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Chairperson: Mr. WIBISONO (Indonesia)

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

STATEMENT BY THE FIRST DEPUTY MINISTER FOR FOREIGN AFFAIRS OF
THE REPUBLIC OF MOLDOVA

1. Ms. KISTRUGA (Republic of Moldova) said that her Government, which was fully committed to the multilateral system of the United Nations, considered that all the global challenges facing the United Nations had a human rights dimension, whether it was the response to terrorism, armed conflicts in various parts of the world, people-trafficking, the HIV/AIDS pandemic or extreme poverty. Those transnational issues required a multilateral response and it was crucial that, in addressing them, the United Nations system, particularly the human rights institutions, including the Commission, should operate with maximum effectiveness. In order to ensure greater effectiveness, member States had at previous sessions envisaged the introduction of a process of reform. Their proposals had been developed further and were incorporated in the report of the High-level Panel on Threats, Challenges and Change. The report outlined the problems and difficulties facing the Commission and proposed solutions. The recommendation to expand membership in the Commission to all Member States was very attractive. Further consideration should be given, however, to the question of the interrelationship between the Commission on Human Rights and the Third Committee of the United Nations General Assembly, as well as the Economic and Social Council. Her delegation also supported the recommendations on setting up a council or panel to advise the Commission on the preparation of an annual report on human rights worldwide and on greater interaction between the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Security Council. The idea of the creation in the longer term of a Human Rights Council, as a Charter body alongside the Security Council and the Economic and Social Council, was a promising one. The report of the High-level Panel rightly pointed out that human rights must be integrated throughout the work of the United Nations in order to support the development of strong national human rights institutions, particularly in countries affected by conflict. That was especially important when the United Nations agencies were embarking on the process of assessing the needs of those countries and planning long-term assistance for them.

2. In the case of her country, the new five-year programming cycle had begun in 2005. The Common Country Assessment (CCA) process would set up the priority areas for United Nations support and the United Nations Development Assistance Framework (UNDAF) would define the common strategic framework for the operational activities of the United Nations system. Her Government had always stressed that the process should have a human rights-based approach in order to build the country's capacity in that field. In pursuing the Millennium Development Goals, it would ensure that human rights were integrated into United Nations development and humanitarian programmes in Moldova.

3. As pointed out by other delegations, primary responsibility for the promotion and protection of human rights rested with governments, with civil society, the media and non-governmental organizations also playing an important role. Assisted by the United Nations Development Programme (UNDP), her Government had adopted a National Human Rights Action Plan for the period 2004-2008. The Plan provided for a wide range of actions by central

and local authorities aimed at improving the legal framework, strengthening democratic institutions and increasing public awareness. A substantial part of the Plan was dedicated to education and training in human rights with the purpose of creating a human rights culture in Moldovan society. The competent governmental bodies had cooperated with various national and international non-governmental organizations, notably Amnesty International, the Helsinki Committee on Human Rights and the American Bar Association, which had concluded agreements on partnership and cooperation with the Moldovan Ministry of Education. The Government hoped that such an approach would create a solid basis for further common action by the Government and non-governmental organizations, in which criticism would give way to partnership and cooperation.

4. Her Government had also started to implement the European Union Moldova Action Plan, which laid out the strategic objectives of cooperation between Moldova and the European Union, inter alia, in the field of human rights, with a view to supporting Moldova's further integration into European economic and social structures. According to the Plan, Moldova was expected to ratify 24 United Nations conventions and protocols in the field of human rights.

5. The human rights treaty bodies played a vital role. At the same time, treaty body reporting was a major burden for small countries. For instance, in 2005, Moldova would have to prepare and submit three periodic reports. The Government would do its best to fulfil its treaty obligations, but it would appreciate any assistance from the relevant United Nations bodies. Moldova had recently submitted its second and third periodic reports under the Convention on the Elimination of All Forms of Discrimination against Women. The measures to improve the rights of women outlined in that report were in line with the commitments made by the Moldovan Government under the Beijing Declaration and Platform for Action and the final documents adopted by the United Nations General Assembly at its twenty-third special session.

6. She welcomed the fact that the High Commissioner for Human Rights had indicated that support for the treaty bodies was one of the priorities for her Office. The introduction of a more rational reporting system would lighten the load for States while maintaining robust monitoring of national human rights situations. It would also be important to strengthen technical assistance in order to help States, particularly small States, to fulfil their reporting obligations.

7. One of the greatest challenges for the international community was to devise effective responses to human rights violations. In that context, no effort should be spared to make the best use of existing mechanisms and instruments. In that connection, the Transnistrian region of the Republic of Moldova had an authoritarian, separatist regime that constantly and systematically disregarded any notion of human rights and fundamental freedoms. Freedom of expression was suppressed, newspapers were closed down and journalists were intimidated by the regime's security forces. Political opposition was regarded as a threat to the authoritarian regime and the activities of opposition political parties were banned or suspended. The right to own property was violated for both individuals and companies. Hotels and other premises were seized without explanation or legal justification. Arbitrary detentions and arrests were widespread and freedom of thought, conscience and religion was severely limited.

