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COMMISSION ON HUMAN RIGHTS

Sixtieth session

SUMMARY RECORD OF THE 49th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 15 April 2004, at 10 a.m.

Chairperson: Mr. SMITH (Australia)

CONTENTS

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS:

- (a) TREATY BODIES
- (b) NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS
- (c) ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS
MACHINERY FOR HUMAN RIGHTS (continued)

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CONTENTS (continued)

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB
TERRITORIES, INCLUDING PALESTINE (continued)

Draft resolution concerning human rights in the occupied Syrian Golan

Draft resolution concerning Israeli settlements in the occupied Arab territories

Draft resolution concerning the question of the violation of human rights in the occupied
Arab territories, including Palestine

PROMOTION AND PROTECTION OF HUMAN RIGHTS:

- (a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS
- (b) HUMAN RIGHTS DEFENDERS
- (c) INFORMATION AND EDUCATION
- (d) SCIENCE AND ENVIRONMENT

The meeting was called to order at 10 a.m.

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS:

- (a) TREATY BODIES
- (b) NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS
- (c) ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS

(agenda item 18) (continued) (E/CN.4/2004/4, 89, 95-98, 100, 101 and 125; E/CN.4/2004/NI/1 and 2; E/CN.4/2004/NGO/2, 24, 64, 87, 132, 196, 205, 247 and 252; A/59/65-E/2004/48 and Add.1)

1. Mr. GNONDOLI (National Human Rights Commission of Togo) said that the results achieved by national human rights institutions to date afforded ample proof of the important role they played. The question arose, however, whether they were adequately equipped to do even better, given the apparent lack of interest in their work. It was important to establish cooperative relations, based on trust, with non-governmental organizations (NGOs), for example in the area of human rights investigations. In Togo, however, some NGOs - most of them foreign - published reports on human rights violations without first consulting the National Human Rights Commission. It was an attitude that discredited the national institutions and should be changed.
2. He expressed appreciation of the capacity-building assistance offered to national institutions by the Office of the United Nations High Commissioner for Human Rights (OHCHR). However, such assistance did not yet meet all needs, especially those of institutions in developing countries, which were looking forward to signing cooperation agreements with the Office.
3. He welcomed the dialogue initiated between Togo and its partners, including the European Union (EU), with a view to removing obstacles to cooperation. Progress on that front would doubtless help the National Human Rights Commission and other institutions to operate more efficiently.
4. Cooperation with OHCHR should also entail participation by national institutions in the work of the human rights treaty monitoring bodies.
5. The international community attached great importance to the independence of national human rights institutions. To that end, the International Coordinating Committee of National Human Rights Institutions and the regional committees had developed criteria for assessing compliance with the Paris Principles relating to the status and functioning of national institutions for protection and promotion of human rights. In practice, however, one might query the effectiveness of such independence. Many members of national institutions deplored the tendency of the authorities to ignore their views and recommendations. To remedy the situation, action should be taken to boost the authority of the institutions. He called for the standardization of practices in that regard in the light of United Nations guidelines.

6. Mr. SOW (Senegalese Human Rights Committee) said that a law enacted in 1977 had led to the restructuring of the Senegalese Human Rights Committee to ensure that it complied with the Paris Principles. Since then the Committee had consolidated its independent status. The State had provided it with a budget and appropriately equipped premises and it was in the process of developing its own web site. Within the coming weeks it would submit to the President of Senegal its seventh annual report containing some 20 views and recommendations on such matters as bringing national legislation into line with the country's international obligations; organizing freer and more transparent elections; enhancing the Committee's performance and independence; giving Senegal a higher profile in regional and international human rights organizations; and developing regional branches throughout the country.

7. The Committee had affiliated status with the African Commission on Human and Peoples' Rights and had chaired the Association francophone des Commissions nationales des droits de l'homme since its establishment in May 2002. In that connection, he stressed the importance of ensuring that French was given its proper status as a working language and language of communication in the United Nations system.

8. Although the Senegalese Human Rights Committee was now functioning effectively, its performance could be considerably improved. Progress depended on its members, who needed to be more motivated and efficient, and on the State, which should be more willing to cooperate. It also depended on civil society, particularly NGOs, which should see the Committee as a forum for the free exchange of views. He called on all actors concerned to collaborate responsibly in the common cause of human rights, respecting differences and eliminating prejudice.

9. Ms. SHAMEEM (Fiji Human Rights Commission) said that the Fiji Human Rights Commission, despite its broad constitutional mandate, had been unable to make significant headway in protecting the people from human rights abuses by the State. Such abuses had increased significantly over the previous two years. They included police brutality towards people in detention or under arrest, unacceptable prison conditions, non-observance of human rights by public officials and what could only be described as the maladministration of justice. According to the United Nations Committee on the Elimination of Racial Discrimination, government policies did not comply with the treaty provisions on non-discrimination. Moreover, the level of violence against women and children during the past four months had been the highest ever recorded.

10. The Fiji Human Rights Commission was assailed daily by the opinion that human rights were irrelevant in a situation where small communities purportedly made all their decisions by consensus. Human rights, seen as Western, individualistic and legalistic, should, according to some, be a taboo subject in traditional or village societies. They were considered to undermine societal cohesion and threaten social values. Other views were that human rights had to be curbed to protect national security and to prevent terrorism, or that compulsory testing for HIV/AIDS was necessary for small island populations and that those infected should be sent to a remote island. In other words, responsibility to society must override individual or even collective rights. Policies detrimental to human rights continued to be formulated despite the Commission's innumerable submissions to officials at all levels of government.

11. There were nevertheless some glimmerings of success. A human rights Education Action Plan launched by the Prime Minister in 2003 provided for curriculum development in the formal, non-formal and specialized sectors of education. A partnership with the security forces had been forged to draft a National Security and Human Rights Handbook. A significant human rights advance in the Pacific had been the recommendation by an Eminent Persons Group reviewing the Pacific Islands Forum that human rights machinery should be developed throughout the Pacific Island States with the assistance of the Asia Pacific Forum of National Human Rights Institutions. Fiji was the only Pacific Island State so far with a national human rights institution and it looked forward to sharing best practices with colleagues in the region.

