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### HUMAN RIGHTS COUNCIL

First session

General segment

#### SUMMARY RECORD OF THE 7th MEETING

Held at the Palais des Nations, Geneva,  
on Wednesday, 21 June 2006, at 3 p.m.

President: Mr. DE ALBA (Mexico)

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The meeting was called to order at 3.05 p.m.

1. Ms. DIALL (Mali) said that the Human Rights Council should build on the achievements of the Commission on Human Rights, which had established the legal framework for the protection of human rights and had created the first human rights complaints mechanism.

2. Mali had taken constitutional, legislative and institutional measures, including steps to abolish the death penalty, to safeguard the human rights of its citizens. The Council should place particular emphasis on human rights education in order to lay the groundwork for a culture of peace and respect for human dignity. Certain States would require technical assistance to build capacity in all areas of human rights. She hoped the Council would ensure that it had the means required to discharge its mandate.

3. Mr. BURAYZAT (Jordan) said that it was important to strike a balance between security and the right to development. Unemployment and poverty were in themselves causes of human rights violations, while efforts to protect human dignity, combat discrimination and eradicate torture all helped to promote security.

4. Conflict also hampered the development of human rights, and it was incumbent on the Council to concentrate its efforts on regions, such as the Middle East, that were sources of tension and extremism. The first victim of such conflict was people's humanity, owing to their despair and frustration at violations of their rights, including the right to life and the right to self-determination.

5. Jordan was aware of the dangers inherent in clashes of civilizations and religions, and had made every effort to bring the region's various communities together in dialogue. It was important to build on the achievements of the Commission on Human Rights, foster a spirit of cooperation and forge partnerships among States and between States and civil society.

6. Mr. CHOCANO BURGA (Peru) said that one of the least mentioned but most serious of the Commission's shortcomings had been its failure at times to address the needs of the victims of human rights violations. The fact that so many Peruvian citizens had been victims of such violations explained Peru's commitment to the adoption of instruments such as the draft international convention for the protection of all persons from enforced disappearance and the draft United Nations declaration on the rights of indigenous peoples. He hoped the draft declaration would be adopted at the Council's first session.

7. Peru's efforts to attain a fuller realization of human rights had paved the way for a new relationship with the universal human rights protection system. In that context, he invited the special procedures of the Human Rights Council to visit Peru.

8. Mr. KHAN (Pakistan), speaking on behalf of the States members of the Organization of the Islamic Conference, said that the Islamic countries would endeavour to support the reform of the international human rights system in accordance with the principles of the Charter of the United Nations and international law. The Human Rights Council must avoid the practices that had marred the work of the Commission on Human Rights, including the adoption of resolutions targeting developing countries, disproportionate focus on civil and political rights, lack of respect for religious and cultural diversity, imbalances between the promotion and protection of

human rights, distortions in the work of the Office of the United Nations High Commissioner for Human Rights, and the multiplicity of special procedures and their incoherent working methods.

9. The Council's structures and working methods should conform to the purposes and principles of the Charter. In particular, it should develop friendly relations among nations based on the principles of equal rights and the self-determination of peoples. It should seek international cooperation in promoting respect for human rights and fundamental freedoms.

10. The Council should ensure the effective and timely consideration of the situation in Palestine and other occupied Arab territories, in order to alleviate the suffering of the Palestinian people and achieve a durable peace in the Middle East. Efforts to promote and protect the human rights of the people of Jammu and Kashmir should be intensified.

11. Muslim countries were seriously concerned at the increase in Islamophobia and the stereotyping of Muslims. The Council should take action to combat the defamation of religions and promote respect and tolerance. There was a need for all States to continue international efforts to enhance dialogue and broaden understanding among civilizations, cultures and religions.

12. Mr. MACKAY (Observer for New Zealand) said that, in order to achieve its goals, the Human Rights Council could not afford to repeat the mistakes of the past. It needed to develop new ways of thinking and acting, and to create a new culture centred on real dialogue. It should focus on quality and keep in mind that its main objective was to enact change and improve the situation of human rights.

13. Standard-setting would continue to be important. As chair for the negotiations on the draft international convention on the rights of persons with disabilities, New Zealand would strive to conclude that process in the course of the year. Regrettably, New Zealand could not associate itself with the current text of the draft declaration on the rights of indigenous peoples, which remained fundamentally flawed.

14. The Council's credibility would be judged by its actions. It must commit itself to following up on decisions or be held accountable for its failure to act.

15. Ms. BONNIER (Observer for Sweden) said that the Council could break new ground in promoting implementation, notably by taking a firm stance on human rights violations, through the peer review mechanism, and by providing assistance to Governments that sought to improve their human rights record. The increased field presence of the Office of the United Nations High Commissioner for Human Rights would also contribute to better implementation.