8. In the summer of 2004, children from the Moldovan schools of Transnistria using the Latin alphabet had become the victims of hateful blackmail by the separatist regime. Children had been deprived of their elementary right to education, schools had been assaulted by the security and militia forces and pupils and teachers had been taken hostage, while children's parents had been harassed and intimidated. The Committee of Ministers of the Council of Europe had declared that using children as political pawns was totally unacceptable from a human rights perspective. It would be appropriate if the Commission, like the Council of Europe, condemned that violation of the right to education by the separatist regime. Although schools in Transnistria had reopened, the problem had not been completely solved and new difficulties might occur in the next school year. One matter of great concern for the Government of the Republic of Moldova was the ongoing imprisonment of two members of the "Ilascu Group", who had been convicted in 1993 by an illegal court in Transnistria. On 8 July 2004, the European Court of Human Rights had unanimously called on the respondent States to put an end to their arbitrary detention and release them immediately. The competent authorities of the Russian Federation had so far defied the ruling. She took the opportunity to call upon the members of the Commission on Human Rights in particular, and the international community at large, to use all available means to ensure the implementation of the decision of the European Court of Human Rights. The international community had the responsibility to protect human rights and therefore to react when those rights were not respected. When legal measures failed to resolve the situation or when a State was unable to redress the situation itself, the international community should take coercive, proportionate political, economic or judicial measures against those responsible for human rights violations. If the Commission was to remain credible, it must strive to prevent and end such violations wherever they occurred.

STATEMENT BY THE VICE-MINISTER FOR FOREIGN AFFAIRS OF PARAGUAY

9. Mr. MARTÍNEZ LEZCANO (Paraguay) began by expressing his Government's desire for closer technical cooperation with OHCHR, principally with a view to making a diagnosis that would serve as a basis for drawing up a national plan for the training of government officials. Such training would cover the preparation of thematic reports, the implementation of treaties and the application of the decisions and recommendations of treaty bodies and non-treaty mechanisms.

10. His Government noted with satisfaction that the work of the Secretary-General's High-level Panel on Threats, Challenges and Change had already led to a report containing recommendations. It considered that all the recommendations concerning the reform of the Commission on Human Rights were very useful and had the same aim of strengthening the highest United Nations body responsible for the promotion and protection of human rights. Those recommendations required detailed, in-depth analysis and he welcomed the idea of an annual report on human rights worldwide and the recommendation on the participation of all States in the Commission.

11. Paraguay was a first-time member of the Commission on Human Rights and intended to put itself forward as a candidate for a second term in the period 2007-2009. That intention demonstrated the Government's great interest in the international protection and promotion of human rights, cooperation with human rights bodies and special procedures and the strengthening of the system as a whole.

12. Both the Government and Paraguayan society had been deeply distressed by the cruel outcome of the abduction of Miss Cecilia Cubas, found dead after being kidnapped for ransom and held prisoner for more than 140 days. Hope had not been lost of discovering the whereabouts of another victim of a similar act, Mrs. María Estela Vargas, who had disappeared in August 2003. The Paraguayan authorities were making a determined effort to investigate those crimes in accordance with due process of law and appealed to the international community to help them in their task. They wanted to meet the legitimate expectations of victims and family members who were demanding that justice be done.

13. The firm commitment of the Government of President Duarte Frutos to the universal system of human rights was an integral part of its foreign policy. The Government reiterated its standing invitation addressed in 2003 to the officials responsible for special procedures and its determination to report regularly to the various treaty-monitoring bodies and act on their recommendations. As a party to six of the seven main United Nations instruments and to their respective protocols, Paraguay had participated in the global campaign for the rapid entry into force of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Government had signed that instrument in September 2004 and it would shortly be submitted to the Congress for ratification. Since 2001, an ad hoc commission of government officials and representatives of United Nations agencies and non-governmental organizations had been responsible for visiting prisons to ensure respect for the Standard Minimum Rules for the Treatment of Prisoners. The Ombudsman also regularly carried out such inspections.

14. He thanked Mr. Bernard Kessedjian for his competent chairmanship of the Working Group on a draft legally binding normative instrument for the protection of all persons from enforced disappearances and supported the renewal of his mandate.

15. In the context of the entry into force of the Rome Statute of the International Criminal Court, the Paraguayan authorities had organized an international seminar in Asunción in October 2004, with the participation of representatives of several European and Latin American Governments, the NGO Coalition for the International Criminal Court and Amnesty International. In addition, as a follow-up to their open-ended standing invitation to all special procedures officials, they had welcomed Mr. Juan Miguel Petit, Special Rapporteur on the sale of children, child prostitution and child pornography, the first special rapporteur to visit Paraguay, who had transmitted his findings in February and March 2004. The Government was committed to promoting the necessary legislative and institutional reforms to ensure better protection of children. It had already adopted a national programme against sexual exploitation of children and child labour, which was in the process of implementation, and had sent to the Congress a bill criminalizing child pornography. In association with UNICEF, it would publish the Special Rapporteur's report in order to ensure the dissemination of his recommendations and thus their implementation.

16. His Government paid special attention to the promotion and protection of women's rights. In January 2005, the Minister for Women had presented Paraguay's fourth and fifth reports to the Committee on the Elimination of Discrimination against Women. The Government had encouraged the establishment of a broad-based working group, with the

participation of civil society, to follow up and implement the Committee's recommendations. Paraguay also gave the highest priority to combating trafficking in persons. To that end, it had set up an intersectoral body comprising government officials, cooperation institutions and civil society organizations. With the support of the International Organization for Migration and the Inter-American Development Bank, the Government was in the process of making a diagnosis that would help in drawing up an action plan for the prevention and eradication of trafficking in persons. In that regard, it welcomed enthusiastically the proposal by the Government of Switzerland that women Ministers for Foreign Affairs should include in their discussions the issue of trafficking in women for the purpose of sexual exploitation. On 12 July 2004, the Government had presented to the Human Rights Committee its second report on the implementation of the International Covenant on Civil and Political Rights.