12. The time had come to consolidate the position of national institutions through regional groups such as the Asia Pacific Forum and formal partnerships with NGOs. Her Commission had an ongoing partnership with the Asia Pacific Human Rights Network for the delivery of human rights services to Pacific Island NGOs and States. A Pacific Human Rights Initiative Roundtable on "Problems and prospects for human rights in the Pacific region" was being sponsored jointly by the Commonwealth Secretariat, OHCHR and the Asia Pacific Forum. The Fiji Human Rights Commission would host the meeting, which would address some of the fears of Pacific Island leaders about human rights with a view to encouraging them to attend future meetings of the United Nations Commission on Human Rights.

13. Mr. BELLO (National Human Rights Commission of Nigeria) said that, while the number of national institutions had continued to increase, their funding left much to be desired; hence the difficulties they encountered in fulfilling their broad mandate, which in most cases included investigation of complaints of human rights violations, awareness-raising and human rights education. He called on States to honour their obligation to provide adequate funds for institutions and to guarantee their independence.

14. More than half the world's population lived in poverty, although 95 per cent of States Members of the United Nations had ratified or acceded to the International Covenant on Economic, Social and Cultural Rights. Poverty negated human rights and claims of progress in promoting and protecting human rights rang hollow while so little progress was made on that front. The developed countries took a nonchalant attitude to the problem and the United Nations had failed to develop concrete and binding measures for the realization of economic and social rights. Developing countries themselves were also partly to blame for their failure to consolidate democracy and good governance. He urged the Commission to adopt far-reaching resolutions to address the failure to realize economic and social rights throughout the world.

15. While all forms of terrorism should be condemned, the world must identify and address its causes. The National Human Rights Commission of Nigeria was disturbed by counter-terrorist measures taken by some States which undermined hard-won civil liberties. The war against terrorism must be balanced against respect for fundamental freedoms. According to a recent opinion piece in Newsweek magazine, the best response to terrorism was to live as though democracy was not threatened, and constitutional protections and the rule of law were still the highest priority.

16. Mr. NUSANTARA (Indonesian National Commission on Human Rights) said that the Indonesian National Commission on Human Rights, popularly known as "Komnas HAM", had been established by presidential decree in 1993 but its functions and independence had been

enhanced by Law No. 39 of 1999. Its members were no longer appointed by the Government but elected by Parliament from among candidates selected by an independent body to ensure plurality and diversity. To achieve its goals of protecting and promoting human rights, Komnas HAM engaged in study, research, information and education, monitoring and mediation. It had studied a significant number of discriminatory legal instruments and recommended that some should be repealed or amended. It had also repeatedly urged the Government and Parliament to ratify the International Covenants on Human Rights.

17. Komnas HAM gave high priority to monitoring alleged human rights violations in conflict areas such as Aceh and Papua and to research on the implementation of national legislation and international human rights instruments to which Indonesia was a party. The findings of an observation team that had worked in Aceh in 2003 were being followed up by inquiries focusing on alleged cases of extrajudicial killings, arbitrary arrest and detention, enforced disappearance, hostage-taking, rape and other sexual violence, destruction of public facilities and private property, and the plight of internally displaced persons. Komnas HAM had appealed to both sides to cease all forms of violence and to negotiate a settlement to the conflict.

18. Komnas HAM's mandate had been extended in 2000 to include the conduct of pro justitia inquiries on gross violations of human rights as defined by Law No. 26 on the Human Rights Court. It had conducted inquiries on a number of cases in Papua during the period from 1998 to 2003. Some had not yet been completed and the results of others had been submitted to the Attorney-General and the Human Rights Court in Makassar. Some difficulties had been encountered during the inquiry process because the applicable Code of Criminal Procedure did not cover extraordinary crimes such as genocide and crimes against humanity and Komnas HAM's competence was limited to gathering preliminary evidence.

19. Mr. FAKHROU (National Human Rights Commission of Qatar) said that in 2002 Qatar had established the National Human Rights Commission as well as human rights units in the Ministry of Foreign Affairs, the Ministry of Internal Affairs and other government departments. The Higher Council on the Family established in 1998 also played an important role in the protection and promotion of human rights. The National Human Rights Commission coordinated its work with OHCHR and a number of international governmental and non-governmental organizations and institutions.

20. Qatar had drawn up ambitious plans to incorporate a culture of human rights in the curricula of primary, intermediate and secondary schools and had organized workshops, seminars and conferences in cooperation with relevant bodies. The Human Rights Commission had attended the regional workshop for countries of Asia and the Pacific held recently in Doha.

21. Given its commitment to promoting human rights, Qatar was keen to ratify and accede to international human rights instruments and to participate actively in international human rights forums. It believed that the three basic prerequisites for human rights protection were democracy, peace and development, and that economic, cultural and environmental rights as well as the right to development were no less important than civil and political rights. Action to promote human rights should also be consistent with the country's legislation and the people's religious, moral and cultural values. It should seek to foster democratic principles and

transparency in the work of international organizations and promote international cooperation so that developing countries could benefit from technical and financial assistance in the area of human rights. It was also important to eliminate duplication in the work of the international human rights treaty monitoring bodies and to give priority to strengthening existing national and international human rights mechanisms.

22. The Emir of Qatar had made a strategic choice in favour of democracy and human rights and had consolidated the rule of law in the country. The new Constitution adopted after a referendum in April 2003 guaranteed human rights and fundamental freedoms, provided for the establishment of the country's first elected Parliament, the separation of powers, an independent judiciary, modernization of legislation to bring it into line with international treaties, and the independence of civil society associations.

23. It was to be hoped that national human rights institutions would be given the authority they needed to perform the duties assigned to them in their statutes.

24. Ms. PAMFILOVA (Human Rights Commission, Office of the President of the Russian Federation) said that the implementation of international law needed to be thoroughly reviewed under the auspices of the United Nations to ensure its fairness and effectiveness. The clash of geostrategic interests and the pressures exerted by political circumstances to the detriment of human rights principles were making it increasingly difficult for human rights institutions to operate effectively.

25. In the Russian Federation, notwithstanding the widespread myth of a return to totalitarianism, she assured the Commission that the people had opted for the democratic path to development and that its decision was irreversible. According to a recent public opinion survey, people viewed poverty as the greatest problem facing the country (42 per cent), followed by bureaucracy and corruption (41 per cent) and Chechnya and the fight against terrorism (8 per cent). Only 2 per cent viewed the development of democratic institutions and political freedoms as a problem. Civil society and human rights movements were flourishing. A major achievement on the part of human rights defenders had been the enactment of a law permitting alternative civilian service for those not wishing to perform military service.

