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COMMISSION ON HUMAN RIGHTS

Sixtieth session

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 16 March 2004, at 3 p.m.

Chairperson: Mr. SMITH (Australia)

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The meeting was called to order at 3 p.m.

STATEMENT BY THE SECRETARY-GENERAL OF THE MINISTRY OF FOREIGN AFFAIRS OF LEBANON

1. Mr. ISSA (Lebanon), emphasizing that his country had always been deeply committed to freedom and human rights, said that a parliamentary commission had been given special responsibility for the promotion and protection of human rights. Furthermore, a bill on the establishment of a human rights tribunal was under consideration. Lebanon's experience was unique because it was a country where groups representing various religions coexisted, which showed that respect for the beliefs and convictions of others was the best way to ensure that civilizations moved forward.

2. The Lebanese Government could not but condemn Israel's unwillingness to cooperate with the United Nations in investigating the human rights violations committed in the occupied Palestinian territories. It was regrettable that the Israeli Government had not responded to the request for information on implementation of Commission resolution 2003/8 on the human rights situation of the Lebanese detainees in Israel. Although most of the Lebanese detainees had been released following mediation by Germany, some of those who had been detained by the Israeli authorities during the occupation of southern Lebanon and subsequently transferred to Israeli territory were still missing; the Lebanese Government would persist in its efforts to shed light on their fate and assure their release and asked the international community to support those endeavours.

3. The right of all persons to live on their national soil was a fundamental right that was recognized in international human rights instruments. The Palestinian people, ejected from its territories since 1948, must be allowed to exercise that right. The Lebanese Government was opposed to any draft resolution designed to allow Palestinians to settle in the countries where they were currently living, because a measure of that kind would be a violation of the Palestinians' right to return to their land. The only legitimate solution was the creation of a Palestinian State where Palestinians could live, as had been envisaged at the Beirut Summit of 28 March 2003 and in the Road Map endorsed by the United Nations. The United Nations had always considered that the return of the Palestinians to their land was a fundamental right. However, the Israeli Government still refused to implement the relevant Security Council resolutions, beginning with resolution 194 (1948).

4. Lebanon had long suffered the consequences of Israel's disdain for international legitimacy. Israeli forces continued to occupy the region of Chebaa, in southern Lebanon. They also violated Lebanon's air and sea space on a daily basis. Hundreds of thousands of mines left by Israel on Lebanese territory continued to claim casualties and to prevent many civilians from returning to their homes or from working their land. The Lebanese Government, which considered that situation to be a kind of remote occupation, had requested the Israeli authorities to provide it with a map showing the location of the mines, but had still not received one.

5. The Lebanese Government strongly condemned all terrorist acts and expressed its solidarity with the people and Government of Spain following the attacks of 11 March 2004. It would lend its full support to the international community in the fight against terrorism, in accordance with Security Council resolution 1373 (2001). It did, however, favour the convening of an international conference under United Nations auspices, in order that terrorism might be clearly defined and distinguished from the legitimate right of a people to resist occupation. Furthermore, the Lebanese Government wished to highlight the dangers of relying on ethnic or religious criteria in the fight against terrorism. In particular, it condemned the current practices of some States with respect to Islamic communities, which were subjected to discriminatory treatment.

#### STATEMENT BY THE UNDER-SECRETARY FOR FOREIGN AFFAIRS OF LITHUANIA

6. Mr. ADOMAVICIUS (Lithuania), after paying tribute to the memory of Mr. Sergio Vieira de Mello and expressing his condolences to the Government and people of Spain with regard to the attacks perpetrated in Madrid on 11 March 2004, stressed the need to protect human rights and fundamental freedoms against all forms of terrorism. It was also important to ensure that the measures taken to combat terrorism remained consistent with the requirements of democracy, the rule of law and human rights. The right to life, liberty and security of person was still as important as it had been when the Universal Declaration of Human Rights had been adopted.

7. Noting that Lithuania would become a full member of the European Union on 1 May 2004, he explained that his country had established an institutional framework for human rights protection: three Ombudsman institutions examined complaints on the performance of public services, supervised gender equality issues and protected the rights of the child. Seven new codes of law which had entered into force in 2003 would ensure the highest human rights standards. The Lithuanian Government would continue to work to implement its national action plan on human rights. In that framework, the main objective was to establish a permanent system for monitoring the human rights situation in Lithuania, based on active dialogue with civil society. Significant progress had already been achieved in areas such as asylum legislation, protection of the rights of disabled persons and the elderly, and prevention of violence against women and trafficking in human beings. Much remained to be done to curb the effects of xenophobia and anti-Semitism, improve living conditions in prisons and pre-trial detention facilities, and prevent domestic violence.

8. The Lithuanian Government attached great importance to regional cooperation, which it wished to strengthen, particularly with regard to the fight against trafficking in human beings. A national programme to prevent such trafficking, launched two years earlier, had already produced tangible results. However, as trafficking was an international crime, it could not be confronted without the broadest possible regional and international cooperation. At the end of March 2004, the Lithuanian capital, Vilnius, would host an international seminar on trafficking in human beings, especially in women and children, in the framework of the Council of the Baltic Sea States. The issue was also being tackled by the Organization for Security and Cooperation in Europe, which had produced an action plan to combat trafficking in human beings, and the Council of Europe, which was in the process of drafting a convention on the subject.

9. The United Nations could draw on the achievements of regional organizations by sharing experience and best practice with the aim of universal implementation of human rights standards. Unless they were properly translated into national legal systems and adequately enforced, international standards remained a dead letter. The treaty bodies and special procedures must emphasize that issue in the context of an open dialogue with Member States.