17. The right to the truth was an inalienable right demanded by societies that had suffered serious and systematic violations of human rights and fundamental freedoms. The countries of the Southern Cone of Latin America had suffered painful experiences during their periods of dictatorship. Since the return to democracy in the 1980s, they had demonstrated their commitment to the human rights of victims and victim's family members by establishing truth and reconciliation commissions. In that context, the member States of MERCOSUR unreservedly supported the initiative by the Republic of Argentina to submit a draft resolution on the right to the truth at the current session, which it hoped would be adopted by consensus. Paraguay, for its part, had decided in 2003 to establish a Truth and Justice Commission as an independent body responsible for investigating and clarifying the serious human rights violations committed during the dictatorship, between 1954 and 1989, and even up to 2003. Despite limited financial resources, the Commission had begun its work, receiving complaints, compiling reports and collecting testimony from victims both in the capital city and in the rest of the country. He thanked the States that had provided support to the Commission, particularly the Government of Sweden through the organization DIAKONIA. Technical cooperation would be a useful aid to the Commission, which had the difficult task of completing within 24 months investigations covering a period of more than 50 years. He thanked the High Commissioner for having provided the Truth and Justice Commission with all the information on complaints and cases of human rights violations concerning Paraguay considered by the Commission on Human Rights between 1978 and 1990, under the confidential procedure established by Economic and Social Council resolution 1503 (XLVIII). Draft basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law had just been finalized. Paraguay had also taken the unprecedented initiative of inviting the Inter-American Court of Human Rights to hold a special session in Asunción from 9 to 13 May 2005.

18. MERCOSUR, whose Presidency was currently occupied by Paraguay, had decided to convene a Meeting of Senior Human Rights Authorities, which would meet for the first time in Asunción from 4 to 6 May 2005. Its very full agenda included the NIÑOSUR initiative for the promotion and protection of the rights of the child. Paraguay had also submitted a draft human rights clause or protocol on the commitment of MERCOSUR to the protection of human rights, which was intended to expand and reinforce the Ushuaia Protocol's Commitment to Democracy.

19. There was no question that democracy, development and human rights were interdependent. Promotion of the right to development required the solidarity of all countries, particularly developed countries. Like other G-20 nations, Paraguay firmly supported the Doha Development Agenda and the World Trade Organization (WTO) negotiations, particularly the work programme on small economies. As a developing country, even with the financial constraints and the considerable comparative and competitive disadvantages of being a landlocked country, Paraguay was facing up to its responsibility to achieve the Millennium Development Goals. The Government had established intermediate goals for 2008 and, with technical assistance from UNDP and UNICEF, had drawn up a budget which gave a prominent place to social spending. For the first time, budget credits had been allocated to combating malnutrition among vulnerable population groups.

STATEMENT BY THE DEPUTY DIRECTOR-GENERAL OF THE MINISTRY OF FOREIGN AFFAIRS OF ISRAEL AND HEAD OF THE UNITED NATIONS AND INTERNATIONAL ORGANIZATIONS DIVISION

20. Mr. LESHNO-YAAR (Israel) recalled that the Jewish people had confronted many of the crucial issues before the Commission, such as slavery, hunger, discrimination and persecution, throughout its history and particularly in the twentieth century, with the unspeakable atrocities of the Holocaust. The lesson the Jewish people had learned from those ordeals was the obligation not to forget, so as to be in the forefront of the fight against hatred and discrimination.

21. The obligation to combat anti-Semitism, racial discrimination and the defamation of religions was particularly binding on the United Nations, as the Secretary-General, Mr. Kofi Annan, had recalled recently at the inauguration of Israel's new Holocaust Museum. Several of the resolutions adopted by the Commission in 2004 had included a rejection of anti-Semitism, as had the twenty-eighth special session of the General Assembly held in New York on 24 January 2005 to commemorate the sixtieth anniversary of the liberation of the Nazi concentration camps. An exhibition entitled "Auschwitz - the Depth of the Abyss", shown at United Nations Headquarters in New York, would open shortly at the Palais des Nations in Geneva. He urged members of the Commission to visit it. The Berlin Declaration against Anti-Semitism, adopted by the Organization for Security and Cooperation in Europe on 29 April 2004, was similarly heartening and included the commitment by member States to collect data on all anti-Semitic incidents and to promote educational initiatives to counteract anti-Jewish prejudice.

22. The current session of the Commission would be crucial in determining whether it would be relevant to the advancement of human rights in the years to come. As the recent report of the Secretary-General's High-level Panel stated, the Commission's credibility and professionalism had been eroded in recent years. That loss of credibility was nowhere clearer than in its treatment of Israel and the Middle East. While every other country situation was considered under one agenda item, there was a separate agenda item for one country alone, Israel. What excuse could there be for appointing a special rapporteur with an open-ended mandate to examine one side of a conflict but not the other? International human rights organizations such as Amnesty International and Human Rights Watch had criticized that selectivity.

23. Recent events in the Middle East had offered some real hope of progress that could mean the first steps towards the Road Map for ending violence and renewing dialogue and cooperation between Israel and the Palestinians, leading to the vision of two States, Israel and Palestine, living side by side in peace and security. That spirit of hope had been described by Prime Minister Ariel Sharon in Sharm el-Sheikh, but there was no disguising the fact that difficult and painful decisions would have to be made in order to balance the need to protect human lives with the humanitarian and human rights concerns of all residents in the region. In recent months, Israel had taken a significant number of steps to improve the situation for Israelis and Palestinians alike, the most significant being the Disengagement Initiative, involving the removal of Israel's military and civilian presence from the Gaza Strip and the northern West Bank. Along with that initiative, Israel had eased restrictions on the Palestinian population in the West Bank and the Gaza Strip, so that hundreds and even thousands of Palestinians were crossing daily from Gaza to Israel. Hundreds of convicted prisoners had been released. During the Palestinian elections in January, United Nations observers had described the attitude of the Israeli authorities as highly professional, responsive and sincere. It was crucial to encourage and strengthen that positive process, which should be reflected in the Commission's work.