26. The Human Rights Commission that she chaired had proved to be an effective channel of communication between civil society and the highest authority in the nation, the President of the Russian Federation. Its members were leaders of the country's foremost human rights organizations, it was fully independent and it focused on the most acute human rights problems. It had succeeded in having the citizenship legislation amended, facilitating the acquisition of citizenship for over 1 million applicants, and it was working for further changes in immigration policy. A law on monitoring respect for human rights in places of detention had been adopted at first reading. The Criminal Code had been amended and made more humane. A significant number of prisoners had had their sentences reduced and some had been released. The Commission had filed an application with the Supreme Court in support of a number of requests for release, especially from minors. As a result, the prison population had been substantially reduced over the past three years. However, a great deal remained to be done to ensure the rehabilitation of prisoners and their reintegration into society.

27. The Commission had taken steps to review the consistency of existing legislation with human rights norms. As a result, amendments had been made to the law on the mass media, and the bill on assemblies, meetings, demonstrations, marches and picketing had been severely criticized for seeking to restrict constitutional rights. Virtually all proposals made by the Commission in consultation with human rights defenders had been supported by the President. The Commission also gave high priority to ensuring access to justice and was currently reviewing the process of judicial reform.

28. The Commission had prepared - and the President had supported - proposals to establish procedures for State and judicial monitoring of respect for human rights by law enforcement agencies. The President had met with human rights defenders, ministers, representatives of law enforcement agencies and members of the Constitutional and Supreme Courts to discuss the most pressing problems. It was unfortunately very difficult, however, to change the attitudes of the officials concerned and persuade them of the unacceptability of repressive measures.

29. With regard to the situation in Chechnya, the Commission had focused on the situation of internally displaced persons. As a person who had regularly visited Chechnya for over 10 years, she assured the Commission on Human Rights that the situation had changed radically for the better.

30. Mr. BARNES (Indigenous World Association), speaking also on behalf of the Indian Council of South America and International Possibilities Unlimited, pointed out that there was no international human rights standard for indigenous peoples and that the complaints they submitted to human rights treaty bodies were not taken seriously by most countries.

31. While the United States Government claimed to promote and protect freedom and human rights, those principles were not applied to the country's indigenous peoples. The Government's reservations and declarations in respect of articles 4 and 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, and its withdrawal from the World Conference against Racism, were used as a licence not to abide by international human rights law, which lacked any effective enforcement mechanisms.

32. Protection of human rights granted by United States national legislation was not always extended to indigenous peoples. Application of human rights instruments was non-compulsory, arbitrary and discretionary.

33. International standards were needed for effective implementation and protection of the individual and collective rights of indigenous peoples. In addition, the establishment of an international review commission specifically entrusted with indigenous issues, or an international ombudsman's office to investigate human rights violations against indigenous peoples, was called for.

34. It was also necessary to address the problem of States parties to international human rights instruments that neglected to fulfil their treaty obligations, as exemplified by Australia's failure to act on recommendations of the Committee on the Elimination of Racial Discrimination regarding Australian Aborigines. To that end, guidelines were required for States that reported on the human rights of indigenous peoples.

35. Mr. TIAHJONO (Pax Romana), speaking also on behalf of the Asian Forum for Human Rights and Development, MINBYUN-Lawyers for a Democratic Society, World Young Women's Christian Association, International Young Catholic Students, the international Movement against All Forms of Discrimination and Racism and the Asia Pacific Forum on Women, Law and Development, said that the Asian NGO Consultation on Vienna+10 held in Bangkok in December 2003 had found that Asian Governments did not adequately contribute to and cooperate in ensuring effective functioning of international human rights mechanisms.

36. The deteriorating human rights situation in the aftermath of 11 September 2001, particularly in the Occupied Palestinian Territory, Afghanistan and Iraq, constituted a threat to the principles of multilateralism and the international rule of law. Counter-terrorism was used to justify existing or newly created repressive legislation in many Asian countries, and nuclear weapons and excessive military spending had become a new threat to security and human rights.

37. In spite of the establishment of the International Criminal Court, impunity for human rights violations prevailed in countries such as India, Indonesia and Myanmar.

38. Asia lagged behind significantly in the process of institution-building to ensure the effective functioning of international human rights mechanisms. All but one Asian State had failed to actively cooperate with the special procedures of the Commission on Human Rights; only three Asian States had so far responded to the OHCHR questionnaire on the national protection system (E/CN.4/2003/14); and 35 States had not yet acceded to the International Covenants on Human Rights.

39. He called on all Asian Governments to issue standing invitations to all special procedures mandate-holders; to cooperate fully with OHCHR and with the regional representative in Bangkok; to accede to all core human rights treaties without reservation and to withdraw any existing reservations; and to diligently fulfil their reporting obligations and implement the recommendations of the human rights treaty bodies.

40. He recalled the Asian NGOs' Consultation's resolution inviting the Commission to consider convening a special United Nations Conference on Human Rights in 2008 to commemorate the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights, and appealed to Asian Governments to speed up the process of establishing an effective regional human rights mechanism.

41. Ms. WYSOCKI (South Asia Human Rights Documentation Centre) said that in the context of the worldwide proliferation of anti-terrorist legislation, there was concern that not all States might comply with their obligations under international instruments on human rights and humanitarian law.

42. In order to ensure compliance, national human rights institutions should be mandated so as to assist States in protecting human rights while combating terrorism. It was States' responsibility to ensure the proper functioning of national institutions by providing them with adequate resources and a sufficiently broad mandate.

43. Reconsideration of the Paris Principles with a view to enabling national institutions to consider the entire body of international human rights law and humanitarian law, instead of just the instruments to which the State was party, when considering complaints and making recommendations to the Government, might further the objective of protecting human rights. National institutions should also be authorized to consider individual cases and to investigate all human rights violations, including those perpetrated by the armed forces.