16. It was important to strive for the global prohibition of torture. While there were strong mechanisms to promote respect for that prohibition, continuing reports of torture and inhuman and degrading treatment showed that much remained to be done. In that context, she reaffirmed the importance of conducting all efforts to combat terrorism with full respect for human rights and international law.

17. Implementation of human rights norms should also be strengthened with a view to prohibiting all forms of discrimination. The recent report of the Special Rapporteur on violence against women provided clear guidance on States' responsibility in preventing such terrible crimes against women as honour-related killings.

18. The Council should seek to gain maximum impact from its more frequent meetings, which would enable it to act when the need was greatest. One area where the Council should take a fresh look at what needed to be said and decided was the subject of extrajudicial, summary and arbitrary executions. Sweden would continue to advocate the abolition of the death penalty and call for transparency in the application of capital punishment.

19. The Council needed to continue to improve the mainstreaming of human rights in order to ensure that its work was known and that the outcomes were used throughout the United Nations system, including the Security Council and the Peacebuilding Commission.

20. Mr. SATJIPANON (Observer for Thailand) said that, at its first session, the Council should concentrate on adopting a comprehensive programme of work. Consideration should be given to ways of further integrating observers into the Council's work.

21. Thailand supported the establishment of an intersessional working group to establish the modalities and procedures of the universal periodic review mechanism. The Office of the United Nations High Commissioner for Human Rights could be entrusted with evaluating the effectiveness and efficiency of that mechanism and recommending improvements after an initial trial period.

22. The current system of special procedures needed streamlining, since the increasing number of mandates - some of which overlapped - had placed a heavy burden on the High Commissioner's Office. However, in order to facilitate a thorough review, all mandates should be extended for a transitional period.

23. One of the highest priorities on the Council's agenda should be the provision, in consultation with States, of human rights education and capacity-building, which were effective means of preventing conflict and protecting human rights.

24. Mr. SOUFAN (Observer for Lebanon) said human rights were indivisible and should be dealt with as a whole. While the Human Rights Council should avoid the errors of the Commission on Human Rights, it should also draw inspiration from the Commission's achievements.

25. Lebanon fully supported previous speakers' emphasis on the situation in the Middle East, particularly in the occupied Palestinian territories. To exclude or dismiss such pressing topics on the pretext of avoiding confrontation would only make the problem worse. The purpose of discussing that situation was not to name and shame but to redress human rights violations.

26. Lebanon had made significant progress in human rights, notably in the areas of freedom of expression and freedom of belief. It supported the universal periodic review mechanism as well as the adoption of the draft international convention for the protection of all persons from enforced disappearance.

27. Mr. TICHENOR (Observer for the United States of America) said that the impressive pledges made by candidates before their election to the Human Rights Council had set a high standard for the promotion and protection of human rights worldwide. However, good intentions were not enough; words must be met by actions. For its part, the United States reaffirmed its historic commitment to advancing the cause of human rights and human dignity by working constructively to ensure the success of the Council.
28. By working together, countries could make strides towards improving the human rights of their citizens. In that regard, he urged the Council to focus on how best to provide vigorous and concrete support to nations seeking to improve their human rights record.
29. At the same time, the Council needed to remain true to its responsibility to speak for patriots whose voices had been silenced. He hoped that the Council would be able to put an end to the deterioration in the protection of human rights. More robust and flexible mechanisms would be needed including, in the longer term, country-specific resolutions in situations that demanded action, particularly where States refused help from the international community.
30. Ms. MILLAR (Observer for Australia) said that the Human Rights Council would be judged on its ability to respond to human rights and humanitarian crises in an effective and practical manner. The establishment of the Council presented an opportunity to draft an equitable programme of work, focus on the implementation of human rights, and address human rights emergencies when they occurred.
31. The positive achievements of the Commission on Human Rights should be retained. In particular, Australia was in favour of the continued participation of civil society and national human rights institutions, and the more effective use of innovative mechanisms, including the special procedures.
32. Australia was making efforts to improve the human rights situation in the Asia-Pacific region by working with countries to promote good governance and build institutional capacity to address human rights problems. Her Government was particularly concerned about discrimination against indigenous peoples, and supported the adoption by consensus of the draft declaration on the rights of indigenous peoples.
33. Mr. GAFOOR (Observer for Singapore) said that a review of the mandates of the mechanisms that the Human Rights Council had inherited from the Commission on Human Rights was essential if the Council wished to avoid politicization, selectivity or double standards. Mandate holders of the special procedures mechanism should be subject to accountability. In order for the Council to function effectively, greater tolerance and respect for diversity were required.
34. No one nation or group of nations had a monopoly over human rights, and the imposition by some States of their local values and practices was not constructive. Rather than approaching human rights issues with self-righteousness and rigid ideology, States must engage in real dialogue in order to gain a deeper knowledge of each other's cultures and value systems.