24. Recalling that in Hebrew the term for "human rights" was "z'choyot Adam", or "the rights of Adam", he said that that expression was a reminder that all human beings had a common ancestor and that, as brothers and sisters, they must all be treated equally, irrespective of race, religion or gender.

STATEMENT BY THE VICE-PRIME MINISTER, MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT, IN CHARGE OF HUMAN RIGHTS IN GABON

25. Mr. MBA ABESOLE (Gabon) began by paying tribute to the memory of Mr. Sergio Viera de Mello, who had been killed in the course of duty in Baghdad, and recalled their convergence of views on the promotion and development of human rights in African countries. The Commission's session was always an occasion not only for reaffirming the universality and inviolability of human rights but also, and, more particularly, for each State to describe its activities in that field. Accordingly, he wished to inform the Commission of what had been done in Gabon since 2002, when he had last reported on the situation in his country.

26. First of all, a White Paper on human rights in Gabon had been published in 2004 which gave an unsparing analysis of the human rights situation in the country in order to make all citizens aware of their responsibilities in that regard. With financial assistance from President Omar Bongo Ondimba, 5,000 copies had been published and the Government would like every Gabonese family to have a copy. It would also be useful to translate it into other languages, to serve as an example to other countries which were often afraid to acknowledge their shortcomings. Free copies had been provided to the United Nations Library.

27. The second initiative was the human rights campaign currently under way in the capital, Libreville, aimed at inculcating respect for fundamental freedoms in members of the public and encouraging them to draw up lists of violations committed in their own districts.

28. The third initiative was the campaign on the rights of the child, conducted in primary and secondary schools with assistance from UNICEF. Young people had been very responsive to the campaign.

29. The fourth initiative was the bill establishing an independent national human rights commission, which should be adopted shortly. In accordance with the Paris Principles, that commission would be independent of the political authorities.

30. Lastly, the fifth initiative was the creation of a ministry to combat poverty and unlawful enrichment, designed to ensure more equitable income distribution in Gabon.

31. In addition to those activities, the Government was planning to translate the Universal Declaration of Human Rights and the Convention on the Rights of the Child into seven local languages in order to disseminate human rights education more effectively in societies with a high illiteracy rate. The Department of Human Rights also planned to undertake a permanent human rights campaign at all levels, taking advantage of all sorts of public gatherings, such as national days, sports events, election campaigns and weddings.

32. More generally, the Government was making efforts to improve the population's living conditions. The upgrading and construction of health units, the development of the road network, the fight against growing insecurity in cities, the reduction in State spending, the planning of low-cost housing and the emphasis on activities for the promotion and protection of human rights all contributed to that goal.

33. As a peaceful African country, Gabon was deeply concerned about tensions in various parts of the world and believed that dialogue was the most effective means of ending antagonisms. It aspired to peace, not the peace of the vanquished who kept quiet for fear of reprisals, but the peace of those who accepted their differences and used them as a springboard for building their common destiny.

STATEMENT BY THE SECRETARY-GENERAL OF THE INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES

34. Mr. NISKALA (International Federation of Red Cross and Red Crescent Societies) welcomed the opportunity to comment on the interrelationship between human rights and humanitarian values. That interrelationship had been made very clear in December 2003 when the 28th International Conference of the Red Cross and Red Crescent had adopted the Agenda for Humanitarian Action.

35. The World Conference on Disaster Reduction, held in Kobe, Japan, in January 2005, had stressed the critical importance of community resilience, namely, the ability of communities to preserve their economic, social and cultural values in even the worst circumstances. As the experience of the worldwide network of National Red Cross and Red Crescent Societies showed, such resilience depended on the ability of whole communities to work together without discrimination of any kind and with the full empowerment of everyone. Sadly, there were still many countries where discriminatory traditions and practices sapped the strength of communities and deprived them of the resilience essential to disaster preparedness, response and recovery. That was a matter that needed the Commission's input.

36. Citing Bangladesh as an example, he noted that the Cyclone Preparedness Programme, managed by the Bangladesh Red Crescent Society, organized, in every village in areas prone to cyclones, activities in which all residents without distinction participated. The result was that Bangladesh had one of the world's most effective disaster-preparedness systems. In 2004, 36 million people had been affected by cyclones, but only 747 lives had been lost. In the great cyclone of 1970, by comparison, half a million lives had been lost. Such results were possible only if there was a high level of diversity in disaster-preparedness teams. In Bangladesh, the presence of women volunteers on such teams had proved extremely effective, not only in terms of disaster preparedness and reconstruction but also economically. For that reason, the International Federation saw community participation as a valuable component supporting the achievement of other objectives, including Millennium Development Goal 1 on poverty reduction.

37. The International Federation was working for the same level of community engagement in the struggle against the appalling disaster of HIV/AIDS. Combating stigma and discrimination was essential. More than any other modern disease, HIV/AIDS was surrounded by uninformed stigma, one consequence of which was that people infected with the virus were reluctant to seek treatment. Government aid programmes, for their part, tended to imply that the disease was something that happened to other people. The merit of the Algiers Plan of Action, adopted in September 2004 by the Pan-African Conference of Red Cross and Red Crescent Societies, was to have strengthened commitments already made in the struggle against HIV/AIDS by the massive scaling-up of effective prevention programmes. The Plan had been brought to the attention of the United Nations General Assembly in October 2004. One country that stood out for its commitment to work against stigma in combating HIV/AIDS was Mozambique, where the National Red Cross Society had developed an intensive programme using community resources and Government support and including an advocacy campaign against stigma and discrimination.

