rights and a Human Rights Consultative Board within the Prime Minister's office, as well as human rights councils at the local level. Turkey was also endeavouring to make public opinion aware of human rights through education.

84. At the international level, Turkey had signed the International Covenant on Civil and Political Rights

and the International Covenant on Economic, Social and Cultural Rights in August 2000 and the two Optional Protocols to the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in September 2000. The process of ratifying those instruments, as well as the International Convention on the Elimination of All Forms of Racial Discrimination, would soon be completed. International Labour Organization Convention No. 182 against the worst forms of child labour had been ratified in 2001. Turkey was also cooperating closely with the United Nations human rights bodies and had recently received the Special Rapporteur of the Commission on Human Rights on Extrajudicial, Summary or Arbitrary Executions. The Representative of the Secretary-General on Internally Displaced Persons was also expected to visit Turkey in the near future. Turkey was, moreover, open to most of the international scrutiny mechanisms, including the more intrusive regional mechanisms in the field of human rights.

85. With regard to the question of Cyprus, he said that the Greek Cypriots had set aside the Constitution barely two years after its establishment. The Turkish Cypriot members of State organs had all had to leave their posts. The Turkish Cypriots, who had constituted 20 per cent of the population living in Cyprus between 1964 and 1974, had been obliged to live in enclaves corresponding to only 3 per cent of the territory of the island. They had lived under inhuman conditions and under the constant threat of ethnic cleansing. They had been subjected to attacks and murdered and had seen their freedom of movement seriously restricted. In 1974, the efforts aimed at unifying Cyprus and Greece and ridding the island of its Turkish Cypriot community had reached their culmination with a military coup staged by Greece. It had only been after that episode that Turkey had intervened militarily, in exercise of its rights and obligations emanating from the Treaty of Guarantee. The sole aim of that intervention had been to save the Turkish Cypriot community from total annihilation, as foreseen in the notorious Akritas Plan, and to prevent the annexation of the island by Greece. It should not be forgotten that the United Nations Peacekeeping Force in Cyprus had been sent to the island in early 1964, and not after 1974. The problem of missing persons in Cyprus had begun in 1963, the year of the attacks against the Turkish Cypriots. Instead of using that question for

propaganda purposes, the Greek Cypriot side should respond positively to the Secretary-General's initiatives aimed at the resumption of the work of the Committee on Missing Persons.

86. The allegations concerning the systematic destruction of the cultural heritage in the north of the island had been refuted by outside observers, including experts from the United Nations Educational, Scientific and Cultural Organization and the World Council of Churches, and by the reports of the Council of Europe. The allegations concerning the confiscation and illegal redistribution of the property of Greek Cypriots in the northern part of the island were also baseless. Those who voiced such accusations should consider the plunder of Turkish Cypriot property in the southern part of the island and the destruction of religious and cultural sites which were important to the Turkish Cypriots. As for the allegations that the demographic structure of the population of Cyprus had been altered, he pointed out that the Greek and Greek Cypriot parties had not only tried to modify the demographic character of the island by introducing thousands of settlers from Greece, but had also tried to cleanse Cyprus of its Turkish population between 1964 and 1974. With regard to the Greek and Maronite Cypriots in the Turkish Republic of Northern Cyprus, they enjoyed the same rights and facilities as the rest of the population, without any discrimination. When the Greek Cypriots finally came to the point of accepting the idea of living side-by-side with their Turkish Cypriot neighbours, with equal rights, it would become easier to settle the long-standing problem.

87. **Ms. Korneliouk** (Belarus) said that the terrorist attacks of 11 September had resulted in a new scenario, forcing the international community to revise its strategies for combating terrorism. Current crises, unsettled inter-ethnic conflicts and the lack of balanced policies were the underlying causes of terrorism. The international community had become aware that it was time to join forces in order to combat terrorism and preserve the most elementary human right, the right to life. Belarus fully intended to collaborate in that respect with other countries and with the international organizations. It was the duty of States to protect the lives of their peoples and to take resolute steps to prevent all terrorist acts and punish those guilty of organizing or carrying out terrorist acts.

88. The Republic of Belarus was concerned at the flagrant violations of human rights in Afghanistan, and

especially at the humanitarian situation. It was important to monitor the humanitarian situation in countries which were the subject of sanctions.

89. Belarus had acceded to the principal international legal instruments. States which were parties to international treaties must apply the provisions of those treaties and adopt new laws, or adapt existing ones, to bring them into conformity with norms recognized at the international level. Her country was working tirelessly towards that end. A new penal code had been in force since January 2001. In accordance with article 6 of the International Covenant on Civil and Political Rights, the provisions of the new code provided for recourse to capital punishment only as an exceptional measure, for especially serious crimes, with the option of commuting the death penalty to life imprisonment, thereby recognizing the need to protect civil rights and preserve human dignity. The Government of Belarus had also set up legal information centres, to acquaint the public with the existing legal instruments and promote within society a culture of respect for human rights.