35. Development, security and human rights were interdependent and mutually reinforcing, and each country should decide for itself how it would balance the competing demands of political, economic and social rights. The success of the Council would be judged on whether it was able to encourage respect for human rights in practice among all of its members. The old method of adopting resolutions and claiming victory must be abandoned, and the working methods and functions of the Council must be subject to regular review.

36. Mr. BERZINJI (Observer for Iraq) said that the Council should use the current session to establish effective working methods and procedures in order to ensure maximum promotion and protection of human rights. The working methods of the existing human rights protection mechanisms, including the treaty bodies, the special procedures and the Sub-Commission on the Promotion and Protection of Human Rights, should be reviewed and improved, and the universal periodic review mechanism should be established. The Council must function with transparency, neutrality, objectivity and credibility.

37. Since the end of the dictatorship in Iraq, considerable progress had been made in developing democracy and promoting respect for human rights. Freedom of expression was protected, and a free press had been established. Human rights education was promoted in schools and universities, and human rights awareness-raising campaigns were being carried out. Consideration was being given to the possibility of ratifying the core international human rights instruments.

38. Mr. RABGYE (Observer for Bhutan) said that the first year of the Human Rights Council would be a year of transition: the modalities of the universal periodic review mechanism must be established, and the mechanisms inherited from the Commission on Human Rights must be reviewed. Other methods of work and rules of procedure must also be established. His delegation hoped that the Council's deliberations would take place in a spirit of cooperation and openness, transparency and inclusiveness, allowing for the participation of all States Members of the United Nations.

39. In Bhutan, changes were taking place that would result in the establishment of a parliamentary democracy. A new constitution had been drafted on the basis of the experiences and best practices of other States. Bhutan's policies and development strategies sought to address the physical and spiritual needs of each individual and to create the necessary conditions for achieving happiness. Although Bhutan, a least developed country, was struggling with a lack of resources and capacity, it would continue its development efforts.

40. Mr. PINTER (Observer for Slovakia) said that, despite its shortcomings, the Commission on Human Rights had established strong and effective mechanisms. In particular, the system of special procedures should be preserved and strengthened and its independence guaranteed. The Human Rights Council should engage in dialogue with the mandate holders, in order to ensure the comprehensive consideration of their reports. His delegation supported the active involvement of human rights defenders and civil society in the work of the Council, and believed that non-governmental organizations (NGOs) could contribute significantly to the promotion and protection of human rights at all levels.

41. The standing nature of the Council should be adequately used to respond promptly to human rights situations. Efforts should be made as soon as possible to establish the universal periodic review mechanism and to review the mandates, mechanisms, functions and responsibilities inherited from the Commission. The Council should focus more on implementation and follow-up, and its working methods should be results-oriented. His delegation supported the draft international convention for the protection of all persons from enforced disappearance, and hoped that it would be adopted by consensus.
42. Ms. ABDEL LATIF (Observer for Egypt) said that her delegation advocated the establishment of an institutional structure where dialogue and cooperation would prevail for the promotion and protection of the rights of all individuals and peoples. The Human Rights Council should promote tolerance and acceptance of different cultures and civilizations, and should not allow States to impose their value systems on others. The reform of the human rights system should take place in the context of the comprehensive reform of the entire United Nations system, including the Security Council.
43. The Human Rights Council should avoid politicization and double standards, and should distance itself from confrontation, condemnation and contempt. Its work should focus on cooperation and capacity-building, and it should observe the principle of non-interference in the internal affairs of States. The Council should be a democratic forum that reflected the world's cultural systems and civilizations. It must play an active role in the fight against racism and defamation of religions, and in the protection of civilians in armed conflict.
44. It was imperative that the Council consider, without delay, the repercussions of the Israeli occupation on the human rights situation in Palestine and other occupied Arab territories, since occupation constituted a grave breach of human rights and a violation of the right to self-determination.
45. Mr. VARELA QUIROS (Observer for Costa Rica) said that the Human Rights Council should become a cornerstone of the United Nations system, retaining the positive achievements of the Commission on Human Rights and avoiding its mistakes. In order to ensure that the Council discharged its responsibilities effectively and efficiently, it was necessary to pursue transparent, open and inclusive negotiations involving all actors. At its current session, the Council must decide whether to extend the mandates of the Commission's special procedures and mechanisms and that of the Sub-Commission on the Promotion and Protection of Human Rights.
46. The Council's adoption of the draft United Nations declaration on the rights of indigenous peoples and the draft international convention for the protection of all persons from enforced disappearance at its current session would send a clear signal to the international community that both Council members and non-members were determined to set to work with renewed vigour to promote full respect for human rights.
47. Although Costa Rica was not a member of the Council, it had made voluntary pledges in respect of the promotion and protection of human rights. It had reaffirmed its open invitation to the thematic procedures to visit the country; it was one of the only States parties that was up to date in its reporting to the treaty bodies; and it had been one of the first 20 States to ratify the

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Such pledges should be made not only in support of a candidature but on a permanent basis.