44. Mr. LITTMAN (World Union for Progressive Judaism) said the comment by the Secretary-General in his report (E/CN.4/2004/101) that increased attention was being given to the question of how to translate international norms into national law was an example of attributing significance to something that simply did not exist. In its written statement (E/CN.4/2004/NGO/88), his organization had referred to Commission resolution 2003/37 on the question of human rights and terrorism, which stated unequivocally that the most essential and basic human right was the right to life. That fundamental concept had been cherished by the late High Commissioner who had condemned terrorism only five months before he and 17 colleagues had been massacred by jihadists on a killing spree. Document E/CN.4/2004/NGO/88 also contained the 1999 Geneva Spiritual Appeal which had been confirmed in March 2003 by representatives of all faiths. Its first precept was clear: it required global decision makers not to refer to any religious or spiritual imperative to justify any form of violence. His organization had urged the Commission to insert two key paragraphs into the highly controversial resolution on combating defamation of religions (E/CN.4/2004/L.5): the first, strongly deploring all references to God in order to justify any form of violence, hatred and the use of any religious motive to kill civilians: men, women and children; and the second, condemning all who blasphemed and defamed religion by claiming to kill in the name of God. Regrettably, its appeals had gone unheeded for a second consecutive year. Two new operative paragraphs had been included, however: one with a political aim, and another which was mere window-dressing on educational matters, in total contradiction with the real situation in several of the sponsor countries. His organization's request to include a paragraph condemning all who blasphemed and defamed religion by claiming to kill in the name of God had been ignored by the 57 OIC Members that had sponsored the resolution.

45. Mr. SIDOTI (International Service for Human Rights) said that, in accordance with the Paris Principles, national human rights institutions must be independent and vocal, accountable to and representative of the people, and possess a broad mandate, adequate powers and sufficient resources. Those were the minimum requirements, which should be met in fact, as well as in law. He urged the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, in its assessment of national institutions' compliance with the Paris Principles, to consider how legislation was applied in practice. Only institutions accredited by the International Coordinating Committee should be entitled to speak at the Commission, and the right to participate should not be restricted to agenda item 18. He appealed to Governments not to restrict the independence and effectiveness of national human rights institutions.

46. Mr. TELCINSCHI (Romanian Independent Society of Human Rights) said that widespread corruption at all levels of government was the main obstacle to the development of trade in Romania. It also prevented effective action to reduce poverty or to curb international adoptions of underage orphans. Instead of trying to protect journalists from harassment and aggression, the Government had restricted the activity of Dilema, a magazine promoting the right

to freedom of expression. The executive branch interfered with the administration of justice, through intimidation and harassment. The Supreme Council of Magistrates was not independent from the executive branch, since the Minister of Justice and other government agents participated in its decision-making process. Government tended to bypass the national parliament by adopting measures by executive decree. The Minister of Justice continued to exercise control over military courts and secret intelligence services.

47. Mr. BROWN (International Humanist and Ethical Union) said that the draft resolution on combating defamation of religions (E/CN.4/2004/L.5) should also have called upon States to refrain from measures leading to religious segregation in education. Non-segregated education for all, based on common human values, was the most effective safeguard against sectarianism, hatred and violence. He expressed concern over the use of the term “defamation” in the draft resolution. It was important to distinguish between defamation of a religion and valid criticism of its practices, especially when such practices were inconsistent with international human rights standards. Accusations of defamation of religion should not be allowed to stifle legitimate criticism or academic research concerning religious history and practices. He urged States whose laws were based on their understanding of God’s law not to treat calls for legislative reform as defamation, blasphemy, or evidence of apostasy.

48. Ms. HUSTEIN (Agir Ensemble pour les Droits de l’Homme), also speaking on behalf of the Arab Centre for International Humanitarian and Human Rights Law Education, said that an expert group composed of Arab members of treaty bodies or special mechanisms of the Commission had proposed a number of changes to the draft Arab Charter on Human Rights. Regrettably, not all of those recommendations had been incorporated into the final version of the Charter, adopted in January 2004. In particular, the proposed changes concerning the role of NGOs in the Arab Human Rights Committee had been ignored. He urged the Arab Human Rights Committee to: clarify provisions concerning equality between men and women; prohibit the application of the death penalty to minors or persons suffering from mental disability; enhance the protection of minorities; strengthen the rights of foreigners; and extend the powers of the Committee to carry out investigations and receive complaints.

49. Ms. SHIBATA (Asia-Japan Women’s Resource Center) said that child abuse victims were twice as likely as other women to become rape victims or fall prey to prostitution networks. The capacity of child abuse victims to assess danger was severely restricted. Furthermore, their psychological reaction to sexual intrusion made them especially vulnerable to sexual objectification, assumed impunity and, consequently, rape. She urged national human rights institutions to curb sexual objectification in the media. Judges and law enforcement officials should receive training to make them more alert to the process of repetitive victimization. Complaints filed by child abuse victims were often dismissed on account of the frequency with which the same individual claimed to have been attacked.

50. Ms. BUNCH (Center for Women’s Global Leadership), speaking on behalf of the International Centre for Reproductive Health and Sexual Rights of Nigeria, said that taboos concerning sexual matters were a barrier to the promotion and protection of human rights. In many societies, children were considered too young to receive information concerning sexual health, but old enough to be married or coerced into sexual relations. In Nigeria, the situation

was compounded by the strong resistance to sex education, lack of support for women with sexual dysfunctions, harassment of transvestites and unfair condemnation of women for alleged sexual offences under the Shariah. Persons with disabilities were vulnerable to sexual abuse, yet often denied the right to information concerning sexual matters. Society denied the very existence of lesbians, gays, bisexuals and transgender persons.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (continued)

Draft resolution concerning human rights in the occupied Syrian Golan
(E/CN.4/2004/L.12)

51. Mr. ATTAR (Saudi Arabia), introducing the draft resolution, on behalf of the sponsors, said that it focused on issues linked to the work of the Commission, in particular human rights violations against Syrian citizens in the occupied Golan.

52. Israel had imposed its administration on the occupied Syrian Golan in violation of the principle of non-acquisition of territory by force as set forth in the Charter of the United Nations. The draft resolution stressed the importance of the peace process and called on Israel to comply with the relevant resolutions of the Security Council and the General Assembly. It called upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the Golan, to allow its inhabitants to return to their homes and to spare them imposition of Israeli citizenship or other measures.

53. The draft resolution reaffirmed the illegality of the occupation and called on all States Members of the United Nations not to recognize the legislative and administrative measures and actions of Israel in the occupied Syrian Golan. It recognized the legitimate right of Syrian citizens in Golan to live in dignity and have their territory restored, and should be viewed as a humanitarian measure designed to alleviate their suffering.

54. Mr. LEVY (Observer for Israel) reminded the Commission that Israel had originally taken possession of the Golan Heights in self-defence in a war which had been initiated by neighbouring Arab countries, and which Syria had lost.

55. In recent years, negotiations had taken place to find a peaceful solution to outstanding issues, including the Golan Heights. The failure to reach an agreement several years back had been due to Syria's refusal to compromise and agree to a proposal that had reflected the interests of both parties.