38. The International Federation had also called on the United Nations Commission on Narcotic Drugs in March 2005 to identify combating the stigmatization of persons living with HIV/AIDS as a key priority. The Commission on Human Rights should take up the opportunity to lead on that issue within the United Nations system.

39. The International Federation wanted Governments to commit to the fight against HIV/AIDS and other communicable diseases and to acknowledge that HIV/AIDS threatened not only all communities but also peace and security. It wanted those affected by the disease to enjoy life in dignity and to be able to make their best contribution to the communities in which they lived. It wanted risk-reduction programmes to be matched by programmes in all spheres, including education, laws and policies, and in all locations, including prisons, that addressed vulnerability. That was a lot to ask, but Governments had failed to take the necessary action to empower people living with HIV/AIDS and enable them to help fight it. That was where the Commission on Human Rights had a role to play. An effective anti-stigma campaign was essential to halting the spread of HIV/AIDS.

40. It was not possible for Governments to succeed in building community resilience in disaster situations or communities empowered through the removal of stigma without

establishing alliances with communities themselves. National Red Cross and Red Crescent Societies could assist in the process by establishing partnerships with national human rights institutions. The International Federation was ready to proceed with the signing of an agreement with OHCHR aimed at encouraging such partnerships.

41. The recent experience of the Asian tsunami had reinforced the International Federation's belief that while disaster-related technology, particularly early warning systems, was certainly necessary, it must be backed by community involvement, trained volunteers and a willingness of people to work together to live and survive. That had been its message at the Mauritius International Meeting on Small Island Developing States and the major ministerial meetings on the tsunami.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION

42. Mr. FEDOTOV (Russian Federation) observed that, despite the adoption of many human rights instruments over the past 60 years, the indispensable but complex human rights system sometimes failed. The Commission must ensure its effective and successful functioning in the face of contemporary threats and challenges.

43. The report of the High-level Panel on Threats, Challenges and Changes was extremely timely and useful. His delegation supported the goal of strengthening the authority of the Commission by eliminating the double standards that marred its functioning.

44. It was likely that not all the recommendations contained in the High-level Panel's report could be implemented in the near future. What mattered most was that the report gave food for thought and strengthened the interest of the international community in improving the effectiveness of United Nations human rights bodies and mechanisms.

45. The past year had demonstrated that the international community could not underestimate the threat of terrorism to human rights. The relevant provisions of the Vienna Declaration and Programme of Action had lost none of their significance. The acts, methods and practices of terrorism in all its forms and manifestations were aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States and destabilizing legitimately constituted Governments.

46. His Government was determined to develop inter-State cooperation in the area of counter-terrorism, including its human rights aspect. One notable step in that direction had been the adoption by the United Nations General Assembly of the resolution entitled "Human rights and terrorism" put forward by the Russian Federation.

47. His delegation believed that any attempt to make a distinction between "good" and "bad" terrorists could only have a negative impact on the consolidation of the international anti-terrorist coalition. The misuse of human rights rhetoric to justify terrorist acts contradicted not only legal norms but also moral and ethical principles.

48. Accordingly, strengthening the asylum regime was an acute problem. In recent years, refugee status had often been granted to persons who had committed, planned, financed or been involved in any other way in terrorist acts. That was not just unacceptable but amounted to complicity with terrorists. He once again called upon States which had granted refugee status or asylum to persons who had participated in terrorist acts to review such decisions.

49. Turning to the issue of discrimination against minorities, his Government was concerned about the totally inadequate humanitarian situation prevailing in Latvia and Estonia. Neither Russia nor international experts were asking those States for anything out of the ordinary, simply respect for human rights norms, particularly minority rights.

50. The most acute problem was the statelessness of more than 480,000 inhabitants of Latvia and 162,000 inhabitants of Estonia. Every second Russian speaker in those States, had no citizenship. The right to a nationality was a fundamental human right embodied in article 15 of the Universal Declaration of Human Rights. It was not foreigners who were concerned, but people who had lived in Latvia for all or most of their lives.

51. Statelessness also created a deficit of democracy. He called on the Latvian authorities to implement as soon as possible the recommendations of international experts on the necessity of granting Latvian non-citizens the right to vote in municipal elections.

52. Another conflict situation in Latvia had to do with the active curtailment of high school education in the Russian language. The ongoing educational reform in that country provided for the elimination of Russian-language streams in high school even though Russian was the mother tongue of 40 per cent of Latvian pupils. That was clear evidence that the Latvian authorities were ignoring the basic principles of democracy. Socially significant reforms were being prepared without consulting those whom they affected.

53. His Government was also concerned about reprisals against veterans who had fought against the Nazis. Trials of veterans, the rehabilitation and glorification of former members of the Waffen SS and attempts to rewrite the history of the Second World War were practices which fuelled contemporary forms of racism and neo-Nazism. The Commission on Human Rights could not remain silent about that challenge.

54. In conclusion, he recalled the need for relevant international human rights machinery and the pressing need to improve the effectiveness of the Commission on Human Rights. That should be the main focus of the inter-sessional work of the Bureau of the sixty-first session. Technical and organizational measures, although important, would not be sufficient. If the Commission was to realize its full potential, States would have to change their attitude to international cooperation in the field of human rights.