#### STATEMENT BY THE CHAIRMAN OF THE NATIONAL CENTRE ON HUMAN RIGHTS OF UZBEKISTAN

10. Mr. SAIDOV (Uzbekistan) said that Uzbekistan was a newly independent State that still faced many challenges in achieving stable development based on a market economy and an active civil society. The promotion and protection of human rights and fundamental freedoms was one of the Government's highest priorities. Since 1992, the Government had taken many measures in that regard. The primacy of the rule of law had been written into the Constitution, as had that of internationally recognized principles and standards. Uzbekistan was party to more than 60 international human rights instruments. Moreover, the Uzbek Parliament had adopted more than 200 laws on civil, political, economic, social and cultural rights, which complied fully with the relevant principles and standards of international human rights law.

11. Uzbekistan had set up several national human rights institutions, notably a Constitutional Court, an Ombudsman's Office, and a National Centre on Human Rights. Non-governmental organizations (NGOs) and civil society groups also played an important role in that respect. A national plan of action for human rights education had been adopted and a special course on human rights had been included in the curricula of all schools and universities. The main international human rights instruments had been translated into Uzbek and had been disseminated widely. A national system for monitoring the protection of human rights had been put in place. Lastly, NGOs and the media were actively involved in activities to inform and educate the public about human rights and in public discussions on all legislative and other measures being considered with a view to promoting human rights. Much remained to be done, but the improving situation in Uzbekistan, in particular with regard to security, opened up new opportunities for development and reform, particularly in the legal and judicial fields.

12. Mr. Theo van Boven, Special Rapporteur on torture, had visited Uzbekistan at the Government's invitation. For the Government, that visit had marked the beginning of long-term cooperation on the issue of the treatment of prisoners. Although serious violations of human rights continued to occur in places of detention, they were not systematic. The Government was determined to use all available means to put an end to such violations, and in particular to the practice of torture. The conclusions and recommendations of the Special Rapporteur had been examined by the ministries and services concerned, which had immediately undertaken to implement them.

13. In the latter half of 2003, the Government had established, in collaboration with various national NGOs and international organizations, a plan of action for the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. An interdepartmental working group had been set up to monitor implementation of that plan of

action, which took into account the recommendations of the Special Rapporteur. The Government had publicly condemned the use of torture of any kind, and the courts imposed heavy penalties on perpetrators of torture. In August 2003, the Parliament had amended article 235 of the Criminal Code in order to bring the Code's definition of torture into line with that of the Convention against Torture. In the interests of transparency, representatives of the international community, NGOs and journalists were now authorized to visit prisons. More than 20 seminars and round tables had been organized nationwide on human rights monitoring in the context of the liberalization and democratization of Uzbekistan.

14. Uzbek legislation prohibited the application of the death penalty to men over 60 years of age, women of any age, or persons convicted of crimes they had committed as minors. Furthermore, by virtue of the amendments to the Criminal Code passed in December 2003, the death penalty could only be imposed in respect of two crimes, namely terrorism and murder with aggravating circumstances.

15. The Uzbek Government attached great importance to technical cooperation programmes with the Office of the High Commissioner for Human Rights and interested countries. It noted with satisfaction that the Regional Adviser of the Office of the High Commissioner for Human Rights had begun technical cooperation activities in the field of human rights in the countries of Central Asia. Moreover, the Uzbek National Centre on Human Rights and the United Nations Development Programme had prepared a plan of action to implement the recommendations of the United Nations treaty bodies.

16. In conclusion, he emphasized the need to combat international terrorism and religious extremism; they represented a serious threat to the stability and security of States, which were vital for the observance of human rights. The Uzbek Government was resolutely committed to developing and strengthening cooperation between States in order to combat terrorism, as well as to ensure protection of human rights in that context.

#### STATEMENT BY THE VICE-PRESIDENT OF COLOMBIA

17. Mr. SANTOS (Colombia), after paying tribute to the memory of the late High Commissioner for Human Rights, Mr. Sergio Vieira de Mello, who had been killed in the attack on the United Nations headquarters in Baghdad, expressed Colombia's indignation at the repugnant attacks perpetrated on 11 March 2004 in Madrid, which had taken the lives of 200 people, including 2 Colombians, and its solidarity with the people and Government of Spain in its ordeal.

18. Colombia was well placed to understand the emotion stirred up by the attack because it had itself been the stage of terrorist violence for a number of years, and he cited various examples of attacks of that kind which had killed many Colombians. In the light of its experience, Colombia emphasized the need for the international community to take action without further procrastination and with the utmost resolve against the criminal terrorist organizations which sought to impose their law through force and blind violence. It was vital to uphold and consolidate the principles and values that constituted the very foundation of humanity - notably justice, democracy, freedom, human rights and peaceful coexistence.

19. Regardless of what motivated them or of what their objectives were, terrorist groups around the world shared certain common characteristics, not least that their basic goal was to undermine democracy and that their activities were often linked to drugs or arms trafficking. Colombia, which was one of the oldest and most stable democracies in Latin America and where freedom of belief and of expression, including freedom of the press, was fully respected, was under serious threat from illegal terrorist groups like the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), which were responsible for countless violations of human rights and international humanitarian law in Colombia. The Colombian Government had responded to that threat by adopting a democratic security policy the key aim of which was to restore the rule of law and guarantee to all Colombians, without distinction, security and the exercise of all their rights and freedoms, as well as to ensure the development of marginalized and unsafe regions. That policy had already produced encouraging results, although there was still a long way to go. In 2003, the number of murders had fallen by 20 per cent, the number of forced internal displacements by 52 per cent, kidnappings by 26 per cent, attacks against villages by 84 per cent and killings of trade unionists by 57 per cent. The rights of Colombians were increasingly being restored and State control had been re-established in all the communes of the country.

20. At the same time, since security and development must go hand in hand, a great deal had been done in the area of social policy, with the result that unemployment had fallen and 1 million more people had been given access to education and health services. The democratic security policy was applied rigorously but in full compliance with Colombian legislation, international human rights standards and international humanitarian law. The Government had also set up reintegration schemes for those who forsook armed rebellion, which 2,600 people had benefited from in 2003.