48. Mr. CHOE Myong Nam (Observer for the Democratic People's Republic of Korea) said that the political confrontation that had occurred in the Commission on Human Rights had been a particular cause of concern for all developing countries. The Human Rights Council must eradicate politicization and function as a fair mechanism with full respect for the sovereignty and equality of all countries. Any attempts to initiate country-specific resolutions for political and strategic gain should be rejected, and strict respect for the particularities and values of each State should be ensured. Civil and political rights and economic, social and cultural rights should be treated equally. In order to prevent arbitrary action by a minority, the work of the Council must be democratic, impartial and transparent.

49. Mr. ALI (Observer for the Syrian Arab Republic) said that his delegation associated itself with the statement made on behalf of the Organization of Islamic States. The Human Rights Council should live up to the hopes vested in it and make up for the shortcomings of the Commission on Human Rights. In particular, it should ensure that its proceedings were fully transparent and avoid politicization and double standards by drawing up a clear and balanced agenda that addressed everyone's concerns.

50. At its first session, the Council should discuss, as a separate agenda item, Israel's violations of a wide range of human rights in the occupied Arab territories in Palestine, the Golan Heights and southern Lebanon. The violations in question should be treated as a matter of the greatest urgency since their number and seriousness were growing day by day.

51. The Council would win the confidence of the peoples of the world, especially those who had long been the victims of gross and ongoing human rights violations as a result of occupation and aggression, only if it ensured that all of its decisions were implemented in practice. If the Council acted along those lines from the outset, it would be assured of building up strong momentum in its early years. If it failed to do so, it would dash the hopes of those who had placed their faith in it.

52. Mr. IRHIAM (Observer for the Libyan Arab Jamahiriya) said that the success of the Human Rights Council in promoting and protecting human rights would depend on its commitment to the principles of impartiality, non-selectivity and dialogue, on its avoidance of politicization, and on its respect for distinctive national and regional characteristics and for historical, cultural and religious differences. It should also reaffirm the importance of human rights education.

53. The Council should take decisive action against gross human rights violations, such as those perpetrated against the Palestinian people, which included killings, displacement and starvation.

54. The Libyan Arab Jamahiriya had demonstrated its commitment to human rights and its solidarity with oppressed peoples throughout the world in the Great Green Charter of Human Rights and the Strengthening of Freedom Act and through its ratification of a large number of international human rights instruments. Human rights had been incorporated in the



curricula at all levels of education. Libyan women not only enjoyed equal rights with men but could vie with the most advanced countries in the world in that regard. The Libyan Arab Jamahiriya was carrying out a project to combat the worst forms of child labour, assist victims of armed conflicts and improve the overall living conditions of women, young people and children.

55. His country had decided to terminate all programmes and renounce all materials that could lead to the production of weapons of mass destruction, and he called on other countries to follow its example and use the billions of dollars that they spent on such weapons for human rights and development projects.

56. Ms. PICTET-ALTHANN (Sovereign Military Order of Malta) said that the Constitutional Charter of the Order of Malta required it to care for the sick, the needy and refugees, without distinction as to religion, race, origin or age. In its humanitarian action in some 120 countries, it emphasized the right to public health, medical care and social services as well as the right to freedom of thought, conscience and religion. She hoped that the special rapporteurs on freedom of religion and belief and on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health would be able to pursue their mandates under the Human Rights Council. She also hoped that that Council would consider the report - initially prepared for the Commission - of the United Nations High Commissioner for Human Rights on progress in the implementation of the recommendations contained in the study on the human rights of persons with disabilities (E/CN.4/2006/72).

57. It was universally recognized that human rights and poverty reduction went hand in hand. Through its work, the Order of Malta contributed to the achievement of such Millennium Development Goals as the eradication of extreme poverty and hunger, improvement of maternal health, reduction of child mortality and combating HIV/AIDS and other diseases.

58. As an independent and impartial member of the international community, the Order of Malta was committed to contributing whenever possible to the Council's efforts to meet the high expectations that had been placed in it.

59. Ms. SALAH (United Nations Children's Fund (UNICEF)) said that, while everyone could empathize with children living in fear of hunger, losing loved ones, being trafficked, becoming soldiers or refugees, or suffering violence in the home or at school, policymakers were often too busy to cast their minds back to their own childhood and act accordingly. Although States had frequently reaffirmed their commitment to children's rights before the Commission on Human Rights, little action was taken on the relevant agenda item. It was clearly essential not only to reserve a specific place on the Council's agenda for children's rights but also to integrate such rights into all aspects of its work. The Council had a unique opportunity to play a decisive role in building a world in which children's rights were genuinely protected.