STATEMENT BY THE MINISTER FOR HUMAN RIGHTS OF THE REPUBLIC OF CÔTE D'IVOIRE

55. Ms. WODIE (Republic of Côte d'Ivoire) congratulated the Bureau of the session, particularly the Ambassador of Mauritania, Mr. Mohamed Lemine, whose election as Vice-Chairperson of the Commission was an honour for the African continent.

56. She warmly thanked the United Nations High Commissioner for Human Rights, Ms. Arbour, for the decisive impetus she had given to the sending of the latest United Nations commission of inquiry to investigate, from July to September 2004, allegations of violations of human rights and international humanitarian law in Côte d'Ivoire committed since 19 September 2002, when foreign-trained rebels supported by mercenaries had attempted to overturn the country's institutions.

57. Human rights violations in every part of the world, bloody conflicts and natural disasters such as the tsunami made concerted action to prevent such tragedies all the more necessary.

58. Côte d'Ivoire welcomed the decision by the United Nations Secretary-General to appoint a Special Adviser on the Prevention of Genocide, a decision which the High Commissioner had subsequently reinforced by setting up an early warning unit.

59. In her delegation's view, the Commission should avoid unnecessary confrontations, for example, on the consideration of item 9, and the manipulation of human rights. Only cooperation among States and with non-governmental organizations would ensure the best possible protection of those rights.

60. Her Government's desire to promote human rights had, sadly, been thwarted by the armed conflict. For more than 30 months, Côte d'Ivoire had been in the grips of an unprecedented situation, following an abortive coup d'état which had evolved into a rebellion and led to the massacre of thousands of people, including a former head of State and a current Minister of State. The attempted coup d'état had been strongly condemned by the United Nations Security Council, the African Union and the Economic Community of West African States (ECOWAS). Since then, the country had been cut in two. The south was overcrowded with people displaced by the war who had fled the violence of the rebels, the armed groups that were looting the country's principal raw materials and wealth, establishing police and customs academies and setting up financial establishments, all of which were constituent parts of the State. That de facto secession was being organized in full view of the international community and with its full knowledge.

61. The situation of human rights in Côte d'Ivoire had deteriorated further following Operation Dignity in November 2004, when the National Armed Forces of Côte d'Ivoire had made targeted attacks on the rebels in an attempt to reunify the territory. During that operation, nine French soldiers had been accidentally killed. In reprisal, French forces had destroyed the country's civilian and military fleets and had left dozens dead and thousands wounded.

62. Despite the gravity of those events, her delegation was gratified that Côte d'Ivoire and France had initiated a dialogue. She also wished, on behalf of her Government, to pay a debt of gratitude to all those who in Africa and Paris had joined in the process of resolving the Ivorian crisis, particularly the United Nations, the African Union, the European Union and ECOWAS.

63. Although war was a factor that aggravated human rights violations, her Government continued to give priority to respect for the human person. It had reported to the African Commission on Human and Peoples' Rights and received visits from the Special Rapporteurs

on the right to freedom of opinion and on contemporary forms of racism, whose reports the Commission would hear at the current session. A scheduling problem had prevented the Special Rapporteurs on the use of mercenaries and on migrants and displaced persons from visiting Côte d'Ivoire.

64. At the height of the crisis, the Ministry of Human Rights had endeavoured to make it clear that war could not justify human rights violations. Promotion of fundamental rights had been ensured by media campaigns targeting both the public at large and specialized groups, such as the defence and security forces. Human rights modules had been incorporated in the training programme for police officers, and the Ministry of National Education was studying a similar project for secondary schools and colleges. The Ministry was also alert to complaints lodged by victims either directly or through the victims' hotline.

65. The Government's actions, were being undermined by the war situation, however. That was why it was a matter of urgency to disarm the rebels and reunify the territory. The European Parliament had chosen that path by adopting in February 2005 a resolution demanding disarmament so that a referendum, followed by elections, could be held.

66. Preserving the rule of law was essential for ensuring respect for human rights. The Commission should work to consolidate the rule of law by strengthening institutions, ensuring respect for the law and refusing to encourage those who undermined the foundations of the State. For that reason, her delegation called on the Commission to consider the appropriateness of an initiative to proscribe the conquest of power by force of arms. The international community had a responsibility to ensure that the imperative of peace and protection of the weakest countries was respected.

STATEMENT BY THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS OF ZIMBABWE

67. Mr. CHINAMASA (Zimbabwe) welcomed the decision by the United Nations High Commissioner for Human Rights, Ms. Louise Arbour, to put social, economic and cultural rights on an equal footing with civil and political rights.

68. He recalled that parliamentary elections would be held shortly in Zimbabwe. As a people's Government, those elected derived their legitimacy to govern from the mandate given them by the people, expressed in democratic elections. Zimbabwe had earned its freedom by shedding the precious blood of its people and it held in utter contempt the preachings of its erstwhile colonizers on the subjects of freedom, human rights, good governance and the rule of law. That was why it felt that it should have the right freely to choose its leaders, even when its choices were unpalatable to outsiders whose interests were at variance with its own.

69. In accordance with the Principles and Guidelines Governing Democratic Elections adopted at the Southern African Development Community (SADC) Summit in Mauritius in August 2004, Zimbabwe had carried out a complete overhaul of its electoral system. That reform had rendered elections more transparent and, above all, had ensured greater participation by the population in the democratic process.

70. Many foreign governments and institutions had been invited to observe the elections to be held on 31 March 2005. Countries which had imposed economic sanctions on Zimbabwe and which had tried to isolate it internationally had not been invited. There was no obligation to invite governments which had biased and preconceived notions about the outcome of the elections and pursued colonial vested interests in Zimbabwe.