21. Various structural, technical, cultural and financial problems continued to prevent the justice system from working properly. The Government would do all it could, while respecting the independence of the judiciary, to ensure that those serious deficiencies were remedied. Furthermore, the Government was willing to talk with the rebels, on condition that the violence stopped. In that regard, it placed great hopes in the Mission to Support the Peace Process in Colombia of the Organization of American States and hoped that progress would be made in demobilizing the self-defence groups. The Colombian security forces always acted in compliance with the law and in accordance with human rights, as evidenced by the significant fall in the number of complaints of human rights violations made against members of the police and armed forces, which had declined from 261 in 2002 to 161 in 2003. The Government would continue to do all it could to strengthen the mechanisms for the prevention of human rights violations and to punish the perpetrators of any such acts.

22. Several of the Commission's rapporteurs had been able to see for themselves the efforts being made by the Colombian Government and the difficulties that it was facing. While on mission to Colombia, they had been able to talk with various members of Colombian society. The Colombian Government had examined the rapporteurs' recommendations and would formulate its observations soon. It did however regret that the visit of one of the rapporteurs had been purely formal, as his report reflected; that undermined the entire system of United Nations rapporteurs. Colombia would nonetheless maintain its open-door policy, while reserving the

right to respectfully give its opinion, if necessary. The Colombian Government had also analysed carefully the report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia (E/CN.4/2004/13), which acknowledged the efforts being made by the Government and the responsibility of the illegal armed groups with regard to the serious human rights abuses committed in Colombia. In its comments on that report, which were available to participants, Colombia had emphasized the steps that it had taken to implement the recommendations formulated in the 2003 report. In 2004, the Government would continue to work with the High Commissioner's office in Bogotá to make the best possible use of the technical assistance programme made available to it. The presence of that office in Colombia was of great importance for the Colombian State and society as well as for all members of the international community who took an interest in the human rights situation in Colombia.

23. The assistance of the international community was vital to enable Colombia to tackle the terrorism resulting from the unholy alliance between illegal armed groups and drug traffickers. In order to rid Colombia of terrorism and to ensure that the events of 11 September 2001 in the United States and of 11 March 2004 in Madrid would never occur again, it was crucial to deprive terrorists of all sources of funding and of all opportunities to move freely from one country to another. He reaffirmed Colombia's commitment to human rights, democracy and peaceful coexistence. As a country, Colombia had the right to security and consequently had an obligation to eliminate terrorism using all legitimate means available to it and with the support of the international community.

#### STATEMENT BY THE MINISTER FOR HUMAN RIGHTS OF MOROCCO

24. Mr. AUAJJAR (Morocco) expressed his Government's congratulations to the new High Commissioner for Human Rights, Ms. Louise Arbour, wished her every success and assured her of his country's support and cooperation in her mission to protect and promote human rights throughout the world. He also expressed Morocco's sincere condolences to the people and Government of Spain, its solidarity with all victims of terrorism, and its strong condemnation of such criminal acts, which could have no justification.

25. The sixtieth session of the Commission on Human Rights was taking place at a very delicate time in the history of the human race, when the world was facing real dangers that posed major challenges to all who believed in peace and human rights as eternal values. The internationalization and widening scope of terrorism obliged the international community to envisage new ways of protecting life and guaranteeing the right to security of all. It was important, however, to take all necessary precautions to ensure that the fight against terrorism was not used as a pretext to justify other systematic human rights abuses. The international community should therefore focus more closely on terrorism and its causes in relation to the Commission's concerns by holding a world conference which might lead to a shared concept of the struggle against terrorism and to the adoption of an international strategy that incorporated civil society, research institutes, places of study and all human rights activists, while respecting the International Bill of Human Rights.

26. A new approach was needed to the mission of the Commission on Human Rights in the light of the world economic climate; the Commission had done a great deal of work in the service of human rights, in particular by establishing mechanisms and instruments to protect



them. Given the imperative of implementing the right to development, the new approach must encompass both the establishment of new criteria for the promotion of human rights and the institutional consolidation of democratic choices by strengthening cooperation in the field of economic, social and cultural rights. For its part, Morocco, which had the honour of co-chairing the follow-up committee to the Brazzaville Conference on governmental human rights structures in the French-speaking world, which had met in Marrakech on 27 and 28 February 2004, would spare no effort in contributing actively to that project.

27. The fight against forms of extremism and terrorism must be conducted with all the legal guarantees afforded by a State governed by the rule of law. It was from that perspective that Morocco, which had itself been the target of barbaric terrorism, would participate in the fight against terrorism. He reiterated that Morocco firmly rejected the false association of Islam with terrorism. Islam was a religion of peace and tolerance, which condemned violence and discrimination regardless of their origin or form, and was based on the values and principles proclaimed in the international human rights instruments. Since acceding to the throne, King Mohammed VI had chosen democracy and human rights as a policy direction, with the guarantee of individual and collective rights and freedoms as a fundamental corollary. Various measures had been taken to that end, notably bringing national legislation into line with international standards and adopting a new Family Code, which constituted a veritable social revolution for the country. The new Code, which was the result of an enlightened reading of Muslim law, reflected the modernist democratic ambitions and aspirations of Moroccan society; its implementation was tangible proof that there was no contradiction between Islam and human rights, and indeed showed, on the contrary, that Islam could not be in conflict with democratic values and principles.

28. In addition, as part of the national reconciliation project, an Equity and Reconciliation Commission had been set up, to carry on the work undertaken by the Independent Arbitration Commission for compensation of the victims of enforced disappearances and arbitrary detention, with a view to closing definitively that painful chapter of Morocco's past. The Equity and Reconciliation Commission had the task of making an objective and comprehensive appraisal of past events, whilst providing all necessary legal guarantees to ensure that the errors of the past did not recur. That was a world first, in that the commission was operating in the ongoing context of the same political and constitutional system and therefore benefited from broad national support. The Moroccan Government was making energetic efforts to implement the royal directives so as to make the protection and promotion of human rights a national priority, through appropriate legislative and institutional reforms; those reforms would find their practical realization in Morocco's acts and commitments both nationally and internationally.