60. Despite the fact that the Convention on the Rights of the Child was the most widely ratified human rights treaty, children were in many cases the first victims of the human rights violations that took place every day throughout the world.

61. When undertaking its universal periodic review, the Council should build on the experience of United Nations agencies, including UNICEF, especially those with a field presence in the country under consideration. Member States' implementation of the recommendations contained in the Secretary-General's study on violence against children, which would shortly be released, should also be scrutinized as part of the review.

62. The adoption of Security Council resolution 1612 (2005) on children and armed conflict opened up a new era of monitoring and reporting on violations of children's rights in conflict situations. Moving that process forward was a matter of urgency.

63. Mr. PINHEIRO (Independent expert appointed by the Secretary-General to lead the study on the question of violence against children) said that the Secretary-General's study on violence against children, which he would present to the General Assembly at its next session, called on States to act immediately to fulfil their obligation to protect children from all forms of violence. Such violence persisted in every region of the world. It was mostly invisible and often permitted by law and socially approved. Children's vulnerability and dependence on adults meant that there was no room for compromise in challenging the existing situation.

64. Violence had an impact at all stages of a child's development. In many countries, lives were being saved through the reduction of early childhood mortality ratios only to be lost later owing to the high incidence of adolescent homicide. Over the past three years, children and adolescents all over the world had impressed on him the urgency of taking concrete action to halt violence against them.

65. His report, which was based on regional consultations, would be action-oriented and contain a set of recommendations aiming at a comprehensive strategy to deal with violence against children. As the study was grounded on the Convention on the Rights of the Child, it would recommend that each State should put in place an explicit framework of law and policy in which all forms of violence against children, including harmful traditional practices, sexual violence and all forms of corporal and humiliating punishment, were prohibited. If States truly wished to forge child-sensitive policies, they must support the meaningful participation of children in the development of a protective environment.

66. Effective policies had to be evidence-based, and the global lack of reliable data was a serious problem in that regard. It was therefore important to promote systematic research and data collection.

67. The study would also recommend the appointment of a global advocate, who would rely on United Nations inter-agency cooperation, to foster implementation of the recommendations.

68. Ms. MAYANJA (Assistant Secretary-General, Special Adviser to the Secretary-General on Gender Issues and Advancement of Women) said that gender equality was an integral part of the new vision for human rights. Inequality between women and men hampered sound economic development and impeded stability and social harmony. The 1993 World Conference on Human Rights and the 1995 Fourth World Conference on Women had reaffirmed that the human rights of women were an inalienable, integral and indivisible part of universal human rights. During the 10-year review and appraisal of the Beijing Platform for Action in 2005, Member States had underlined that implementation of the Platform and fulfilment of

obligations under the Convention on the Elimination of All Forms of Discrimination against Women were mutually reinforcing in achieving gender equality. World leaders at the 2005 United Nations World Summit had reaffirmed that gender equality and the full enjoyment of human rights were essential to advance development, peace and security. The Human Rights Council had a responsibility to ensure that the promotion of gender equality was an integral part of its work. The gender perspective should be built into the terms of reference of all procedures and mechanisms, and measures should be taken to ensure adequate monitoring and accountability. To that end, the Council should establish early interaction with the Commission on the Status of Women.

69. The Commission on Human Rights had created important mechanisms to address the specific challenges faced by women, most prominently the mandate of the Special Rapporteur on violence against women, and had directed many of the non-conventional mechanisms to integrate gender perspectives into their work.

70. The establishment of a dedicated section on women's rights in the Office of the United Nations High Commissioner for Human Rights would enhance the capacity of the United Nations to monitor and report on violations of women's rights. She was working with the Division for the Advancement of Women, the High Commissioner and the Committee on the Elimination of Discrimination against Women to give women's rights a central place in the new institutional human rights machinery.

71. In the light of the worldwide backlash against women's rights, it was essential to remain vigilant against any attempt to roll back or dilute any of the language or commitments contained in the Beijing Platform for Action and the Vienna Declaration and Programme of Action. The backlash had taken many forms, including a surge in domestic violence and gender-based violence, the targeted victimization of women and girls in armed conflicts, a reluctance or refusal to allow women to participate adequately in decision-making, a reinforced tendency to stereotype gender roles, and efforts to roll back commitments on reproductive health issues.

72. Mr. ALFARARGI (League of Arab States) said that the active involvement of the Arab States in the drafting of the Universal Declaration of Human Rights and in the proceedings of the Commission on Human Rights and its Sub-Commission and the human rights treaty monitoring bodies had had a profound impact on the countries concerned and had led to the establishment of large numbers of human rights commissions, institutions and NGOs. The process had culminated in the adoption of the Arab Charter on Human Rights in 1992 and its revised version in 2004. The Charter covered all civil, political, economic, social and cultural rights, including the rights of women and children, and had been signed by all Arab States without exception.