90. The distinguishing features of the modern Republic of Belarus were tolerance and respect. It was home to over 40 nationalities and a number of different religions. The rights of every citizen were respected. The Government was anxious to maintain relations with other States based on the principles of partnership. The people of Belarus were freely choosing their own path to development, and that was proof of the balanced policy conducted by the Government, which enjoyed the confidence of the majority of the population.

91. On 9 September presidential elections had been held for the second time in the history of Belarus. The result was that the outgoing President had been re-elected with 75 per cent of the votes cast. Since it was for the people of a country to choose their leader, attempts to challenge the result of the elections were unwarranted. The will of the people was the principal criterion of the legitimacy of government and should be recognized by all States. The elections had been conducted in a transparent manner and had been monitored by numerous observers and representatives of European and international organizations, among others. In spite of the criticisms expressed by the OSCE observers about the conduct of the elections, it must be recognized that there was a pluralist civil society in Belarus, which would be the basis for

developing broadly representative democratic structures. If her country was shouldered aside, the interests of the people of Belarus would suffer and the consolidation of democracy would be impaired. Belarus was anxious to expand its contacts with European countries, proceeding from the principle that the process of developing democratic institutions and civil society must be based on a policy of constructive cooperation, not on a policy of exclusion.

92. She agreed with those delegations which had argued that human rights should not be at the mercy of a policy of double standards, applied one way or another depending on the political interests of certain States. While recognizing the importance of human rights, Belarus could not approve of their realization being made a pretext for interference in the internal affairs of sovereign States. Under the Charter of the United Nations, States had equal rights, and Belarus was ready to develop relations of partnership and equality with other countries, regardless of their geographical location or their level of development.

93. **Mr. Cordeiro** (Angola), speaking on agenda items 119 (d) and 119 (e), said that the events of 11 September had confirmed that terrorism was a grave violation of human rights and fundamental values and a reminder that it was imperative to ensure full protection for individual rights and freedoms.

94. His Government supported the establishment of an international mechanism to eradicate violations of human rights and was convinced that there was a link between human rights and socio-economic issues. Globalization must go hand in hand with development, the fight against poverty and cooperation between developed and developing countries.

95. His Government attached the greatest importance to the protection of civilians. However, since armed conflict was often the underlying cause of human rights violations, there was a need to end the impunity of those responsible for the violations, including, in the case of UNITA, its leader Mr. Savimbi.

96. His Government supported the various human rights mechanisms. It defended refugee rights, which were inseparable from human rights, and assigned considerable importance to human rights education.

97. It was the belief of his Government that peace, security and prosperity in both Angola and the southern African region, and also in the rest of the world,

depended on the promotion and protection of human rights and fundamental freedoms.

### Rights of reply

98. **Mr. Al-Nima** (Iraq), speaking in response to the statement made by the representative of the United States, said that that statement was a flagrant example of the double standards frequently highlighted as a risk by Iraq and various other countries. The countries most strongly criticized by the United States were, in fact, those which failed to share its policies, whereas countries friendly to the United States escaped criticism, despite any gross human rights violations for which they were responsible. The representative of the United States had, for example, omitted to mention the situation in the occupied Palestinian territories or Israel's scheming against the citizens of those territories, as if the facts reported on television on a daily basis were non-existent.

99. Bearing in mind its human rights record, he doubted whether the United States was not, in his view, in any position to guarantee the protection of human rights, let alone pass judgement on the subject. As for its allegations concerning the situation of human rights in Iraq, the United States was well known for its hostile attitude towards Iraq, its Congress having earmarked the sum of \$97 million for the purpose of overthrowing the Iraqi regime, a move which violated the international principle of non-interference in the internal affairs of States.

100. It was extraordinary that false allegations concerning the rape of detainees in particular should be made against an Arab Muslim country such as Iraq, where those forms of practice were unknown. Even the Special Rapporteur, who obtained his information from sources hostile to Iraq, had never made any such allegations.

101. Lastly, he pointed out that the United States had recently been denied a seat on the Commission of Human Rights. It should have drawn from that failure the lesson that a substantial number of countries did not regard it as qualified to sit on the Commission and speak on the subject of human rights.

102. **Ms. Yan** (China) categorically rejected the unfounded allegations of human rights violations which had been made against China in statements delivered during the past two days by a number of delegations, including those representing the European Union,

Canada, New Zealand, the United States, Australia and Norway. Her Government had always attached great importance to the protection of human rights and fundamental freedoms. It had chosen a development path tailored to its own situation which had achieved notable successes; the country now enjoyed social stability and economic development, its inhabitants lived in peace, and freedom of expression, freedom of assembly and association and freedom of religious belief were fully guaranteed by law, while no person was liable to punishment unless he or she had committed a breach of the law.