29. Lastly, he reiterated Morocco's support for the efforts of the United Nations to find a just and lasting solution to the issue of the Moroccan Sahara which would respect Moroccan sovereignty and territorial integrity. In that regard, he welcomed the confidence-building measures undertaken under the auspices of the Office of the United Nations High Commissioner for Refugees (UNHCR), such as the "exchange visits" with Moroccan families originating from the Saharan provinces, which should allow UNHCR to ensure the voluntary repatriation to Morocco of Moroccan Sahrawis who wished to return. He urged the international community to demand the total, immediate and unconditional release of the 514 Moroccans still being detained

at Tindouf, in violation of the provisions of international humanitarian law and, in particular, of the Third Geneva Convention. The Moroccan Government was greatly concerned by the cruel, inhuman and degrading conditions to which all the Moroccans being held against their will in the Tindouf camps were subjected.

#### STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF UKRAINE

30. Mr. GRYSHCHENKO (Ukraine) said that the recent terrorist attacks in Madrid that had killed so many innocent people proved that all human beings were made vulnerable and fragile by terrorism, irrespective of religion, political views or location. Ukraine strongly condemned terrorism and remained determined to participate in efforts to eradicate it completely. In that respect, the Commission must continue to examine the issues on its agenda, as the promotion of human rights was an important component of an effective strategy to fight terrorism. States must respond to terrorism not only through legislative and security measures, but also by adhering to the rule of law, fostering social justice and enhancing democracy.

31. The Commission on Human Rights played a key role in the international human rights protection system and much progress had been made in that area thanks to the work of the United Nations bodies. However, human rights abuses continued to occur around the world and the Commission therefore had a duty to continue to condemn those abuses. The treaty bodies must also strengthen their activities in that area through their procedures for considering communications. However, it was important to avoid being selective or partial and to make an honest appraisal of whether the mechanisms established had really allowed progress to be made.

32. Given that the rules of international human rights and humanitarian law were often flouted with impunity during conflicts, there was an urgent need to step up measures to prevent conflicts at the national, regional and international levels with a view to preventing flagrant human rights abuses. The struggle against the poverty that affected millions of people around the world must be the centrepiece of the international community's efforts to achieve the Millennium Development Goals. Particular attention must be paid to the status of women, who had an important role to play in promoting dialogue and conflict resolution by providing human security, human development and community cohesion but who were also the first victims of violence, oppression and exploitation, notably for the purposes of prostitution and slavery, and especially in conflict zones. The Commission should therefore continue to consider issues such as gender equality, the promotion and protection of the rights of the child, of women and of ethnic minorities, and support for family and youth policies. The international community must also help countries like Iraq, whose people had long been denied their rights and fundamental freedoms, to become States governed by the rule of law and based on the principles of democracy and respect for human rights.

33. His Government's policy with regard to guaranteeing respect for human rights, the rule of law and democracy, assuring the effectiveness of democratic institutions, and creating the conditions for economic growth was an integral part of Ukraine's European integration efforts, and complied with Ukraine's legislation and Constitution and with European standards. To that end, the Ukrainian Constitution had been amended in order to strengthen the role of Parliament and the accountability of all authorities to citizens. In particular, the Ukrainian Constitution

accorded all citizens the right of recourse to competent international judicial institutions or competent bodies of international organizations for protection of their rights and freedoms. Action had also been taken to promote the rights of the child and the protection of the family, and events would be organized to observe the tenth anniversary of the International Year of the Family. Significant measures had also been taken to improve the situation of women and children under the authority of the new Minister for the Family, Children and Adolescents and a number of laws had been adopted, including laws on freedom of movement and freedom to choose one's place of residence in Ukraine; on refugees; on immigration; and on citizenship.

34. Recalling that in 2003, the seventieth anniversary of the Great Famine of 1932-1933 (Holodomor) had been commemorated, he thanked all the States Members of the United Nations which had paid tribute to the victims of that tragedy, in particular the 36 delegations which, in November 2003, had signed the joint statement on that issue, issued as an official document of the General Assembly (A/C.3/58/9), as well as the Parliaments of Argentina, Australia, Canada, Hungary and the United States of America, which had adopted special resolutions in that regard.

35. In conclusion, he said that only by maintaining open dialogue, in a spirit of cooperation and mutual understanding, would the Commission be able to fulfil its noble task, and Ukraine stood ready to work towards that end.

#### STATEMENT BY THE SECRETARY-GENERAL OF THE ORGANIZATION OF THE ISLAMIC CONFERENCE

36. Mr. BELKEZIZ (Organization of the Islamic Conference (OIC)) expressed the feelings of deep distress felt by everybody at the tragic loss of the sorely missed Sergio Vieira de Mello. He also condemned the barbaric acts that had been perpetrated in Spain on 11 March 2004, and offered his condolences to the families of the victims.

37. Human rights were one of the cornerstones of Islam and were therefore of great importance to the OIC, which accorded particular support to the work of the Commission in such difficult times, when defending human rights was meeting such arduous challenges. Islam had been the first, many centuries earlier, to introduce the concept of full equality between human beings and link it with respect for human dignity, which went far beyond the modern "human rights" concept in that it covered not just political rights but also ethical and moral considerations. However, many Muslims were exposed to intolerance and hatred and were accused of being enemies of human rights at the very moment when many Muslim countries and peoples were experiencing tragic situations characterized by human rights abuses. As the Secretary-General of the United Nations, Mr. Kofi Annan, had said, Islamophobia was one of the most worrying contemporary forms of racism, which jeopardized international peace and harmony and must be quashed.

