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Held at the Palais des Nations, Geneva,
on Friday, 14 September 2007, at 10 a.m.

President: Mr. COSTEA (Romania)

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Any corrections to the records of the public meetings of the Council at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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

ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND THE SECRETARY-GENERAL (agenda item 2) (continued)

1. The PRESIDENT announced that, on 13 September 2007, the General Assembly had adopted the Declaration on the Rights of Indigenous Peoples.
2. Mr. PHUANGKETKEOW (Observer for Thailand) said that there was a need for a strong and mutually reinforcing relationship between the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The Office's support was particularly necessary to ensure that the universal periodic review was conducted in an objective, impartial and fair manner with the cooperation of the States concerned. Countries to be reviewed must be given sufficient time to prepare for the review, which would also require the involvement of all the relevant stakeholders.
3. In her statement to the Council, the High Commissioner had spoken positively about the proposed regional human rights mechanism of the Association of South-East Asian Nations (ASEAN), to be established as part of an ASEAN charter to be signed at the annual summit in November 2007. Thailand strongly supported the establishment of a regional human rights body among the ASEAN countries and the incorporation of the principles of human rights and human security as core elements of an ASEAN charter. He believed that regional and subregional human rights bodies and mechanisms could play an important role in complementing the work of the Council.
4. He took note of the positive developments in Sri Lanka and hoped that the Government would continue to cooperate with OHCHR. For the Human Rights Council to make a difference and be positively engaged in addressing human rights issues and situations, it must be guided by a spirit of cooperation and constructive dialogue.
5. Mr. CHOE Myong Nam (Observer for the Democratic People's Republic of Korea) said that, while the Council had made a great deal of progress in institution-building, it still had a long way to go to reach the objective of eliminating the politicization that had characterized the former Commission on Human Rights. According to General Assembly resolution 60/251, the final decision on mandates had to be made solely through the review process. Unfortunately, that decision was often influenced by some in the absence of any review, and the planned review served only as a formality. The Council had not abandoned the former Commission's practice of selecting countries not on the basis of their actual human rights situations but on the basis of political considerations and lobbies. His country had been a major victim of that practice. At its sixty-first session, the General Assembly had adopted a "resolution" asking the mandate-holder on the Democratic People's Republic of Korea to present a report in October 2007, thus prejudging the outcome of the review planned for June 2007. In June 2007, the mandate had been extended, without any convincing explanation. That situation was unprecedented and had been inconceivable even during the existence of the former Commission, with all its politicization.

6. The universal periodic review should serve as a genuine mechanism for dialogue and cooperation, not for punishment. His delegation would continue to make every effort to turn the Council into a genuine mechanism free from politicization, double standards and selectivity.

7. Mr. JAZAÏRY (Observer for Algeria) said that the Council should proceed to establish the two voluntary trust funds for the universal periodic review mechanism created by the resolution of 18 June 2007. The availability of ad hoc funding, including possible temporary assistance from the Office of the High Commissioner, was not a viable alternative. While the High Commissioner had stressed the importance of launching the universal periodic review as soon as possible, the Council must give States the necessary time to prepare their reports on the basis of a broad nationwide consultation. Most delegations had advocated the holding of the first round of the review after the Council's main regular session, and not in February 2008.

8. The special procedures should be strengthened as part of the process of rationalizing, reviewing and improving mandates, which should make it clear what was expected of each mandate-holder. The appeal to States to make country visits by mandate-holders a regular practice had not met with unanimity.

9. He welcomed the progress made by the Preparatory Committee for the Durban Review Conference and hoped that a spirit of openness would continue to prevail at the next two substantive sessions in order to ensure the success of the Conference.

10. With regard to the High Commissioner's comments concerning the choice of a site for the headquarters of the Regional Office for Northern Africa, he said that it was an unusual practice to decide to open a regional office by simply notifying the countries concerned, rather than by seeking a consensus.

11. He welcomed the High Commissioner's willingness to explore appropriate modalities to accommodate the Council's request to discuss the relationship between her Office and the Council. While his delegation was committed to the idea that the Office should be independent, that did not exclude greater transparency in the area of management and constructive interaction with the Council.

12. Mr. SWE (Observer for Myanmar) said that, on 30 August 2003, the Government of Myanmar had outlined a seven-step road map for transition to democracy, the first crucial step of which was the reconvening of the National Convention. The National Convention, which had been resumed on 18 July 2007, had finished adopting the basic principles of the 15 chapters of the Constitution. The new Constitution would be drafted in accordance with those principles and would then be presented to the people in a referendum. Subsequently, free and fair elections would be held. Thus, the transformation of Myanmar into a democratic State was moving ahead step by step.