56. The likelihood of a peaceful solution depended on Syria's willingness to cooperate in combating terrorism. He called on Syria to ban the operations of the 10 terrorist organizations headquartered in Damascus, and take action against the Hamas leader who was also based in the Syrian capital. It should also suspend any assistance to Hezbollah.

57. As a gesture of respect for human dignity, Syria should release information on the whereabouts of the three Israeli soldiers who had gone missing in action 22 years previously in Lebanon.

58. Israel was still committed to negotiating a peaceful settlement with Syria. Adopting one-sided resolutions that determined the future of the territorial issue of the Golan Heights prejudged the outcome of such negotiations and created a disincentive for Syria to return to the negotiating table. He, therefore, appealed to the members of the Commission not to vote in favour of the draft resolution.

59. Mr. WEHBE (Observer for the Syrian Arab Republic) said that the sponsors of the draft resolution had been motivated by their deep concern about Israeli practices in the occupied Syrian Golan, as documented in the report by the Special Committee (A/58/311).

60. The draft also sought to highlight the need for Israel to comply with the relevant resolutions, notably Security Council resolutions that called for withdrawal from all the occupied Syrian Golan. Israel should restart the peace process on the basis of Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace.

61. In the context of the expansion and proliferation of Israeli settlements and attempts to impose Israeli identity on Syrians, it was essential to stress the illegal nature of Israel's 1981 decision to impose its laws on the occupied Syrian Golan, which had resulted in its de facto annexation. The draft resolution called upon Member States not to recognize any of the legislative or administrative measures and actions mentioned in the draft, and demanded that Israel allow displaced persons from the area to return to their homes and to recover their properties.

62. The Commission needed to exert pressure on Israel, so that the Special Committee to investigate Israeli practices could fully discharge its mandate.

63. Any reservations concerning the draft should be seen in the context of the plight and suffering of Syrians in the occupied Syrian Golan.

64. The CHAIRPERSON informed the Commission that there were four additional sponsors of the draft resolution, who would be named in the report.

65. Ms. WHELAN (Ireland), speaking in explanation of vote before the vote on behalf of the States members of the EU that were members of the Commission, and the acceding State Hungary, said that the Union was unable to support the draft resolution. The EU recognized the need to respect and safeguard the human rights of persons living in the occupied Syrian Golan, but was of the opinion that the text needed a stronger focus on the human rights question. That explanation of vote had been agreed to by the EU as a whole, by the acceding States Cyprus, the Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia, and by the candidate countries Bulgaria and Romania.

66. Mr. WILLIAMSON (United States of America), speaking in explanation of vote before the vote, said that the draft resolution was another one-sided text aimed at condemning Israel. It was not helpful in resolving the status of the Syrian Golan or improving the lives of its residents.

67. The objective of guaranteeing peace and security for the entire region could only be reached through direct negotiations between the concerned parties.

68. The draft resolution reflected the Commission's biased approach to Israel. One entire agenda item and three resolutions had been dedicated to the Arab-Israeli situation, and two resolutions considered under other agenda items were also critical of Israel. That disproportion indicated a serious distortion of judgement on the part of the Commission about the relative gravity of human rights abuses worldwide.

69. The energy expended on discussing the Syrian Golan each year would be better spent on achieving progress on the ground. The United States called for a recorded vote and would vote against the draft resolution.

70. At the request of the representative of the United States, a recorded vote was taken on the draft resolution.

In favour: Argentina, Armenia, Bahrain, Bhutan, Brazil, Burkina Faso, Chile, China, Congo, Cuba, Egypt, Eritrea, Gabon, India, Indonesia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Uganda, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Austria, Costa Rica, Croatia, Dominican Republic, Ethiopia, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Netherlands, Paraguay, Peru, Republic of Korea, Sweden, Ukraine, United Kingdom.

71. The draft resolution was adopted by 31 votes to 1, with 21 abstentions.

Draft resolution concerning Israeli settlements in the occupied Arab territories
(E/CN.4/2004/L.19)

72. Ms. WHELAN (Ireland), introducing the draft resolution on behalf of the EU and its acceding countries and all other sponsors, said it was regrettable that Israel had failed to respond to appeals from the international community on the issue of Israeli settlements in the occupied Arab territories.

73. The EU observed with grave concern the continuing settlement activities and the construction of the so-called security fence. The settlements were illegal under international law and constituted a major obstacle to peace. There was also concern that the route marked for the fence in the Occupied Palestinian Territory could prejudice future negotiations, render a two-State solution physically impossible and cause further humanitarian and economic hardship to the Palestinians.

74. The objective of the draft resolution was to reiterate the international community's condemnation of the settlement activities and to call on Israel to reverse its settlement policy and construction of the fence so as to address the related increasing levels of violence.

75. The “Roadmap” endorsed by the United Nations Security Council needed to be implemented as a matter of urgency. An Israeli withdrawal from the Gaza Strip, within the framework of the proposals laid down in the Roadmap, could be a significant step towards a two-State solution, provided that it did not involve a transfer of settlement activity to the West Bank, that there was an organized and negotiated handover of responsibility to the Palestinian Authority, and that Israel facilitated the rehabilitation and reconstruction of Gaza.

76. Mr. LEVY (Observer for Israel) said that the resolution lacked a direct condemnatory reference to the decision taken by the Palestinian Authority to resort to violence rather than continue negotiations as agreed in the 1993 Oslo Accords.

77. The current draft resolution addressed political and non-human rights matters under the guise of a discussion on settlements. It criticized the construction of the security fence, a defensive measure which Israel had been forced to introduce in order to combat violence and the infiltration of terrorists into its territory. Suicide bombers had killed and wounded civilians, including women and children - an act that constituted a crime against humanity - and the Palestinian Authority had taken no significant action to stop such activities.

78. The fence was a temporary defensive measure, not a political act. It was not intended to be a border or to prejudge any future negotiations, and it had no effect on the status of the land on which it was constructed. The Commission on Human Rights was not a suitable forum to discuss the fence, especially not within the context of a resolution on settlements.

79. The fact that the draft resolution was being discussed just when talks were being held between Israel and the United States regarding Israel’s unilateral disengagement from the Gaza Strip illustrated the Commission’s lack of connection with reality. Israel’s unilateral initiative presented to a member of the Quartet, of which the United Nations was also a member, should be sufficient reason to reconsider the annual ritual of condemnation. In the draft resolution, that initiative received much less attention than other aspects of Israeli policy.