38. Logic and reason called for rejection of the attempts to link Islam, which was a religion of peace, mercy and tolerance, with the criminal acts of some individuals; blaming the entire Muslim world, and the many peace-loving, law-abiding Muslims, for the acts of a small number of outlaws rejected by their own societies defied law, reason and the basic foundations of justice. Extrapolation of that kind showed contempt for the collective hard work of the 57 member States

of the OIC in their fight against extremism, fanaticism and international terrorism. The OIC therefore hoped that the Commission would pay particular attention to that grave issue; he reaffirmed that the OIC would continue to cooperate with the Commission to enlighten public opinion on the foundations of Islam and the specific and effective action that it took to promote world peace and respect for the noble values which should form the basis for a society in which diversity and respect for others were accepted principles.

39. Regarding the question of Palestine, he noted that the Commission had long recognized that the occupation of the territories of others by force was the worst example of the denial of human rights and that hundreds of resolutions adopted by international bodies emphasized the need to grant the Palestinian people their right to self-determination. However, Israel continued to ignore that fact, prolonging the suffering of the Palestinians and creating a climate of violence and tension that threatened peace and security throughout the Middle East region and beyond. All the violations committed against Palestinian civilians by the Israeli army were matters that came within the Commission's mandate and pricked the conscience of its members.

40. The human rights situation in Iraq continued to cause concern, and the OIC called for the relevant international agreements, including the Fourth Geneva Convention, to be respected in the region. It also emphasized the need to restore to the Iraqi people their sovereignty and independence so that they could assume their own governance, fully and freely.

41. Given the situation there, it was vital for the people of Kashmir to be given the opportunity to exercise their right to self-determination and for the resolutions adopted more than 50 years earlier by the Security Council to be implemented. The OIC hoped that the improved relations between Pakistan and India would lay the foundations for an equitable solution to the Kashmir issue. The OIC shared the Commission's views on the need to do everything possible to safeguard the rights of minorities wherever those rights were violated. It remained concerned by the situation of certain Muslim minorities, particularly in the Azeri territories under Armenian occupation, in Myanmar and in the Balkans. It was also following with interest Malaysia's endeavours to resolve the conflict in the southern Philippines and contributing to efforts aimed at alleviating the humanitarian situation in certain African countries, such as Somalia and Sierra Leone.

42. The OIC had been fighting international terrorism for almost 10 years - well before the issue had become the focus of world attention - and cooperated closely with the Counter-Terrorism Committee of the United Nations Security Council, but it remained concerned by the abuses and discrimination on grounds of belief, religion or race that anti-terrorism campaigns had generated in some regions.

43. The OIC also believed that economic and social rights were no less important than civil and political rights and that they had a greater impact on the lives of millions of human beings who still lived below the poverty level. Everything possible should be done to reduce the gulf between rich and poor in order to promote the emergence of societies where peace, social justice, equality and solidarity prevailed. Despite the progress made in the field of women's rights, the rights of the child and the rights of migrant workers, globalization impeded many people's access to social rights.

44. The entire international community had to work together through joint action to establish an all-embracing human rights culture, with a view to enhancing moral and human values within a framework of pluralism and respect for cultural and religious diversity. The OIC had made an effective contribution to the efforts that had led to 2001 being declared the International Year of Dialogue among Civilizations and the adoption of the corresponding plan of action. It was also involved, alongside the Organization for Security and Cooperation in Europe, the Council of Europe and numerous regional and international organizations, in efforts to address human rights issues in a broader context, in the face of the recent increase in human rights problems. The OIC therefore called on the Office of the High Commissioner for Human Rights to step up its activities in its various fields of competence, so that it might fulfil its highly challenging mission, for which it would need to be endowed with the necessary funding and resources.

#### STATEMENT BY THE PARLIAMENTARY SECRETARY FOR FOREIGN AFFAIRS OF JAPAN

45. Mr. MATSUMIYA (Japan) strongly condemned the acts of terrorism committed a week earlier in Madrid and expressed his country's sympathy with the victims and their families. He also expressed condolences to the Office of the High Commissioner for Human Rights, for which 2003 had been perhaps the most trying year in its history, marked as it had been by the tragic death in Iraq of the High Commissioner, Mr. Sergio Vieira de Mello, United Nations officials and nationals of a number of countries.

46. Japan believed that human rights and fundamental freedoms were universal and that every individual should have the right to exercise those rights regardless of age or gender. The realization of human rights was the responsibility of the international community; the Commission had a key role in taking action in the event that a Government did not fulfil its obligation to protect human rights, given that protecting human rights was the primary responsibility of government, as stipulated in the Vienna Declaration and Programme of Action. The Vienna Declaration highlighted the interplay of universality with national and regional particularities; the challenge was to respect particularities whilst developing universal values. Dialogue was therefore important. Japan took the approach of encouraging States that were endeavouring to improve their human rights situations rather than condemning their shortcomings. Dialogue, which made it possible to learn from one another and to overcome differences, had led to many human rights instruments being developed over the years. It was the consolidation of the universality of human rights that underpinned the role of the Commission.

47. Globalization had added a new dimension to the identification of universal human rights, making the process more dynamic. It had also changed priorities, as cross-border threats such as terrorism or diseases necessitated a departure from the traditional notion of security within borders. As the Minister for Foreign Affairs of Japan had stated to the United Nations General Assembly at its fifty-eighth session, it was no longer possible, in the twenty-first century, to address the dangers and threats confronting the world through military and political measures alone. Responses had to be well thought out, to take into account every facet of the issues, including the social aspect, humanitarian and human rights concerns, and economic reconstruction. Furthermore, efforts should be made to guarantee human rights, democracy and good governance by creating a social environment that enabled every human being to realize his or her maximum potential.

48. The consolidation of peace and human-centred nation-building was therefore one of the pillars of Japan's activities. Japan provided concrete international assistance in accordance with the principle of human security, in order to empower individuals and enhance the resilience of communities. Japan would continue to promote human security in cooperation with the United Nations and its Member States and NGOs, and in the framework of official development assistance. In that regard, he gave the example of the Third Tokyo International Conference on African Development (TICAD III), which had taken place in autumn 2003. Furthermore, the United Nations had decided to accept Japan's offer to host the World Conference on Disaster Reduction, which would take place in Kobe in January 2005.