13. However, some people had sought to disrupt the successful completion of the National Convention and were trying to tarnish the image of the Myanmar Government in various ways. For example, some were seeking to exploit the rise in fuel prices and had initiated a protest in Yangon, hoping to provoke civil and political unrest throughout the country. Their aim was to

attract the attention of the international community with a view to putting political pressure on the Government. However, the people of Myanmar had not participated in their initiative to the extent that had been expected.

14. The Government of Myanmar was striving to build a modern and developed nation, and political stability, the peace and tranquillity of the people and the prevalence of law and order were indispensable. During the civil unrest in 1988, the Government had had to take the necessary measures to prevent anarchism.

15. Myanmar spared no efforts to cooperate with Special Rapporteurs, human rights bodies and other international organizations as far as possible. Despite the challenges it faced, it would continue its plan to complete its democratic transformation in accordance with the seven-step road map.

16. Mr. LOULICHKI (Observer for Morocco) welcomed the High Commissioner's readiness to participate fully in the Council's institution-building exercise, as well as her commitment to helping delegations participate in OHCHR activities. His delegation hoped that the special fund envisaged for such purposes would be set up as soon as possible.

17. The universal periodic review was the concrete expression of the reviewed State's partnership with the Council and, through it, with the international community. All member States, irrespective of their status and position in the Council, should contribute to the success of the new mechanism by remaining faithful to its underlying principles and cooperating in its implementation. His delegation would approach the review of mandates with an open and constructive attitude and the determination to strengthen their effectiveness.

18. Mr. VAN MEEUWEN (Observer for Belgium) said that the encouraging developments outlined by the High Commissioner showed that her Office's field activities were yielding results. The extension of the mandate of the OHCHR office in Colombia was a perfect example of the favourable impact that good cooperation could have on the human rights situation in a given country. In the Great Lakes region, the Democratic Republic of the Congo had made some progress, although human rights violations persisted and the situation in the eastern part of the country was of particular concern. While there had been positive developments in Burundi, problems in the area of human rights remained. The international community should take concerted action to assist those two Governments and encourage them to continue their efforts, and the High Commissioner should pursue her efforts in that region. In Iraq, the High Commissioner should continue to place priority on strengthening the system for human rights protection, providing support for civil society and developing a transitional justice strategy.

19. Mr. ROSALES (Observer for Argentina) said that the agreements reached on institution-building must be fully respected with a view to ensuring the effectiveness and efficiency of the universal periodic review mechanism. He agreed with the High Commissioner on the need for broad sources of information, including the contributions of civil society, for the universal periodic review. The developing countries attached special importance to the High Commissioner's willingness to assist States in fulfilling the Council's various tasks, including the universal periodic review. He supported the review of special procedures and

stressed the need to ensure the independence of mandate-holders. He welcomed the contributions of OHCHR to the work of the Preparatory Committee for the Durban Review Conference. Lastly, he commended the work of the field offices and encouraged them to continue their efforts to promote and protect human rights.

20. Mr. MUTOMB MUJING (Observer for the Democratic Republic of the Congo) said that, when the High Commissioner had visited his country, she had been given access to a number of sensitive locations, including prisons. The Government had assured her of its commitment to establishing a State based on the rule of law and ensuring respect for human rights. The Government had expressed its willingness to chronicle grave human rights violations committed from 1993 to 2003, and was prepared to investigate solutions in the area of transitional justice and compensation for victims. The Democratic Republic of the Congo had always refused to grant amnesty to perpetrators of such serious crimes as crimes against humanity and genocide. The Government's commitment to combating impunity was demonstrated by its ratification of the Rome Statute of the International Criminal Court and its institution of proceedings in that Court in 2004. The Government had given acts of sexual violence the status of autonomous offences and had created a joint initiative against sexual violence in which the Government, United Nations agencies and NGOs participated.

21. The Government was taking the necessary measures to reform the judicial system; however, that would be a long-term process. He said that the competent authorities had not uncovered any recent cases that would corroborate allegations that the military and political authorities had interfered in the administration of justice. Under the current reforms, the Ministry of Justice had lost all its prerogatives in organizing the work of judges, and Parliament was currently considering legislation that would give judges greater independence. Judges' salaries had been increased considerably with a view to strengthening their independence. He called on the international community to do everything possible to resolve the situation in the Great Lakes region in order to improve respect for human rights. While the problem of impunity remained a source of concern, remarkable progress was being made.