73. The Arab States had generously supported the activities of the Office of the United Nations High Commissioner for Human Rights, and the League of Arab States had signed a memorandum of understanding with the Office that had led to the establishment of many joint programmes.

74. The Arab States hoped that the Human Rights Council would facilitate international cooperation and foster a climate of mutual understanding among States. He hoped that the Council would succeed where the Commission had failed, namely in protecting the rights of the

Palestinian people, who were living under occupation and had been deprived of their rights and fundamental freedoms. The Council must halt the human rights violations to which the Palestinian people were being subjected on a daily basis and provide them with the opportunity to establish an independent State. The situation in the West Bank, Gaza, East Jerusalem, the Syrian Golan Heights and the Lebanese Shebaa Farms called for urgent action by the Council.

75. Seven Arab States were represented on the Council and two were represented on its Bureau. He was convinced that they would work constructively to ensure the success of the Council's work and to fulfil the international community's expectations.

76. Ms. MLAČAK (Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE)) said that ODIHR was the main institution within OSCE that dealt with human rights, democratic development, tolerance and non-discrimination, the rule of law and election observation. It monitored compliance with human dimension commitments, ensured respect for human rights in the fight against terrorism, conducted human rights training and education, supported civil society, promoted respect for the rights of victims of trafficking and promoted women's rights and security.

77. The Office was currently developing guidelines on freedom of assembly that could be used by lawmakers and law enforcement personnel to ensure that any regulation of assemblies and public meetings was consistent with international standards. It was assisting an increasing number of States in establishing multi-agency anti-trafficking structures and establishing national plans of action to prevent trafficking. It was helping States to draft effective legislation to combat hate crimes. The Office was assisting States in the development of counter-terrorism strategies that complied with international human rights standards. To that end it had published a manual on human rights and counter-terrorism. It followed cases of harassment and persecution of human rights defenders and intervened with the authorities where appropriate.

78. The ability of OSCE to react quickly to unfolding crises had been tested repeatedly in the past decade, as it had done in response to the violent events in Andijan, Uzbekistan, in May 2005. An ODIHR team of human rights experts had been sent within 10 days to interview refugees in Kyrgyzstan, since it had been denied permission to enter Uzbekistan. Calls for an independent investigation by the OSCE Chairman-in-Office and the United Nations High Commissioner for Human Rights had been ignored. ODIHR had observed the trials of 15 defendants in connection with the Andijan events, and had repeated its call to the Uzbek authorities to allow an independent investigation into the events.

79. ODIHR frequently worked in partnership with States, civil society and international organizations and agencies, including the United Nations, the Council of Europe and the European Union. In its work, ODIHR drew on standards established by the United Nations human rights treaty bodies.

80. Mr. INGRAM (World Bank) said that the advancement of human rights was critical to the World Bank's poverty reduction mission. Human rights contributed to better and more sustainable development by promoting equal opportunities and social inclusion and provided a more equitable distribution of income and more responsible resource management. As a multilateral development institution, the Bank could most effectively give greater prominence to human rights by providing financial and technical assistance to expand access to basic services. The World Bank had initiated a process of internal review to integrate human rights more explicitly into its operations.

81. The World Bank's Legal Department had developed a human rights matrix that mapped the Bank's policies and activities against the provisions of international human rights treaties. The Bank was seeking closer cooperation with the United Nations system in order to promote human rights. It had also been active in devising criteria for the periodic evaluation of global partnerships for a development in the context of human rights.

82. The World Bank was working closely with the Governments of the Nordic countries to establish a trust fund to finance pilot efforts to use human rights as an instrument for more effective development. One of its first initiatives involved assistance to Governments in integrating human rights into their poverty reduction strategies.

83. Ms. DESOUCHES (International Organization of la Francophonie (OIF)) said that the establishment of the Human Rights Council reflected the growing importance of human rights in international affairs. The groundwork had been laid by the many positive achievements of the Commission on Human Rights - achievements that should be maintained and developed by its successor. The use of thematic working groups, the drafting of a convention on forced disappearances and work on the right to development and on an optional protocol to the International Covenant on Economic, Social and Cultural Rights should be continued by the Council, which should also ensure follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

84. The members of OIF had subscribed to a set of principles and commitments in the area of democracy and human rights in the declaration that the Organization had adopted in Bamako in November 2000. In May 2004, they had reaffirmed those values at a ministerial meeting on the prevention of conflict and human security. The International Organization of la Francophonie would cooperate with the Office of the United Nations High Commissioner for Human Rights and would become involved in the follow-up and implementation of the commitments made by the 14 OIF member States that were also members of the Council.