49. A society where there was equality between men and women in all sectors was an essential element which bolstered human security. In addition to its efforts at the national level, Japan was taking action at the international level to improve the status of women and eradicate violence against them. In various projects for conflict prevention and conflict management as well as post-conflict peace-building, in cooperation with the United Nations, international organizations, other countries and NGOs, Japan had consistently attached importance to the empowerment of women. Japan recognized also that disabled persons required protection against discrimination and deserved full and equal enjoyment of human rights, and would continue to participate actively in the discussions of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities.

50. The problem of the abduction of foreign nationals in the Democratic People's Republic of Korea (DPRK) remained unresolved, despite the efforts of the Japanese Government. Japan regretted that the DPRK had not been cooperating with the relevant international human rights institutions and once again urged it to rectify the inhuman situation in which abducted persons who had been repatriated to Japan but were separated from the families they had left behind in North Korea found themselves, and to conduct a full fact-finding investigation with regard to the other victims with a view to resolving the issue as soon as possible. Japan also called on the DPRK to cooperate fully with the Working Group on Enforced or Involuntary Disappearances and the Office of the High Commissioner for Human Rights.

51. In conclusion, he emphasized the need for the Commission to mobilize all the means at its disposal in order to fulfil its task of promoting and protecting human rights, which had been made more complicated by changes in the global situation. Only through dialogue and untiring efforts would it be possible to assure "human security". Japan, for its part, was determined to cooperate with the United Nations and all States and partners to achieve that goal.

#### STATEMENT BY THE UNDER-SECRETARY FOR GLOBAL AFFAIRS OF THE UNITED STATES OF AMERICA

52. Ms. DOBRIANSKY (United States of America) said that the promotion of democracy and human rights around the world was a struggle that was close to her heart and one to which she, as Under Secretary of State, had devoted a great deal of attention. One needed only to see the countries where tyranny had given way to democracy to be convinced of the importance of the work that was done in the Commission.

53. The mandate of the Commission was to stand up for the universal and inalienable rights, such as the rights to life, liberty and security of person, that were set out in the Universal Declaration of Human Rights. Each State Member of the United Nations and of the Commission on Human Rights had pledged to uphold those rights. There were however many nations in the world that did not do so and the Commission had not always fully discharged its mandate to draw attention to human rights violations, to call on abusers to end their practices, and to help those on the path of change. The Commission had to choose between taking seriously the mandate it had been given and standing up for peoples that yearned for liberty, like the Burmese and Cuban peoples whose aspirations were symbolized by Aung San Suu Kyi and Oswaldo Payá, or not taking action and remaining silent. It was important to make the right choice.

54. The Universal Declaration of Human Rights stated that human rights abuses had “outraged the conscience of mankind” and that rectifying such abuses would “promote the development of friendly relations between nations”. It was often forgotten that standing up for the rights of the oppressed was not an act of charity nor solely an act of conscience: democratic nations could promote their own interests by seeing to it that respect for human rights expanded around the globe, because nations that cherished those values were far less likely to threaten the peace through aggression or internal instability. That was why the Community of Democracies, which was a global network that brought together old and new democracies to bolster representative government, share experiences and coordinate policies in areas of common interest, was so important; it could help newly freed countries to develop their democratic institutions and to ensure that those still under the yoke of tyranny did not struggle alone.

55. Liberty was a cornerstone of United States foreign policy. As President Bush had emphasized, freedom was the right of all mankind. That was why the United States and many other democratic nations would continue to fight for human rights. Important achievements in human rights had been made over the previous year: in Kenya, an elected Government had made impressive strides; in Qatar, which had a new Constitution and had worked hard to increase political participation; in Guatemala, which had seen its third peaceful and democratic transfer of power; and in Morocco, where a new Family Code had dramatically improved the status of women.

56. Condemning human rights violations in countries that were members of the Commission did not mean disengaging from or isolating those countries; on the contrary, candour was vital, and criticism was not necessarily counterproductive but could be an important step forward in recognizing problems and identifying solutions. Ideas mattered, but action was essential. Over the preceding two decades, freedom - which was a universal right and not just a Western concept reserved for an elite - and democracy had taken hold around the globe. The Commission should therefore stand up for the oppressed around the world, such as the Tibetans who sought cultural autonomy and the Belarusians who longed to join a free Europe. Nobody could seriously argue that the end of apartheid in South Africa had not been due to the determination of the international community. South Africa had been the subject of the Commission’s first country-specific resolution, and the outcome was well-known.

57. Those who had struggled for freedom and had won it, who respected human rights and who knew the meaning of good governance and democracy must support freedom activists around the world. The members of the Commission on Human Rights had a responsibility to defend universal principles and to condemn those who repeatedly flouted them. The sixtieth session was an opportunity for Commission members to back up their words of support with real action.

#### STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SLOVENIA

58. Mr. RUPEL (Slovenia), after noting that Slovenia associated itself with the statement made the day before by Ireland on behalf of the European Union, reiterated his country's condemnation of the attack on the United Nations headquarters in Iraq in August 2003, which had taken the lives of the High Commissioner for Human Rights, the late Sergio Vieira de Mello, and others. He repudiated terrorist extremism and strongly condemned all terrorist attacks, including the most recent one, which had taken place in Madrid on 11 March 2004.

59. The threat of terrorist attacks which overshadowed people's lives and the fundamental values of the international community should not make countries forget their civic duties: the Commission therefore had a duty to establish appropriate mechanisms to monitor compliance with fundamental human rights standards in the fight against terrorism. In that regard, Slovenia supported the establishment of a liaison office between the Counter-Terrorism Committee of the United Nations Security Council and the Office of the High Commissioner for Human Rights. However, due to its rich experience, the Commission on Human Rights would perhaps be best placed to set up such a mechanism. Only full respect for fundamental human rights could bring long-term success in combating terrorism.