22. Mr. MULUGETA ABEBE (Observer for Ethiopia) welcomed the readiness of the Office of the High Commissioner to support the universal periodic review. The availability of financial resources through the establishment of trust funds was a critical requirement for the effective participation of the least developed countries (LDCs) in that process. The Council must ensure that the review process was not unduly burdensome to States, particularly those that found it difficult to meet their reporting obligations under the various treaty bodies. He expressed his appreciation for the adoption by OHCHR of a joint human rights project designed to help Ethiopia meet its reporting obligations. He was heartened by the High Commissioner's announcement that her Office was ready to provide all possible assistance to delegations that needed support to participate in the Council's activities.

23. It was primarily up to the Council to establish the trust funds. If ad hoc arrangements for financial assistance were found desirable or became inevitable, the Council should take a decision on the ways in which such arrangements could be put into effect. Only after the Council took action, even in the context of such alternative and ad hoc arrangements, would the involvement of OHCHR be meaningful and meet the expectations of the States that it wished to support.

24. Ms. MASRI (African Union) said that the universal periodic review should be carefully planned, since it required the creation of basic infrastructure for data collection and the drafting of national reports. The process should begin only after the Council's March 2008 session. The African States had already set up their own voluntary peer-review mechanism that followed best practices for reporting on governance. The African States also submitted biannual reports on legislation and measures taken under the African Charter on Human and Peoples' Rights.

25. The universal periodic review should allow for flexibility in order to enable States to fulfil their responsibilities in an efficient, timely and non-restrictive manner. Since the Council had adopted the institution-building package quite recently, countries should be given time to assimilate that concept at the national level. The institution-building process must be fully understood not only by government administrations but also by the general public, the media and civil society. Information campaigns should also be organized.

26. The Council should accelerate the implementation of the voluntary trust fund for States that needed assistance to fulfil their commitments under the universal periodic review mechanism, and OHCHR should provide the necessary support in that regard.

27. With regard to the situation in the Great Lakes region, she said that, while the African Union was opposed to impunity, the reconciliation process was often complicated, and that the traditional method of dispute settlement that some countries had adopted should be given time to prove itself. The African Union commended the Government of the Democratic People's Republic of the Congo for its readiness to cooperate with the Office of the High Commissioner in reviewing areas of particular concern. Close cooperation should be established between the African Union, the African Commission on Human and Peoples' Rights and OHCHR, particularly with a view to strengthening national capacities to promote and protect human rights in Africa.

28. Mr. ABDEEN MOHAMED (Observer for the Sudan) said that his delegation supported the introduction of the universal periodic review, which should ensure that situations in all member States were examined on the basis of universal and equal parameters and standards. The special procedures system, however, would place an increased reporting burden on low-income countries. Developing countries needed assistance to enable them to emerge from the difficult situations that they faced, and he called for the continuation and extension of the technical cooperation programme.

29. Ms. LAURENSEN (Observer for New Zealand) said that her delegation agreed that the universal periodic review had the potential to improve respect for and the exercise of human rights. The cooperative and constructive review mechanism would facilitate an inclusive and meaningful dialogue, in which all States were treated as equals. The support that OHCHR provided for the special procedures in the Council's current cycle would be crucial for maintaining an effective and enhanced system with the capacity to respond as the Council evolved and as mandates were reviewed and renewed.

30. Mr. NKUNDWANBAKE (Observer for Burundi) thanked the High Commissioner for the exchanges that she had held with his Government during her visit to the Great Lakes region. He also thanked the international community for the many forms of assistance it had provided

to Burundi, and urged donor States to support Burundi's continuing efforts to achieve national reconstruction and economic recovery. The best way to do that would be to move from humanitarian assistance to development assistance.

31. Mr. ÜZÜMCÜ (Observer for Turkey) said that, in the first rounds of the universal periodic review, the support of OHCHR would be crucial. Since the first working group for the review would need adequate time to prepare, a group of voluntary States could be given priority on an exceptional basis. The guidelines for the review should be truly general, since more comprehensive information would be submitted by States and supplementary information would be provided by other sources. The guidelines could also serve as a tool for civil society input.

32. His delegation was in favour of a case-by-case review of the working groups of the former Sub-Commission, including the examination of their connections with other existing mechanisms in order to avoid overlap and unnecessary duplication of work. Given the different nature of the working groups, structurally different solutions should be formulated for each.

33. The criteria for candidates for the Council's Advisory Committee, which were set out in the resolutions adopted in June 2007, were sufficient guidelines for the selection of members. In order to maintain consensus on that issue, any new criteria should be introduced with circumspection.

34. Ms. KULASINGHE (Asian Forum for Human Rights and Development), speaking also on behalf of the Asian Legal Resource Centre, the International Movement Against All Forms of Discrimination and Racism, and Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs), said that in Asia domestic mechanisms for the protection of human rights remained inadequate, and there was no regional mechanism. The inclusion of human rights elements in the proposed ASEAN charter and the establishment of an ASEAN human rights mechanism were therefore of vital importance.