85. Respect for, and promotion of, multilingualism were one of the foundations of international democracy, and OIF attached particular importance to the equal treatment of working languages and the presence of French-speaking countries on the Council.

86. There was no doubt that the most important aspect of the Council's work would be to guarantee the effective implementation of human rights. In that respect, it was essential to consolidate the special procedures and to ensure that the Council's work dovetailed with that of the treaty bodies. The Council must renew the partnership with national human rights institutions, NGOs and international human rights networks, whose participation in the sessions of the Commission had been a significant achievement.

87. Mr. SWEPSTON (International Labour Office) said that human rights were central to the mandate of the International Labour Organization (ILO). ILO played an important role as the “other” major standard-setting and supervisory body of the United Nations human rights system. To date, 120 States had ratified all 8 ILO conventions on fundamental principles and rights at work.

88. The 1998 Declaration on Fundamental Principles and Rights at Work provided a promotional framework for protecting freedom of association and eliminating child labour, forced labour and discrimination in employment. Each of those rights was essential to promoting development and reducing poverty. At its last session, the International Labour Conference had called for the increased use of technical assistance to overcome obstacles to the implementation of human rights in countries requesting international assistance.

89. ILO cooperated with the United Nations, in particular with its treaty bodies, to ensure consistency in the interpretation of the various international human rights instruments. ILO standards informed and guided the implementation of general statements on human rights that were the focus of United Nations instruments, including those relating to discrimination, forced labour, child labour, freedom of association, social security, occupational safety and health, and the rights of indigenous peoples.

90. The time had come for greater coordination between ILO and other specialized agencies and bodies of the United Nations. ILO could make a more systematic and in-depth contribution to the Human Rights Council’s discussions of subjects central to the ILO mandate. ILO and other specialized agencies could interact more directly with the Council than they had with its predecessor, for example in such areas as the implementation of economic, social and cultural rights. There was also significant room for improvement in the sharing of information and expertise and in the implementation of joint assistance projects. The involvement of employers’ and workers’ organizations alongside Governments in the ILO structure brought valuable allies to the cause of human rights within the Member States.

91. Ms. BREINES (United Nations Educational, Scientific and Cultural Organization (UNESCO)) said that, while UNESCO strove to promote all human rights by means of education and advocacy, it had special responsibilities for those rights that were directly linked to its field of competence: the rights to education, to freedom of opinion and expression, to take part in cultural life and to enjoy the benefits of scientific progress and its applications.

92. The right to education was both a right in itself and the key to unlocking many other human rights. Guided by the six Education for All (EFA) goals and the two education-related Millennium Development Goals, UNESCO sought to provide universal access to quality education. The UNESCO Convention against Discrimination in Education was a key pillar of EFA and placed great importance on making education accessible to the marginalized and the poor. That involved, in particular, special measures to overcome the gender gap in education, and to promote the educational rights of girls and women. UNESCO also worked in close cooperation with the Office of the United Nations High Commissioner for the Human Rights to promote human rights education.

93. UNESCO was firmly committed to the freedom of expression, which was the cornerstone of any democratic society. While freedom of expression lay at the core of liberty and democracy, mutual religious and cultural respect was an imperative element for dialogue and peace in a globalized and increasingly interdependent world. In April 2006, the UNESCO Executive Board had adopted a resolution on respect for freedom of expression and respect for sacred beliefs and values and religious and cultural symbols, and the Organization was working to accelerate implementation of its plan of action for dialogue among civilizations, cultures and peoples and to promote peace, tolerance and mutual understanding.

94. UNESCO also played a leading role in the ethics of science and technology, particularly in the area of bioethics. Over the past decade, it had drawn up a series of normative instruments with a view to providing support in the formulation of legislation and policies in the field of bioethics, and in 2005 it had adopted the Universal Declaration on Bioethics and Human Rights.

95. Ms. FELLER (Office of the United Nations High Commissioner for Refugees (UNHCR)) said that, while she was pleased that a number of the newly elected members of the Council had made explicit commitments to the international asylum regime or to refugee protection, even more States should have taken that approach. Unlike its predecessor, the Human Rights Council should acknowledge that human rights violations were one of the principle causes of forced displacement, regardless of whether it was across borders or within them, and it should accept its responsibility to examine even-handedly specific situations that forced people to become refugees. The Council should focus as much of its attention on gaps in protection as on violations and should keep the rights and needs of individuals in proper balance with concerns of the State.

96. The Council should have zero tolerance for the mischievous mischaracterization of people and their problems for populist or other reasons. The Council should keep the rights of non-citizens in as much focus as those of citizens, so that it, unlike the Commission on Human Rights, could see the merit of concrete interventions on behalf of stateless persons. The Council should convince States that doing the right thing was in their own interest.