60. Human security around the world was diminishing. Slovenia, as a member of the Human Security Network - an initiative that brought together 13 countries from all regions of the world - paid particular attention to all issues of human security. The main focus of the Human Security Network was to enhance awareness, at the global, regional, national and local levels, of the need to have a broader concept of security in order to achieve concrete results and to ensure the security of individuals. In that perspective, problems such as children in armed conflicts, mine-clearing and light weapons must be a constant focus of the Commission's attention.

61. Many countries did not always manage to provide a decent standard of living for their inhabitants and therefore required the assistance of the international community in order to progress. Respect for fundamental human rights and the rule of law was a key element in that process. The United Nations was best placed to promote international human rights standards around the globe, as could be seen in the assistance it had accorded to East Timor and Afghanistan to help them frame their Constitutions in line with those standards.

62. One of the core principles of human rights was the equal treatment of individuals and the prohibition of discrimination of any kind. It was that principle which should guide the attitude taken towards members of particular groups who were often in a precarious situation, such as migrants, children, women, disabled persons, asylum-seekers, refugees, members of ethnic and



religious minorities, individuals with a different sexual orientation, conscientious objectors, and people infected with HIV/AIDS. The competent authorities should establish fair procedures to ensure that such groups did not become the victims of abusive treatment and adopt measures to protect their human dignity.

63. Slovenia gave particular attention to the status and rights of children. A national programme for the improvement of the situation of children, which would determine objectives and activities up to 2013, would be submitted to Parliament in the following months. The Ombudsman's Office had already launched an information campaign that explained children's rights in animated television clips. Ratification of the two Optional Protocols to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography and on children in armed conflict, was under way. In cooperation with an NGO, the Slovenian Government was working on the psychological rehabilitation of children who had been involved in armed conflicts, particularly in south-eastern Europe and Iraq.

64. Slovenia had adopted measures to combat trafficking in human beings; trafficking deprived many people - in particular women and children - of their dignity and of a decent life. It had increased public awareness campaigns; set up a governmental working group composed of representatives of both the public and private sectors; and improved the law-enforcement response. Although constructive cooperation and good communication between parliamentary and governmental bodies, the judiciary and NGOs was a precondition for successful coordination and implementation of anti-trafficking policy at the national level, national, regional and international cooperation was of paramount importance for combating trafficking at the global level. Slovenia was also participating actively in the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities and hoped that its deliberations would soon come to a successful conclusion.

65. One of the requirements for fostering stability in the countries of south-eastern Europe was their integration into European and Euro-Atlantic structures. Slovenia already played an active role in peacekeeping operations in the region, in particular by participating in regional initiatives. Slovenia hoped that the tragic death of the President of Macedonia would not undermine his efforts to create a stable and prosperous State. Slovenia welcomed the appointment of a new Government in Serbia; Serbia should continue to follow the path of reform and cooperation with the aim of its integration into the Euro-Atlantic structures, on condition that it met its international commitments, in particular towards the International Criminal Tribunal for the Former Yugoslavia.

66. The protective function of the Commission on Human Rights gave hope to many victims of human rights abuses around the world. For that reason, the Commission members must endeavour to put global interests above national ones. Slovenia was taking steps in that direction. Although a small country, it had adopted a principled and progressive approach to human rights: it had contributed to improving humanitarian situations in post-conflict areas, particularly Bosnia and Herzegovina, Kosovo, Timor-Leste and Afghanistan, and to mine-clearing operations in south-eastern Europe and the Caucasus. With a view to continuing

to contribute to the protection and promotion of human rights worldwide, Slovenia was seriously considering presenting its candidature for membership of the Commission on Human Rights in the years to come.

#### STATEMENT BY THE MINISTER FOR JUSTICE AND HUMAN RIGHTS OF THE REPUBLIC OF THE CONGO

67. Mr. MBEMBA (Congo) said that the human rights situation around the world remained bleak and worrying - although some crises were close to being resolved. Large-scale violence persisted in some places, particularly the Middle East and Iraq, and a few days earlier had plunged Spain into mourning. Terrorism, in any guise, was fundamentally incompatible with the prime purpose of the United Nations, which was peace, and could not permit dialogue between communities and peoples.

68. At the same time, the majority of the human race could not exercise their civil, political, economic, social and cultural rights and millions of people died each year, especially from HIV/AIDS. The rights of many women continued to be violated in many countries. The employment of children who had not reached the minimum working age was on the increase, as was trafficking in and sexual exploitation of human beings. The environment was deteriorating at a worrying rate. The right to development remained illusory for many countries, and racist and xenophobic discrimination persisted. In order to stamp out those evils and to give human beings back their dignity the Commission must pay particular attention to the right to development, which determined the exercise of other human rights and which included political, social and cultural facets in addition to the economic dimension. Because exercise of the right to development depended on international solidarity and on the control and regulation of globalization, it should be the subject of a treaty that would spell out what the right to development entailed and facilitate its implementation. The Commission should also concern itself with the right to a sound environment, on which the human race depended for survival. It was in order to guarantee enjoyment of that right that President Denis Sassou N'Guesso had set out, with his counterparts from five other central African countries, to preserve the forests and biodiversity of the subregion through the initiative called the Congo Basin Forest Partnership.

69. The Commission must also work actively to promote the right to self-determination and should look rationally at the dramatic human rights situation in the Middle East with a view to finding ways of allowing the Palestinian people to exercise that inalienable right. In the same vein, the Republic of the Congo looked to the international community, through the Commission in particular, to help restore to the Iraqi people their right to determine their political status freely and peacefully.