35. The closure of Yangon's courts by the Myanmar authorities in August 2007 would lead to overcrowding in detention facilities, case backlogs and a high risk of torture and killings of detainees. She urged the High Commissioner and the Council to establish a special study and strategy group to address events in Myanmar. While the initiatives taken by the OHCHR office in Nepal were encouraging, much remained to be done as new situations required urgent responses.

36. She called for the establishment of an OHCHR field office in Sri Lanka with a broader protection mandate than that of the Human Rights Adviser to the United Nations Country Team. The High Commissioner's forthcoming visit to Sri Lanka should facilitate progress to that end. When planning her visit, the High Commissioner should take into consideration the lack of respect for civil society that some of the country's highest authorities had demonstrated. The Council should explore ways to enable the High Commissioner to report back to it in a timely manner so that it could take immediate action on Sri Lanka based on the High Commissioner's observations and recommendations.

37. Ms. SCANELLA (Amnesty International) welcomed the three-year extension of the mandate of the OHCHR office in Colombia, particularly in the light of the ongoing human rights and humanitarian crisis in that country. While there had been improvements in certain indicators

of violence associated with the armed conflict, such as killings and kidnappings, there were still high numbers of internally displaced persons; killings of and threats against trade unionists and human rights defenders, mainly by paramilitary groups; continued enforced disappearances, arbitrary detentions and an increasing number of reports of extrajudicial executions by the security forces; and killings and kidnappings of civilians by guerrilla groups. All parties to the conflict continued to commit war crimes and crimes against humanity. Despite the supposed demobilization, paramilitaries continued to issue death threats and kill human rights defenders, trade unionists and other social activists. The demobilization process was also failing to dismantle paramilitary structures that operated in collusion with security forces. Guerrilla groups continued to commit breaches of international humanitarian law, including selective killings of civilians and hostage-taking. Amnesty International continued to receive many reports of extrajudicial executions committed by the security forces, in which the victims were presented as guerrillas killed in combat. Many cases were investigated by the military justice system, thus guaranteeing impunity for those responsible.

38. There was a pattern of systematic attacks on trade unionists involved in labour disputes over privatization or workers' rights in some areas where extractive industries operated. Amnesty International therefore welcomed the tripartite agreement signed by the Colombian Government, business representatives and trade union confederations in June 2006 under the auspices of the International Labour Organization (ILO). The agreement provided for the establishment of a permanent ILO presence in Colombia, which would monitor progress made by the special units of the Office of the Attorney-General to investigate killings of trade unionists. The Council should support adequate monitoring of the security situation faced by trade unionists and other human rights defenders in Colombia. It should also encourage efforts by the Colombian Government and ILO to investigate cases of attacks and killings of trade unionists. It should examine the situation in Colombia regularly and insist on the full and prompt implementation of the High Commissioner's recommendations by the Colombian Government and the guerrilla forces.

39. Mr. VERZAT (Mouvement International ATD Quart Monde) shared the High Commissioner's concern that discrimination against the world's poorest people was jeopardizing the achievement of the Millennium Development Goals. Further efforts must be made to meet the needs of the most disadvantaged throughout the world. The poorest people did not want assistance; rather, they wished to be recognized as partners in efforts to combat poverty and to promote peace. The Council should pay heed to those issues when considering its draft text on the eradication of poverty. He hoped that some of the persons who were working on the text would have an opportunity to share their experience and ideas with the High Commissioner and State representatives on 18 October 2007. He encouraged all the Council's partners to participate in the events that would be held in Geneva in observance of the International Day for the Eradication of Poverty on 17 October.

40. Mr. GALLÓN (Colombian Commission of Jurists) thanked the High Commissioner for extending the mandate of the OHCHR office in Colombia, and for her support for victims and human rights defenders during her visit to Colombia in September 2007. The High Commissioner had identified several important challenges facing the OHCHR office. Measures must be taken to dismantle paramilitary groups, which killed over 800 people every year. There must be respect for the rule of law, particularly in connection with the investigation of important ministers and parliamentarians who had links to paramilitary groups. There was a

need to guarantee victims' rights to truth, justice and compensation. The Government of Colombia should ensure the availability of credible data on the enjoyment of economic, social and cultural rights. Attacks on and stigmatization of human rights defenders must stop. It was necessary to build a framework for a negotiated peace that was deeply rooted in human rights and humanitarian law, and the Government should develop action plans for human rights and humanitarian law with the broad participation of civil society, particularly the indigenous and Afro-Colombian communities.