80. The draft resolution addressed the questions of curfews and restriction of movement, which were also unrelated to settlements. Those measures had been introduced only to stem the current wave of violence; in the absence of action by the Palestinian Authority against suicide bombers, they would continue to be necessary to protect Israel’s civilian population.

81. The parameters for a permanent settlement between Israel and the Palestinians needed to be negotiated between the two parties. Passing one-sided judgements on outstanding issues prejudged the results of the negotiations and thus created an additional disincentive for the Palestinians to return to the negotiating table.

82. Mr. RAMLAWI (Observer for Palestine) said that, although it had in the past supported European efforts to table a resolution on the question of Israeli settlements in the occupied Arab territories, his delegation could not endorse the draft text that was before the Commission because it encompassed much broader issues than it ought to. His delegation categorically rejected operative paragraph 2 (c) in which the Commission urged the Palestinian Authority to concretely demonstrate its determination in the fight against terrorism and extremist violence.

Such a statement amounted to an instigation to war against the Palestinian people. The people of Palestine who had shown resistance to the Israeli forces within the occupied territories were not terrorists but were merely exercising their legitimate right to resist occupation. Any acts of resistance that took place outside the occupied territories - including those that took place in Israel - should not be discussed under agenda item 8. His delegation would only accept the draft resolution if operative paragraph 2 (c) was removed. Regrettably, its appeals to the European States to that effect had not been taken into account.

83. Mr. UMER (Pakistan), speaking on behalf of the members of the Commission that belonged to the Organization of the Islamic Conference (OIC) in explanation of vote before the vote, said that the OIC remained deeply concerned about the establishment and expansion of Israeli settlements in the occupied Palestinian territories. Although the OIC countries had supported the resolution in the past, they would abstain from voting on the draft text at the current session because it contained material that went beyond its original intention. For example, operative paragraph 2 (c) contained new language that placed the onus of violence in the occupied Palestinian territories solely on the Palestinian Authority. Yet, the Palestinian Authority could not be expected to meet its obligations in the current climate of assassinations, destruction and brutal military power. The construction of the separation wall by Israel in contravention of international law had added a tragic and dangerous new dimension to the situation. Operative paragraph 2 (d) mentioned Israel's right to self-defence in the face of terrorist attacks against its citizens, but failed to take into account the established precept that the right to self-defence could be invoked only within the recognized borders of a State and only when that State conducted itself in conformity with the principles of international law. Although the Arab Group had engaged in serious consultations with the sponsors of the draft resolution in the hope of reaching a consensus, its concerns had not been taken into account.

84. Mr. WILLIAMSON (United States of America) said that the draft resolution before the Commission was fundamentally inconsistent with the joint statements made by the Quartet. Although the sponsors had attempted to add some measure of balance by including language that condemned terrorist attacks against civilians, the draft text directed all specific criticism and calls for action to Israel and failed to cite the obligations and responsibilities of the Palestinians and to criticize those who supported terrorist groups. President Bush had said that the Palestinian State had to be reformed as a peaceful and democratic State that abandoned forever the use of terror. He had also made it clear that Israel should also take steps under the framework of the Roadmap. The United States Secretary of State had indicated that Israel and Palestine had to walk the road of peace together, if either were to arrive at the desired destination. Unfortunately, given its lack of balance, the draft resolution before the Commission failed to provide any incentive for either side. His delegation therefore called for a recorded vote on the draft resolution and would vote against its adoption.

85. Mr. GONZÁLEZ-SANZ (Costa Rica) said that, although his delegation supported the underlying principles contained in the draft resolution, it would abstain from voting because the draft text failed to reflect that there were two parties to the conflict and that both were suffering from violence. There should be no doubt, however, as to Costa Rica's desire for peace and dialogue in the Middle East: his delegation would willingly support the adoption of a more balanced draft.

86. Mr. MAXWELL HEYWARD (Australia) said Australia shared the view that Israeli settlements were an obstacle to the achievement of a long-term, peaceful resolution of the Middle East conflict but would abstain from voting because the draft resolution was unbalanced in its criticism of Israel. Australia supported Israel's right to take defensive measures, including through the construction of a security barrier, but had concerns about the barrier's route.

87. Mr. WANG Min (China) suggested that the Commission should vote separately on operative paragraphs 2 (c) and (d). However, if that was not possible, his delegation would abstain from voting.

88. The CHAIRPERSON said that it was regrettably too late for additional proposals.

89. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution.

In favour: Argentina, Armenia, Austria, Bhutan, Brazil, Chile, China, Croatia, Ethiopia, France, Germany, Guatemala, Hungary, India, Ireland, Italy, Japan, Mexico, Nepal, Netherlands, Paraguay, Peru, Republic of Korea, Russian Federation, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland.

Against: Congo, United States of America.

Abstaining: Australia, Bahrain, Burkina Faso, Costa Rica, Cuba, Dominican Republic, Egypt, Eritrea, Gabon, Honduras, Indonesia, Mauritania, Nigeria, Pakistan, Qatar, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Uganda, Zimbabwe.

90. The draft resolution was adopted by 27 votes to 2, with 24 abstentions.

Draft resolution concerning the question of the violation of human rights in the occupied Arab territories, including Palestine (E/CN.4/2004/L.6)

91. Mr. UMER (Pakistan), introducing the draft resolution on behalf of the Organization of the Islamic Conference (OIC), said that there had been a sharp rise in human rights violations in the occupied Palestinian territories since the previous session of the Commission. The Special Rapporteur indicated in his report (E/CN.4/2004/6) that the situation in the Occupied Palestinian Territory was characterized by serious violations of international, human rights and international humanitarian law and pointed out that sustainable peace in the region should be pursued within the framework of international law and the relevant United Nations resolutions. The Israeli forces committed violations such as acts of extrajudicial killing, closures, collective punishments, arbitrary detentions, siege and shelling of Palestinian towns and expansion of Israeli settlements. As a result, since September 2000, the death toll had reached 2,800 and almost 15,000 Palestinians had lost their homes. Some 3 million Palestinian refugees were facing a dire humanitarian crisis. Furthermore, the Israeli authorities had continued the illegal construction of a separation wall in contravention of international law and in defiance of the appeals made by the international community. The building of such a wall inside Palestinian territory was tantamount to the de facto annexation of Palestinian land. Many of the Palestinians

living in the newly created enclaves would become socially and economically isolated. Durable peace in the Middle East could be achieved only through the establishment of an independent State of Palestine in accordance with the relevant United Nations resolutions, which would require full adherence to and implementation of the Roadmap. The international community should urge Israel to end the human rights violations in the Occupied Palestinian Territory. The draft resolution before the Commission was based on facts. He sincerely hoped that it would receive the support of the whole Commission. In conclusion, he informed the Commission that the words "by all available means" in the eighth preambular paragraph should be replaced by the words "in conformity with international law".