71. The United Kingdom Minister, Mr. Bill Rammell, had sought to pass judgement on the electoral process under way in Zimbabwe, despite the peaceful conditions in which it was taking place. His delegation was not surprised that the United Kingdom and some of its allies in the West should want to prejudge the elections, because they knew that they had backed a losing horse. The United Kingdom's interference in Zimbabwe's internal affairs had commenced with its financing of the founding of the opposition party and had continued with its partisan, hostile broadcasts aimed at sowing dissent and lawlessness with the goal of changing Zimbabwe's Government unconstitutionally.

72. He assured the Commission that the enemies of Zimbabwe, led by the United Kingdom, would not succeed. Zimbabwe made no claims to perfection in human rights matters, but it vehemently rejected lectures from States that disregarded international law and violated the territorial integrity of sovereign States, brutalizing their people under the bogus pretext that they were carrying out a liberation mission.

73. The United Kingdom was demonizing Zimbabwe because it refused to bend to its will. Zimbabwe counted on peace-loving countries in the Commission to uphold the right of all countries to be left to chart their destinies freely.

74. Zimbabwe was at one with the values espoused by the Commission on Human Rights and had participated actively in the discussions on the report of the High-level Panel on Threats, Challenges and Change. Some important issues had been raised concerning changes to improve the Commission's work. Zimbabwe believed that the fullest attention should be given to that exercise. It was not yet convinced of the benefits to be derived from so-called "universal membership". Nothing was to be gained by mere duplication of the work of the Third Committee of the General Assembly, whether in Geneva or elsewhere. The costs attendant on such a decision could not easily be borne by the majority of the United Nations membership.

75. The proposed new mandate for the High Commissioner for Human Rights to report on the situation of human rights worldwide was problematical on a number of fronts. There was already too much prejudicial reporting of alleged human rights violations, almost exclusively in developing countries. Where would the impartial sources of information on alleged violations come from when they were currently so few? Moreover, Zimbabwe would like the High Commissioner to report to the General Assembly and not to the Security Council, which was currently dominated by a few countries and in which the rest of humanity was not represented, except in serious cases such as genocide and war crimes.

76. Many countries believed that the Panel had not made any serious attempt to address the perennial double standards that bedevilled the operations of OHCHR. The Office would need to be drastically reformed before it could be proposed as a new Charter body of the United Nations.

Zimbabwe was closely involved in the exchange of views on the issue. OHCHR should not be amenable to manipulation by the powerful, as was currently the case. The spotlight was always turned on countries that were not in favour with powerful countries.

77. Zimbabwe welcomed constructive criticism, but it took exception to any attempt by anyone to shape it to their liking. For example, it was criticized by some for its falling health standards, but those who criticized it were the first to entice its bright, young newly graduated doctors and nurses by offering them fabulous wages. Those same detractors deliberately degraded other public services in Zimbabwe and then accused it of being a “basket case”. Zimbabwe’s people nevertheless had faith in the Government. That was why Zimbabwe was not moved by the malevolent forces who sought to influence the elections by sponsoring so-called trade unionists to demonstrate at its borders or non-governmental organizations to interfere in the internal democratic process.

78. In conclusion, he reiterated his Government’s commitment to working for the betterment of human rights in Zimbabwe. It would, however, work with its friends to defeat any resolutions against Zimbabwe that originated in falsehoods concerning the human rights situation in the country.

STATEMENT BY THE MINISTER FOR CONSTITUTIONAL REFORM, HUMAN RIGHTS AND RELATIONS WITH THE PARLIAMENT OF BURUNDI

79. Mr. RUSENGWAMIHIGO (Burundi), noting that the many and increasingly threatening problems confronting mankind did not always benefit from a common understanding, said that associating the principles of non-selectivity and impartiality with the principle of the universality and interdependence of human rights could lead to the establishment of a common core of values. However, that would require States to cooperate among themselves and with OHCHR.

80. Describing developments in the situation in Burundi since May 2003, he said that protocols on the cessation of hostilities and on powersharing had been signed and a start made on their application, as a result of which the majority of exiled politicians were returning to the country. The Ceasefire Agreement had been followed by a process of cantonment and disarmament, the establishment of an Independent Electoral Commission, the adoption of a communal law and an electoral code, the establishment of the Truth and Reconciliation Commission and the entry into force of the act on the formation of a new National Defence force comprising members of the former Burundi Armed Forces and combatants of the former armed movements that had signed the Ceasefire Agreements, but unfortunately not those of the Front National de Libération. The adoption of the Constitution of Burundi on 28 February 2005, following a referendum organized with the assistance of the United Nations Operation in Burundi (UNOB) and the Independent Electoral Commission, was also a major event in the peace process.

81. Infringements of human rights could be observed in the judicial system, however, which continued to be characterized by impunity, the use of torture and arbitrariness. Other violations, such as acts of violence against women, had appeared fairly recently. Burundi was determined to eliminate those evils. It had ratified the two Optional Protocols to the Convention on the

Rights of the Child, it had enshrined in the Constitution the principle of at least 30-per-cent female representation in national institutions and the administration and had taken steps to ensure the participation of the Batwa community in legislative institutions. The Independent Expert on the situation of human rights in Burundi had already visited the country twice. A national seminar on the question of judicial assistance to Burundi as a means of achieving human rights had resulted in a series of recommendations designed to restore confidence in the justice system, ensure respect for the rights of defence and promote the right to judicial assistance. Accordingly, Burundi had adopted a whole range of measures to guarantee respect for human rights, but it needed the Commission's support to ensure their implementation.