41. Mr. LITTMAN (Association for World Education), speaking also on behalf of the Association of World Citizens, the International Humanist and Ethical Union and the World Union for Progressive Judaism, expressed concern about the participation of NGOs in future Council sessions. The call by the President of the Islamic Republic of Iran for the elimination of the State of Israel was in clear defiance of the Charter of the United Nations. It was difficult to understand how Iranian women's rights defenders could uphold respect for fundamental human rights when a religious law allowed the marriage of girls as young as 9 and justified the stoning of women for alleged adultery.

42. Mr. ROSHDY (Egypt), speaking on a point of order, appealed to all speakers to adhere to the subject of the agenda item under consideration.

43. The PRESIDENT said that speakers should confine their comments to the issues that the High Commissioner had raised in her statement and to the current agenda item.

44. Mr. LITTMAN (Association for World Education) said that the Council and the Secretary-General should encourage the United Nations and the Organization of the Islamic Conference to condemn all calls to kill in the name of God or religion. The Council should include words to that effect in its resolution on that subject.

45. Mr. CASTILLO (Centrist Democrat International) expressed his organization's concern at the recent suspension of the personal representative of the High Commissioner for Cuba in human rights matters, particularly in the light of the deaths of at least eight people in Cuban prisons and detention centres and under other circumstances since the beginning of 2007.

46. Mr. REYES RODRÍGUEZ (Cuba), speaking on a point of order, requested that the right of Centrist Democrat International to take the floor should be withdrawn. The Council should investigate that organization, which was involved in fraudulent, politically motivated activities. Moreover, the allegations made by the representative of Centrist Democrat International were untrue, which demonstrated a lack of respect for the Council and brought it into disrepute.

47. The PRESIDENT suggested that the Cuban delegation should submit a written request for an investigation into the alleged activities of Centrist Democrat International. The representative of that organization should limit his comments to the current agenda item.

48. Mr. CASTILLO (Centrist Democrat International) said that one of the important issues before the Council was impunity. That was relevant to the cases of the eight individuals who had lost their lives in Cuban prisons in 2007. He had a list of those people's names and the circumstances of their deaths, and requested that the cases should be investigated by the Cuban Office of the Attorney-General and the Public Prosecutor's Office.

49. Mr. REYES RODRÍGUEZ (Cuba), speaking on a point of order, said that such allegations should be submitted to OHCHR under existing mechanisms. Clearly, the speaker's aim was to manipulate the work of the Council.
50. The PRESIDENT said that, pending the investigations into Centrist Democrat International, he would suspend the right of that organization to take the floor.
51. Mr. MACHONE (International Commission of Jurists) said that, with the exception of its special sessions on the situations in the Occupied Palestinian Territory, Lebanon and Darfur, the Council had failed to examine critical situations of human rights violations. It was essential to close the protection gap between civil and political rights and economic, social and cultural rights. In that regard, he welcomed the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights, which would create a complaints mechanism.
52. Since it was important to ensure the enjoyment of all human rights, the Council should address the question of discrimination on the grounds of sexual orientation.
53. The universal periodic review should help to prevent human rights violations by insisting that States should implement the recommendations made by expert bodies. The special procedures should be allowed to continue to contribute to the protection of human rights through timely monitoring and recommendations on ways to prevent or end human rights violations. Governments should allow visits by the special procedures and should implement their recommendations.
54. The Council should address the human rights situation in several States, including Myanmar, where peaceful protests and opposition had again been suppressed. In Colombia, the impunity of paramilitary groups and limitations on the victims' rights to truth, justice and compensation needed to be addressed. In Sri Lanka, human rights and international humanitarian law were being violated by all parties to the conflict, and the Council should urge the Government to agree to the establishment of an OHCHR field presence in order to prevent further violations. The Council should address the situation in Zimbabwe, where cases of physical attacks on and harassment of the legal profession had increased and intimidation of the courts continued. The implications of anti-terrorism measures in a number of countries, including in Israel, the United States of America, the Russian Federation and Pakistan, remained a source of serious concern.
55. Ms. DE RIVERO (Human Rights Watch) shared the High Commissioner's concerns over the situation in Burma. Over 150 activists had been arrested by the Burmese authorities since demonstrations against increased commodity prices had begun in mid-August 2007. There were over 1,100 political prisoners in Burma, and military offensives against ethnic minorities continued to target civilian populations. The Council should act decisively to prevent continued human rights violations in that country.
56. Human Rights Watch welcomed the deployment of human rights advisers to a number of countries, including Somalia. Since late 2006, residents of Somalia's capital had experienced some of the worst violence in more than a decade. Up to 400,000 people had fled Mogadishu

in March and April 2007 and hundreds of civilians had died during indiscriminate bombardment. The Council should condemn the serious violations of international humanitarian and human rights law that continued to be perpetrated in Somalia by all parties to the conflict.