70. Despite the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 1 July 2003, migrants, whose numbers were currently estimated at 175 million and were continuing to rise, were still victims of many human rights violations. The objectives set out in the Durban Declaration and Programme of Action were a long way from being achieved, as evidenced by the widespread discrimination on the basis of skin colour and geographical, ethnic or social origin. In many countries so-called, "coloured persons" encountered many obstacles in the areas of education, employment, housing or immigration. Black Africans, Arab Muslims and Jews were similarly excluded.

71. Despite massive awareness-raising campaigns, the HIV/AIDS pandemic continued to kill around the world, in particular in Africa, for want of medical care or of real social and medical efforts to tackle the problem. That raised the critical question of the right to health, realization of which implied in particular availability and quality of care and access to medicines; it was a difficult issue that the Commission would need to examine closely.

72. Economic, social and cultural rights and political freedoms could only flourish in a democratic society based on the rule of law. That implied the separation of powers, i.e. the existence of independent, impartial and effective supervisory bodies which could prevent the abuse of power. The Congolese Government attached great importance to the independence of the judiciary which, as the protector of individual freedoms, played a key role in ensuring the rule of law. The Congo was determined to fight against impunity and to work to achieve judicial transparency, including through the prosecution and the trial of sensitive cases which pertained to the civil responsibility of the State, and the launch of "Opération Espoir" to hunt major criminals. The various efforts made to promote and protect human rights had allowed the Republic of the Congo to find a place for itself on the world scene: the Congo was glad to have been elected, since April 2003, to various United Nations bodies: the Commission on Human Rights, the Governing Body of the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA) and the United Nations Human Settlements Programme (UN-HABITAT). President Denis Sassou N'Guesso and the Congolese Government and people wished to express their appreciation to the governing organs of the United Nations for having placed their trust in the Congo.

#### Statements in exercise of the right of reply

73. Mr. SOUALEM (Observer for Algeria), referring to the matter of the Moroccan detainees that had been raised by the Minister for Human Rights of Morocco in his statement, said that Algeria welcomed the implementation of confidence-building measures between the two sides, namely the Kingdom of Morocco and the POLISARIO Front. It had tried on many occasions, as the International Committee of the Red Cross had emphasized, to free the prisoners of war who were in the hands of the POLISARIO Front. He recalled that it was in the interests of Morocco and of the Sahrawis for the measures set out in the Becker Plan, which had been approved by the Sahrawis but was still awaiting the approval of Morocco, to be applied without reservations. The statement made by the Moroccan Minister had therefore been unnecessarily controversial.

74. Mr. MYONG NAM (Observer for the Democratic People's Republic of Korea) strongly and categorically denied the allegations made by the representative of Japan. Contrary to his assertion, the issue of the abductions that had occurred in the context of hostilities between the Democratic People's Republic of Korea and Japan had been completely resolved in the joint statement by the two countries: the only case still pending was that of five people who had travelled to Japan to visit relatives there, for a specified amount of time, as had been agreed by both parties in October 2002, and whom the Japanese authorities had held indefinitely instead of sending them back home to Pyongyang. It was well known that, during the more than 40 years of Japanese occupation of Korea, 8.4 million Koreans had been abducted, 1 million had been killed and 200,000 Korean women had been reduced to sexual slavery. Japan was therefore guilty of a crime against humanity that could not be compared to the abduction of a few Japanese - an issue that had already been settled. If Japan wished to resolve the matter of

the abductions once and for all, it must immediately halt its imprudent attacks against the Democratic People's Republic of Korea; return the five victims, who were probably being held in Japan, to their families in Pyongyang; and take specific measures to compensate for the harm caused to the 8.4 million abducted Koreans.

75. Mr. OSHIMA (Japan) said that abduction was a serious crime that was not permissible under any circumstances. For Japan, the issue of the abduction of Japanese citizens had never been settled. Although they had returned home in October 2002, the five abductees were in a difficult situation because they could not see their families, including their children, who were still in North Korea, against their will. Japan therefore urged North Korea to take prompt, concrete and responsible measures to ensure the reunification of those families and to provide it with information on the cases that had not been resolved. The people concerned were Japanese citizens who had been taken to North Korea against their will: it was therefore illogical and ludicrous to think that, having been able to see their loved ones, who had been waiting for them for 20 years, they should be obliged to go back there.

76. Mr. MYONG NAM (Observer for the Democratic People's Republic of Korea) again rejected the allegations made by the representative of Japan, which sought only to deceive the international community and to inflame the situation with the Democratic People's Republic of Korea. If Japan really wished, as it claimed, to resolve the abduction issue, it would immediately repatriate the five people in question. Furthermore, Japan had carefully avoided the question of compensation for victims of its past crimes; Japan was the only country to refuse to go back over its past. It would therefore be good if Japan learned to act in good faith and respect its commitments before talking about resolving the issue of abductions.

77. Mr. OSHIMA (Japan) said that Kim Jong II had acknowledged that North Korea was responsible for the abduction of Japanese citizens and had apologized. Japan therefore once again urged North Korea to ensure that the families of the victims were repatriated to Japan and to provide it with additional information on the remaining cases.

78. He recalled that the Pyongyang Declaration, adopted in 2002, referred to Japan's action in the past; there was therefore no need to reiterate what had already been said in that joint declaration. The figures mentioned by the representative of the Democratic People's Republic of Korea in support of his claims were merely intended to divert attention from his country's failure to resolve issues in good faith, in particular the question of the abduction of Japanese citizens.

79. Mr. LEVY (Observer for Israel) said that, given the lack of time, he would not dwell on the distorted picture of the situation painted by the representative of the Organization of the Islamic Conference (OIC), but would merely highlight one example of a terrorist act. The day before, Palestinian militants who were members of the Tanzim of Nablus had sent a 12-year-old child armed with a bomb through an Israel border control and had detonated the bomb using a mobile phone, killing the child and the innocent people nearby. Such was the type of threat that confronted Israel in the fight against terrorism, and if Israel was forced to take measures to protect itself, such as building a wall, then that action was justified.

The meeting rose at 5.45 p.m.