97. The United Nations reform had led to the establishment of the Peacebuilding Commission and a secretariat to support it. Peacebuilding required the recognition of the direct link between human rights protection and the restoration of peace. Peacebuilding must figure prominently on the agendas of humanitarian assistance agencies and must be programmed centrally into the work of the development agencies.

98. Ms. MASRI (African Union (AU)) said that the establishment of the Human Rights Council demonstrated the international community's renewed determination to face human rights challenges. Africa had very clear priorities, including the implementation of the right to development and the elimination of poverty and underdevelopment. The African States were committed to promoting and protecting the human rights and fundamental freedoms set out in the Charter of the United Nations, the Universal Declaration on Human Rights, the African Charter on Human and Peoples' Rights and other human rights instruments.

99. The Commission of the African Union was firmly committed to promoting peace as a prerequisite for the continent's development and socio-economic integration. The Union had resolved to work according to a series of fundamental principles, including respect for

democratic values and human rights, the rule of law and good governance. The Strategic Framework adopted by the Commission contained clear guidelines on human and peoples' rights.

100. The African Commission on Human and Peoples' Rights, which was based in Banjul, was the principal body for promoting and protecting those rights. The only existing peer review mechanism in the field of human rights had been established under the auspices of the New Partnership for Africa's Development (NEPAD). In 2002, NEPAD had established the African Peer Review Mechanism, to which 23 countries had acceded.

101. Ms. TAULI-CORPUZ (United Nations Permanent Forum on Indigenous Issues) said that indigenous peoples had always looked to the United Nations for the promotion and protection of their human rights and fundamental freedoms. Thousands of indigenous leaders had pled their case at the United Nations Office at Geneva, seeking recognition and the adoption of a declaration to protect their rights. The United Nations Permanent Forum on Indigenous Issues worked closely with human rights mechanisms and bodies, including the Special Rapporteur on the human rights and fundamental freedoms of indigenous people and the Office of the United Nations High Commissioner for Human Rights.

102. The Permanent Forum had been pleased that the high-level plenary meeting of the sixtieth session of the General Assembly, in September 2005, had paid attention to the situation of indigenous peoples. The world's leaders had reaffirmed their commitment to advance the human rights of indigenous peoples at the local, national, regional and international levels, including through consultation and cooperation with them, and to submit for adoption a final draft declaration on the rights of indigenous peoples as soon as possible.

103. The Permanent Forum, which included over 150 indigenous peoples' organizations and networks, had drawn up a number of recommendations of direct relevance to the Council, the first of which concerned the speedy adoption without amendment of the draft declaration on the rights of indigenous peoples (E/CN.4/2006/79, annex I). She called on all members of the Council to support the adoption of the draft declaration, and appealed to the member that had proposed a postponement of the consideration of the draft to withdraw its proposal.

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

104. Mr. MAHAWAR (India), responding to a comment concerning the Indian State of Jammu and Kashmir made by the representative of Pakistan on behalf of the States members of the Organization of the Islamic Conference, said that India, with its independent and impartial judiciary, free and independent press, vibrant civil society and a powerful and independent National Human Rights Commission, guaranteed full enjoyment of human rights by all citizens, including those living in Jammu and Kashmir. The State of Jammu and Kashmir was an integral and inalienable part of India, and Pakistan would be well advised not to pursue a bilateral agenda in multilateral forums.

105. Mr. TIRMIZI (Pakistan) said that his statement had dealt only with the promotion and protection of human rights in the new Human Rights Council. In his comment concerning Jammu and Kashmir, he had merely called for greater efforts to promote and protect human rights in the disputed State. Only one month earlier, the Prime Minister of India himself had



called for an improvement in the human rights situation in Jammu and Kashmir. His delegation welcomed the ongoing dialogue between India and Pakistan on the question of Jammu and Kashmir and hoped that the two countries would soon be able to resolve their differences and bring about an era of peace, friendship and prosperity in South Asia.

106. Mr. MAHAWAR (India) said that India and Pakistan were discussing the issue of Jammu and Kashmir bilaterally, within the framework of the dialogue that had begun in 2004. That dialogue was now in its third round, and was predicated on the commitment made by the President of Pakistan on 6 January 2004 that Pakistan would not permit any territory under its control to be used to support terrorism in any manner.

107. India was committed to the dialogue process, which had brought about significant improvement in relations between the two countries. The confidence-building measures taken in the course of that process had eased tension and led to an increase in travel, trade and cooperation in various areas. Even the population of Jammu and Kashmir had benefited from those measures. While India was committed to continuing the dialogue process in order to redress the negative consequences of the division of Jammu and Kashmir, it was of the firm view that there could be no redrawing of boundaries or any further division of the State or exchange of territory. Such matters should continue to be discussed bilaterally, and not in multilateral forums.

The meeting rose at 6.15 p.m.