92. The CHAIRPERSON informed the Commission that three more countries had joined the sponsors of the draft resolution.

93. Mr. LEVY (Observer for Israel) urged the Commission to reflect carefully on the nature of the draft resolution and on the motives of those who had submitted it. The wording and implications of the text would contribute neither to the advancement of human rights nor to the cessation of violence in the region. If the text had truly been designed to promote human rights, it would have taken a factual, rather than a politicized and one-sided, approach. If it had been designed to end violence, it would have included a clear and unequivocal demand for the Palestinian leadership to call on all its followers to end the violent armed attacks and suicide bombings against Israel. The Palestinian Authority was clearly unwilling to engage in such condemnations and to fulfil its obligations to fight terrorism. Moreover, it appeared that a non-existent distinction was made between areas where terrorists operated and areas where they did not. If the sponsors of the draft resolution were committed to ending incitement, hatred and violence, they would also call on the Palestinian leadership, the media and religious leaders in Gaza and the West Bank to end their anti-Israel and anti-Jewish campaign. Those genuinely interested in peace would address their messages to both sides. As it stood, the draft resolution seemed to suggest that Israel should yield immediately to all Palestinian demands.

94. Israel had been unfairly singled out for special treatment under a number of different agenda items and had been held up by some speakers as a scapegoat for the failure of the Palestinian Authority to protect the human rights of its people. Between 1994 and 2002, the Palestinian Authority had received funds from donor countries in excess of \$5 billion. However, the fact that there had been no significant changes or developments in long-term sustainable projects was hardly the fault of Israel. Israel was the only State Member of the United Nations that was deprived of the right to belong to a regional group and was thus unable to become a member of the Commission. He urged delegations to vote against the draft resolution.

95. Mr. RAMLAWI (Observer for Palestine) said that the Commission's position regarding the situation in the occupied Arab territories had remained unchanged for many years. It was clear that Israel as an occupying power had not ceased to violate the human rights of the Palestinian people. In fact, Israel had been very creative in finding new ways to violate those rights, such as the construction of the separation wall. The previous day, following talks with the Israeli Prime Minister, President Bush had endorsed a plan that would allow Israel to steal even more land from the Palestinians and had announced that it was unrealistic to expect that the outcome of final status negotiations would be a full and complete return to the armistice lines of 1949. That shift in policy signified the end of the Roadmap and would encourage Israel to pursue its aggression against Palestine. His delegation strongly rejected the statement made by

President Bush. The borders of the State of Palestine as defined in General Assembly resolution 181 (II) of 1947 were the only borders to have been accepted by the international community and were therefore the only valid ones, as had been acknowledged by the Secretary-General.

96. Mr. WILLIAMSON (United States of America), speaking in explanation of the vote before the vote, said that the United States was deeply concerned about the terrorist activities and ongoing violence in Israel, the West Bank and Gaza. The human rights situation in those areas had deteriorated largely because of the conflict. Regrettably, the draft resolution did not reflect the reality of the situation on the ground but presented a completely one-sided perspective, turning a blind eye to other issues such as terrorism. The text's sponsors ignored the fact that Israeli actions took place in the context of the Palestinian terrorist attacks against Israeli civilians and alluded to the right of resistance in an attempt to justify the use of terrorism by Palestinians against Israelis. Palestinian suicide bombers murdered innocent people and such actions should be condemned in the strongest terms. Adopting a resolution that essentially endorsed the use of terrorism would be reprehensible and contrary to the very concept of human rights. A fair observer would have to recognize Israel's right to self-defence. There could be no excuse for the violence the Israeli people had had to endure. The United States remained committed to moving the Middle East peace process forward in a manner consistent with the relevant Security Council resolutions. President Bush had clearly articulated his vision of two States living side by side in peace and security and had taken productive and positive steps towards achieving a solution to the conflict. The actions of the Commission, however, were unhelpful and appeared to be divorced from the reality of what was necessary on the ground to adhere to peace. It was inappropriate for the Commission to pass judgement in its resolutions on political matters such as borders and settlements that were beyond its jurisdiction and competence. Such action could never be a substitute for negotiations between the two parties. His delegation looked forward to the day when the Commission would take a balanced and constructive approach to human rights concerns in the Middle East. It called for a recorded vote on the draft resolution and would vote against it.

97. Ms. WHELAN (Ireland), speaking on behalf of the countries of the EU that were members of the Commission and the acceding State of Hungary, said that the explanation of vote had been agreed to by the EU as a whole and by the acceding countries of Cyprus, the Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia and the candidate countries of Bulgaria and Romania. The EU was deeply concerned by the human rights violations and civilian deaths that had been taking place as a result of the Israeli presence and military operations in the occupied territories. Notwithstanding its right to fight terrorism, Israel bore full responsibility for preventing, investigating and sanctioning such violations. The EU condemned all terrorist acts, including those that continued to be carried out by Palestinian groups, and called on the Palestinian Authority to address the issue of security and to combat terrorism. It welcomed the announcement of plans to improve Palestinian security performance but stressed the need for full and proper implementation. Regrettably, although the EU shared many of the concerns expressed in the draft resolution, it was unable to support the draft text, which failed to condemn terrorism in a sufficiently clear and unequivocal manner and used emotive language that was not appropriate to the Commission. Neither did it call on the Palestinian Authority to meet its commitment to bring terrorists to justice. The EU's firm

commitment to the cause of human rights in the occupied territories was demonstrated in the resolution just adopted as document E/CN.4/2004/L.19 and by its support for relevant resolutions in other United Nations forums.

98. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution.

In favour: Armenia, Bahrain, Bhutan, Brazil, Burkina Faso, Chile, China, Congo, Cuba, Egypt, Eritrea, Gabon, India, Indonesia, Mauritania, Nepal, Nigeria, Pakistan, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Uganda, Ukraine, Zimbabwe.

Against: Australia, Germany, Hungary, Italy, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Costa Rica, Croatia, Dominican Republic, Ethiopia, France, Guatemala, Honduras, Ireland, Japan, Mexico, Paraguay, Peru, Sweden.