57. She welcomed the announcement of the High Commissioner's forthcoming visit to Sri Lanka. The renewal of major military operations between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam since mid-2006 had resulted in significant human rights abuses and violations of international humanitarian law by both sides. The National Commission of Inquiry established in 2006 to investigate a number of high-profile cases had yet to result in any prosecutions. She urged the Council to develop, together with the Government of Sri Lanka, a plan to send a United Nations human rights monitoring mission to that country at the earliest opportunity.

58. Ms. PARKER (International Educational Development) noted with interest the continuing efforts to establish a regional human rights mechanism in Asia. She commended the progress made in Aceh with regard to both the post-tsunami and the post-conflict situation. She welcomed the High Commissioner's plans to visit Sri Lanka and Afghanistan in the near future. With regard to Sri Lanka, she hoped that the High Commissioner would be able to investigate fully both post-tsunami progress and the current armed conflict. She wished to know whether the High Commissioner would invite the new Special Adviser on the Prevention of Genocide and Mass Atrocities and the new Under-Secretary-General for Humanitarian Affairs to join her on the visit. In Afghanistan, the medical situation of many war victims and the startling rise in the number of children born with birth defects was having an impact on the right to health, and she hoped that the High Commissioner would investigate that matter.

59. Ms. ARBOUR (United Nations High Commissioner for Human Rights) said that she welcomed opportunities to exchange views with members of the Council. She reiterated her Office's support for the universal periodic review mechanism, and hoped that the Council would provide the necessary resources to ensure the success of that exercise. Lastly, she welcomed the General Assembly's recent adoption of the Declaration on the Rights of Indigenous Peoples.

Statements in exercise of the right of reply

60. Mr. JAHROMI (Observer for the Islamic Republic of Iran) said that his delegation completely rejected the statement made by the representative of Canada the previous day in the Council. Such unfounded allegations clearly demonstrated the continuation of the old habits of politicization, double standards and selectivity that had discredited the Commission on Human Rights. He drew attention to Canada's double standard towards the massive violation of human rights in the Occupied Palestinian Territory by the Israeli regime, and to the deplorable human rights situation in Canada. The international community and the Council had expressed great concern at the worsening situation of indigenous people in Canada, and it was not surprising that Canada had voted against the adoption of the Declaration on the Rights of Indigenous Peoples. Instead of criticizing other countries, the Government of Canada should endeavour to fulfil its own human rights obligations and comply with its international commitments.

61. Replying to a statement made by the Baha'i International Community, he informed the Council that all Iranians, including Baha'is, enjoyed full constitutional rights. In the Islamic Republic of Iran, everyone was equal before the law, and members of any religious denomination who crossed legal boundaries were subject to the relevant legal procedures.

62. Mr. ZHAO Xing (China), responding to the statement made by the Society for Threatened Peoples on behalf of several NGOs, said that China had adopted measures concerning the reincarnation of the living Buddha following strong demand from Tibetan Buddhists. The measures announced by the Government of China would protect adherents of Tibetan Buddhism and enable them to practise their religion. Moreover, those measures were in full accordance with historical Tibetan Buddhist practices. The statement by the NGOs had been based on ignorance of Tibetan and Chinese history, and their allegations were groundless and irresponsible.

63. Ms. GOONETILLEKA (Sri Lanka), responding to a statement made by Pax Romana on behalf of several NGOs, said that the visit of the Special Rapporteur on the freedom of religion or belief to Sri Lanka in May 2005 had been very constructive and had contributed immensely to the inter-religious dialogue. For centuries, Sri Lanka had been a multi-ethnic and multireligious society, and freedom of religion or belief was guaranteed in its Constitution. She therefore expressed serious concerns at the statement made by a small number of NGOs that had attempted to portray Sri Lanka as a country where there was no freedom of religion and where religious leaders and places of worship were under constant attack. Sri Lankan law enforcement authorities were continuing to investigate a number of isolated incidents mentioned by those NGOs. The case of Father Nihal Jim Brown had been included in the cases of alleged human rights violations investigated by the National Commission of Inquiry under the observation of the International Independent Group of Eminent Persons. The Sri Lankan authorities were prepared to address all violations of the right to freedom of religion or belief.