STATEMENT BY THE MINISTER, CHAIRMAN OF THE COMMITTEE FOR HUMAN RIGHTS OF UZBEKISTAN

82. Mr. SAIDOV (Uzbekistan) welcomed the report of the High-level Panel and said that his delegation was in favour of making membership in the Commission universal and supported all measures that would contribute to strengthening its authority and efficiency. He hoped that more attention would be given to national human rights institutions, reiterated the need to draft jointly with UNESCO an international declaration on human rights education and supported the implementation of the World Programme for Human Rights Education.

83. Uzbekistan was a party to more than 60 international human rights instruments and fulfilled its international obligations in that respect. Its Parliament had adopted over 300 laws on human rights and fundamental freedoms. The powers of the parliamentary Ombudsman had been expanded, the Criminal Code had been amended to include a definition of torture in line with the Convention against Torture, the institutional foundation for the protection of human rights had been established with the creation of national institutions that included the Ombudsman, the Constitutional Court, the National Centre for Human Rights and an institute for the monitoring of legislation, and human rights education had been incorporated in school and university curricula and in the programme for the improvement of the professional skills of law enforcement officials. A wide-ranging programme of information on human rights was being implemented and included the translation into Uzbek and the publication of many international human rights instruments, as well as the publication of specialized journals. A system for addressing complaints concerning the illegal activities of State officials had also been introduced. A number of problems persisted, however, particularly with regard to the effective implementation of legislation and the incorporation of international norms into domestic legislation, a process that was still in its early initial stages. Ignorance of the law was widespread among the population and law enforcement officials had a very low level of legal culture.

84. Uzbekistan was cooperating with the United Nations system through the regular submission of national periodic reports to the treaty bodies and the implementation of their recommendations by means of an action plan prepared in cooperation with UNDP. It was cooperating with OHCHR, whose regional adviser had visited Uzbekistan four times in 2004. It had invited the Commission's Independent Expert and attached importance to continuation of the regional project on technical cooperation in the field of human rights in Central Asia. It was taking steps to implement the recommendations of the Special Rapporteur on torture

and had adopted a programme aimed at the prevention of torture. Lastly, it was cooperating in a UNDP project to build the capacity of the Government and civil society groups for the protection of human rights. The number of non-governmental organizations in Uzbekistan had doubled over the past five years and currently exceeded 5,000.

85. The legal and judicial system in Uzbekistan had been completely transformed. A number of significant measures had been taken to ensure the independence of the courts and to protect the rights of defence, while liberalization and flexibility had been the keynote of the reform of criminal legislation. A draft law on habeas corpus was being prepared and there were plans to abolish the death penalty.

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

86. Ms. DOBRIANSKY (United States of America) said that there was an unmistakable link between human rights, democracy and peace. The same belief in freedom was shared by all democratic Governments and by those who aspired to liberty. Democracy, which the Commission had affirmed as a human right in a resolution adopted unanimously in 1999, was increasingly viewed as a universal value. It was on the march everywhere, as could be seen in Georgia's Rose Revolution and Ukraine's Orange Revolution, the elections in Afghanistan, Iraq and Palestine and recent events in Lebanon, giving hope to those still living under despotism.

87. The United States sought to support that movement, not only by expressing its solidarity but also directly, for instance, by proposing the creation of a United Nations Democracy Fund and by supporting the Community of Democracies, which had decided to form a democracy caucus at the Commission's current session not as a bloc but as a network of countries sharing the same ideals, as a means of improving the quality of resolutions and the composition of the Commission. The United States would work with other countries to put forward at the current session a resolution on standards for sound democratic elections and a resolution on freedom of association and the right of workers to organize.

88. Democracies should take the lead in refocusing the Commission on its core mission and more of them should apply for membership in the Commission, which was increasingly being taken over by the worst human rights abusers in order to deflect criticism of their abuses at home. The United States did not support the recommendation of the High-level Panel that the Commission should abandon an elected membership. The least the Commission could do was to support the cause of all those who were bold enough to stand up and confront tyrants, and not forget or disappoint those who counted on it.

89. Mr. SARAN (India), speaking in exercise of the right of reply to the statement made the previous day by the representative of Pakistan, said that he wished to place things in their correct perspective. Jammu and Kashmir was an integral and inalienable part of India, which had consistently given the people of that state the right to exercise their democratic choice. The assertions made by the representative of Pakistan were unwarranted, unacceptable and all the more surprising in the context of the ongoing engagement between the two countries and the 1972 agreement to settle their differences by means of dialogue. It was to be hoped that

Pakistan would fully respect both the letter and the spirit of its solemn commitment to cease all cross-border terrorism. With regard to the issue of human rights that had been raised, he would only say that the best guarantor of their promotion and protection was a society based on democracy, pluralism and the rule of law and he encouraged Pakistan to commit to such a process.

90. Mr. KHAN (Pakistan), speaking in exercise of the right of reply, said that in declaring Jammu and Kashmir to be an integral part of Indian territory, the representative of India was completely ignoring historical and legal realities. The very fact that the question of Jammu and Kashmir was on the agenda of the talks between the two countries testified to its controversial status. The rights of the population of Jammu and Kashmir, which was fighting for its right of self-determination as recognized by Security Council resolutions on its final status, were being massively and persistently violated by Indian forces, as was confirmed by the recent report of a European Union parliamentary delegation. Pakistan remained determined to settle all outstanding issues within a framework of comprehensive dialogue.

The meeting rose at 12.55 p.m.