99. The draft resolution, as orally revised, was adopted by 31 votes to 7, with 15 abstentions.

PROMOTION AND PROTECTION OF HUMAN RIGHTS:

- (a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS
- (b) HUMAN RIGHTS DEFENDERS
- (c) INFORMATION AND EDUCATION
- (d) SCIENCE AND ENVIRONMENT

(agenda item 17) (E/CN.4/2004/84-88, 90-93, 94 and Add.1-3, 114 and 121; E/CN.4/2004/NGO/5, 15, 66, 77, 98, 106, 112, 123, 126, 149, 198, 207, 210, 229, 243 and 259; A/58/380)

100. The CHAIRPERSON recalled that, in decision 2003/118, the Commission had postponed consideration of the draft resolution on human rights and sexual orientation (E/CN.4/2003/L.92) and proposed amendments thereto (E/CN.4/2003/L.106-110) until the current session. In a letter dated 31 March 2004, the Permanent Mission of Brazil had requested a further postponement of consideration of that draft resolution until the sixty-first session of the Commission. Since no objection had been made, he took it that the Commission wished to defer to its sixty-first session consideration of the documents referred to in its decision 2003/118.

101. It was so decided.

102. Ms. JILANI (Special Representative of the Secretary-General on the situation of human rights defenders), introducing her report (E/CN.4/2004/94 and Add.1 and 2), said that, during the period under review, she had sent out 235 communications concerning over 266 cases, which

was a reflection of the increased visibility of her mandate and the need for a stronger commitment to protect human rights defenders. The communications referred to 18 cases of murder and 10 of attempted murder, 88 arrests, 48 assaults, 18 abductions, 42 cases of torture or other forms of ill-treatment, and 69 cases involving threats or harassment. In several countries, Governments had imposed unwarranted regulations and controls on NGOs, through taxation or registration requirements. The substantial number of communications concerning violations by courts, including military courts, government ministries and even parliament, indicated an institutionalization of violations against defenders. The lack of judicial response resulted in an unacceptably high level of impunity; in fact, very often, the identity of perpetrators remained entirely unknown. Regrettably, 50 per cent of her communications had not received a response from the Government concerned. Consequently, the possibility of dialogue, and the capacity of the Commission to uphold international human rights standards, had been severely restricted.

103. Some important initiatives had been taken during the past year. Many Governments had conducted debates or adopted new legislation in support of defenders. She welcomed the establishment by the African Commission on Human and Peoples' Rights of a focal point on human rights defenders. She urged States to develop plans of action, indicating the practical steps they intended to take over the next two years to implement the Declaration on Human Rights Defenders. OHCHR should collect those plans of action and provide States with technical support.

104. Country visits were an essential component of her mandate, and she hoped to receive a positive response to her requests to visit African countries over the coming year. In the light of her visit to The former Yugoslav Republic of Macedonia in 2003, she noted that the significant political and social transformation had been only partially successful. Human rights defenders continued to face a difficult environment, owing to gaps in the legislative framework, corruption, police misconduct and lack of independence of the judiciary. In order to strengthen their impact, defenders needed to establish effective networks, improve coordination and devise better strategies for sustaining their activities. She called for a review of the relationship between defenders and the international community.

105. In the light of her visit to Thailand, she acknowledged the important role played by Thailand as a regional centre for human rights defenders. In spite of initiatives taken by the Government, however, a number of concerns overshadowed an otherwise positive environment. Official statements denigrating defenders, attempts to control NGO funding, and the harassment of NGOs through State security mechanisms had resulted in tension between the Government and the human rights community. Severe constraints had affected the freedom to protest, and alleged extrajudicial killings had been committed in the course of government operations against drug trafficking. The environment was no longer conducive for activities of defenders working from Thailand on human rights concerns in other countries in the region, such as Myanmar. Nevertheless, she had been encouraged by the cooperative approach of the Government during her visit.

106. Ms. STEFANOVSKA-SEKOVSKA (Observer for The former Yugoslav Republic of Macedonia) said that the Special Representative on the situation of human rights defenders had visited her country shortly after the election of a new Government. The situation had improved significantly since then. The Government had taken steps to enhance the status of human rights defenders and to facilitate their work. Ratification of the two Optional Protocols to the

Convention on the Rights of the Child had been completed, and an initial report had been submitted to the Committee on the Elimination of Discrimination against Women. Women's organizations and NGOs had been very active in the preparation of that report. New laws had been adopted concerning the independence of court budgets and appointment of an Ombudsman.

107. In cooperation with OHCHR, the Government had undertaken several training activities to enhance the capacity of human rights defenders and NGOs. The corresponding seminars, workshops and other meetings had focused on international human rights treaties and implementation mechanisms. Training was a key element of the Government's strategy for improving the quality of independent human rights monitoring.

108. Regrettably, there had been few references in the report to the efforts made by her Government, in spite of the limited resources at its disposal. Some of the Special Representative's conclusions had been based entirely on statements by NGOs. Nevertheless, the Government pledged to consider the recommendations seriously, and to use them in developing future policies. She issued a standing invitation to all thematic procedures of the Commission to visit her country.

109. Mr. SATJIPANON (Observer for Thailand) said that his country had been the first in Asia to respond positively to a request for an official visit by the Special Representative on the situation of human rights defenders. It had engaged in a cooperative relationship with the Special Representative from the outset. The effective implementation of human rights standards was dependent upon improved capacity-building for law enforcement officers and personnel working in the field of human rights. The Government had set up a Rights and Liberties Protection Department under the Ministry of Justice to serve as a focal point for the promotion and protection of human rights. It welcomed efforts to strengthen the contribution of civil society in that regard.

110. The credibility of special procedures depended on their balance, accuracy and integrity. His Government could not accept the amount of unsubstantiated information and number of generalizations contained in the report of the Special Representative. As she herself had noted, Thailand had a vibrant community of human rights defenders. Therefore he failed to understand why she had missed the opportunity to present a case of good practices in a developing country, as an example to be followed by countries facing similar difficulties.

111. The structure and content of a country report should be different from an annual report. It should be focused, so as to provide an in-depth analysis and practical recommendations. It would be useful to standardize the various approaches adopted by different special procedures, which often caused unnecessary confusion for States. His Government pledged to implement any recommendations it deemed beneficial for its people. Country visits should be a successful learning experience for all concerned, including the Government, the special procedures, human rights defenders and civil society. The promotion and protection of human rights could only be achieved through cooperation and dialogue, taking the specificities of each country fully into account.

The meeting rose at 1 p.m.