64. Mr. MUNHUNDIRIPO (Observer for Zimbabwe), responding to allegations made by the representative of Portugal on behalf of the European Union, said that the Human Rights Council had rejected the practices of politicization, double standards and naming and shaming that had characterized the former Commission on Human Rights. Regrettably, the European Union statement had been filled with inaccuracies and half-truths aimed at discrediting the Government of Zimbabwe and tarnishing its reputation. Zimbabwe reserved the right to enact legislation to protect its national security and sovereignty. An opposition leader was moving freely in Zimbabwe after a two-week tour of some Western capitals where he had called for additional sanctions against his motherland in a bid to incite rebellion against the legitimately elected Government. He wondered what other country would allow the perpetrator of such treasonous acts to go unpunished.

65. The European Union had the temerity to feign concern for the suffering of Zimbabwean people, when that suffering was a direct result of the illegal economic sanctions that the European Union had imposed against Zimbabwe in order to hasten a regime change. That strategy had been foisted on the European Union by the United Kingdom, the erstwhile colonial power in Zimbabwe.

66. Zimbabwe would continue to cooperate fully with OHCHR on any issue of mutual interest that might arise; however, it would resist any attempt to hijack the Office by those who pursued hidden agendas that had no relevance to human rights discourse. A host country was under no obligation to accede to a request to send a senior human rights adviser to its territory; many national considerations must be satisfied first.

67. Ms. FORERO UCROS (Colombia) said that it was difficult to understand why the representative of Amnesty International should have referred to the “supposed” demobilization of self-defence groups, when 31,717 persons had been demobilized and 18,051 weapons surrendered for destruction. The level of violence had decreased dramatically and immediate action was being taken against any new groups to emerge after demobilization. The Government’s objective was to free the country of drugs traffickers, paramilitaries and guerrilla groups. That was a major challenge, but one that Colombia was tackling with determination and within the framework of its democratic institutions.

68. Considerable progress had been made in the investigations into the deaths of trade unionists, and more than 80 people, including members of the military, had been convicted. Investigations were carried out wherever there were serious indications of links between public officials and paramilitaries.

69. The Colombian authorities were making every effort to meet their obligation to protect victims in order to enable them to take part in judicial proceedings. Murders of protected persons were investigated by the military and the ordinary justice systems; and OHCHR was assisting the Government in its investigations.

70. The Government of Colombia provided all guarantees to human rights defenders and condemned attacks and threats against their organizations. The judicial authorities would spare no efforts to investigate such incidents and punish those responsible.

71. Mr. EKANAYAKE (Sri Lanka), speaking on a point of order, said that his delegation had exercised its right of reply only with regard to the statements made under agenda item 3, and not in response to the statements made by NGOs and representatives after the High Commissioner’s statement. He therefore requested an opportunity for a second right of reply.

72. The PRESIDENT said that Sri Lanka had already exercised its right of reply. Each country could exercise its right to reply only once under a given agenda item.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED FORMS OF INTOLERANCE: FOLLOW-UP TO AND IMPLEMENTATION OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION (agenda item 9) (A/HRC/6/6)

Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

73. Mr. DIÈNE (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), introducing his report (A/HRC/6/6), said that, while the report focused on Islamophobia, it also dealt with other manifestations of religious

discrimination, including anti-Semitism, Christianophobia and hatred that targeted the religious or spiritual practices of other ethnic or religious groups. The equal treatment of all forms of discrimination was a precondition for effectively combating the defamation of religions.

74. The defamation of religions and the spread of racist political platforms among extreme right parties and in the political programmes of democratic parties were indicative of two conflicting trends: the use of religion for political ends, and the mistrust of religion. That situation was also characterized by a dogmatic interpretation of human rights that failed to reconcile freedom of expression with freedom of religion. A recent example had been the caricatures of the Prophet Mohammed in a Swedish newspaper.

75. The use of defamatory speech in conjunction with policies or practices in favour of the political, social and economic exclusion of religious minorities was creating an atmosphere conducive to racial and religious hatred. Islamophobia was currently the most serious form of defamation of religion and had become the dominant ideology of a growing number of political officials and influential intellectual and media figures. That ideology contained the key ingredients for a clash of civilizations and religions: the stereotypical association of Islam with violence and terrorism, and the desire to make its external manifestations invisible and its adherents silent. Three recent developments bore witness to the rise of Islamophobia: recent demonstrations in Brussels by Belgian and European political parties and groups against the “Islamization of Europe”; the intellectual and ideological theorization of Islamophobia by Norman Podhoretz, editor-at-large of the influential magazine Commentary and adviser to a candidate for President of the United States of America, in his latest book, entitled World War IV: The Long Struggle against Islamofascism; and the controversy over the racist connotations of a recent Swiss People’s Party’s poster depicting three white sheep expelling a black sheep from Swiss territory. He welcomed the lively debate that the poster had stimulated in Swiss society, and he had been encouraged by the response that he had received from the Federal Council. In the light of the precedents mentioned in his report on his mission to Switzerland (A/HRC/4/19/Add.2), he shared the opinion of civil society organizations that the poster was conducive to racial and religious hatred, and that the withdrawal of the poster would be in keeping with the established image of Switzerland as a country that respected human rights.