103. The Falun Gong was not a religion but a sect, which her Government had treated in accordance with the law and with the aspirations and demands of the Chinese people, while also following the practice adopted by other countries to combat sects.

104. In Tibet, the human rights situation was now better than it had been for years. She hoped that the international community would not be taken in by the efforts of anti-Chinese groups to separate Tibet from China by deliberately fabricating lies. In order to provide delegations with a clearer picture of the situation, her delegation was making available documentation on the subject in the meeting room.

105. During recent years, terrorist forces in Xingjiang province had received support and training from bin Laden sources and had carried out bomb attacks, assassinations and other terrorist acts. The sole aim of her country's efforts to combat such terrorist forces had been to guarantee the human rights and fundamental freedoms of the various peoples and ethnic groups living in Xingjiang and to contribute to the fight against terrorism.

106. She hoped that the countries which had condemned China would reconsider the facts in their true light and refrain from making any biased judgements. The situation of human rights was not perfect in any country. She therefore hoped that the countries of the European Union and others which had been critical of China would first resolve their own difficulties before condemning events elsewhere.

107. **Mr. Denaxas** (Greece) responding to the last part of the statement made by the representative of Turkey, said that the question of Cyprus had still not been settled, although 27 years had elapsed since the invasion of the northern part of the island by the Turkish forces, and there was consensus more or less

within the international community regarding the identity of the party responsible for that situation. In his speech during the general debate, the Greek Foreign Minister had remarked that, despite the current deadlock, both communities would stand to benefit from Cyprus's membership in the European Union. Greece, by constantly referring to the relevant United Nations resolutions, which called for the creation of a federal bizonal and bicomunal entity, demonstrated that it firmly believed in justice for Cyprus and its two communities. It believed also that a just solution to the problem of Cyprus could be worked out within the framework established by the United Nations.

108. **Mr. Hadjiargyrou** (Cyprus) said that he had been surprised by the accusations made by the representative of Turkey, which had been condemned by all United Nations bodies established pursuant to international human rights instruments. That representative should be wary of using terms such as "ethnic cleansing" and "genocide". Since 1974, Turkey's policy had consisted in erasing all traces indicating that non-Turkish populations had lived in northern Cyprus, as was a known fact that any objective observer could attest to. The mass expulsion of Greek Cypriots, the coming of settlers from Turkey, the terror awaiting any Turkish Cypriot who raised even a mild protest against Turkey's occupation and the systematic destruction of Greek and Armenian monuments were an undeniable and amply documented reality reflected in the reports of international bodies.

109. It had been ironic to hear the representative of Turkey refer, in a vain attempt to justify the crimes committed by his country, to the intercommunal troubles of 1963, which he knew full well had been triggered by Turkish agents in order to prepare the terrain for Turkey's expansionist designs over Cyprus. To compare the regrettable loss of a few hundred lives, numbering approximately the same for the two communities, and the ordeals of the victims of ethnic cleansing and genocide was an affront to all those peoples and populations.

110. It was Turkey which, in the eyes of history, stood accused of innumerable crimes against its own citizens and minorities, and one had only to consider Turkey's dismal human rights record to grasp the futility of the attempts made by the representative of that country to distort the history of Cyprus. According to a statement by the Turkish Minister for human rights, Turkey was the object of nearly 5,000 complaints at the European

Court of Human Rights. The Court had ruled on 118 of those complaints and in respect of 101 of them had found that Turkey had violated various articles of the European Convention on Human Rights.

111. **Mr. Tekin** (Turkey) said that the problem of Cyprus had emerged when the community of Greek origin, with the support of Greece, had started to look upon the other community living on the island as an obstacle to its unilateral political obsessions. It had undertaken to neutralize, politically and physically, the other community. Turkey had not forgotten those facts and believed that it was high time for Greece to recognize its heavy share of responsibility in the events that had led to the current situation in Cyprus. He drew to the attention of the Greek representative the constructive attitude shown by the Turkish Cypriot party, as exemplified most recently by the suggestion which Mr. Denktash had made to Mr. Clerides, only to receive a cool reception from the Greek Cypriot party. His delegation expressed the hope that all the problems that were being debated could be settled very quickly.

112. **Mr. Hadjiargyrou** (Cyprus) recalled that the 1983 declaration had been unilaterally announced by the Turkish Cypriot party, and that in its resolution 541 (1983) the Security Council had considered that declaration to be legally invalid and had called for its withdrawal. Turkey was the only country to recognize that declaration and had violated deliberately the relevant Security Council resolutions. With regard to the proposal of Mr. Denktash, indeed coolly received by the Greek Cypriot party, it represented an attempt to circumvent the invitation of the Secretary-General to pursue the proximity talks, an invitation that the Turkish Cypriot party had rejected. The Government of Cyprus was fully prepared to pursue the negotiation process provided that the Turkish party accepted the current negotiating framework and did not attempt to circumvent the process placed under the aegis of the United Nations.

*The meeting rose at 12.55 p.m.*