76. Anti-Semitism persisted not only in its traditional strongholds, but was also gaining ground in other regions of the world; for example, anti-Semitism and Islamophobia formed the political platform of a member party of the government coalition in Poland. Christianophobia was spreading as a result of the association of Christianity with the West and colonization, and with the proselytism of certain evangelical movements. Hinduism and Sikhism had also been the targets of discrimination and the modern rejection of diversity in some parts of the world. The religious and spiritual traditions of indigenous peoples and communities of African origin had also been subjected to discrimination and demonization by other religions.

77. His report contained a few examples of the most notable initiatives to combat the defamation of religions. His recommendations were based on the importance of accepting and promoting diversity; the need to focus inter-religious dialogue on the ethical foundations of all religions; the need to consider the historical and theological sources of the defamation of

religions; the promotion of joint action by religions for democracy, human rights and the elimination of poverty; and the balance between and complementarity of freedom of expression and freedom of religion.

78. Mr. GODET (Switzerland) said that his delegation had taken note of the Special Rapporteur's reference to the current debates in Switzerland. All modern societies had to deal with the rapid spread of diversity. In Switzerland as elsewhere, globalization could give rise to tension among communities, and such tension could be exploited for political ends.

79. Switzerland's direct democracy involved all sectors of the population, which had the power to overturn legislation and amend the Constitution. That presupposed a high degree of transparency in political debate and, consequently, the public discussion of highly controversial topics could be accompanied by exaggerated - and sometimes regrettable - expressions of opinion.

80. Incitement to racism was a criminal offence under Swiss law, and potentially racist acts committed in public were automatically subject to prosecution. It was then up to the courts to decide whether or not such acts were punishable.

81. The Swiss Government had repeatedly expressed its opposition to racism, discrimination and xenophobia. It was paying particular attention to questions of migration and integration policy and had recently adopted measures to promote integration and combat discrimination. Switzerland remained convinced that the best response to expressions of xenophobia lay in constructive integration efforts.

82. Mr. MARTABIT (Observer for Chile) said that his delegation understood that the Special Rapporteur's report should be read in conjunction with his previous reports and that its focus on Islamophobia did not imply the establishment of any hierarchy in discrimination against different religions. The report showed that the defamation of religions, like racism, was a universal scourge.

83. With regard to the question of balance and complementarity between freedom of expression and freedom of religion, he said that freedom of expression should not be seen as a problem: religions must accept criticism, provided that such criticism was expressed in a respectful manner.

84. In paragraph 49 of his report, the Special Rapporteur referred to "dogmatic secularism". While certain religious circles might consider any form of secularism dogmatic, secularism was not intrinsically so. As for the reference to the "reluctance to accept the legitimacy of a religious ethic in the fundamental choices and discussions of a democratic society", he pointed out that democratic societies provided a space for debate and dialogue, in which ideas inspired by religious values could be expressed along with other kinds of ideas.

85. Mr. SHALABY (Egypt), speaking on behalf of the Group of African States, asked whether the Special Rapporteur would in a future report be able to make more specific recommendations regarding the principle that respect for human rights should not be dependent on any ideological or political convenience (A/HRC/6/6, para. 74).

86. While the Group of African States would welcome the drafting of a revised general comment on article 20 of the International Covenant on Civil and Political Rights, it was noteworthy that general comment No. 15 of the Committee on the Elimination of Racial Discrimination, which stated that prohibition of the dissemination of ideas based on racial hatred was compatible with the right to freedom of expression, had had very little effect in practice owing to certain States' reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. He wondered how far general comments by human rights treaty bodies helped in achieving the desired objectives.

87. He requested the Special Rapporteur to make further recommendations on ways of dealing promptly and effectively with the increase in acts of incitement to racial and religious hatred. Lastly, he wished to know the Special Rapporteur's views regarding the cartoons targeting Islam recently published in a Swedish newspaper.

88. Mr. KHAN (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), condemned terrorism in all its forms and manifestations. The international media continued to use the misguided actions of a small extremist minority as an excuse to malign the entire Muslim world as well as the religion of Islam. The international community must address the root causes of terrorism, including the social conditions that fuelled extremism.

89. OIC condemned all forms of anti-Semitism and Christianophobia.

90. Muslims were being demonized and dehumanized as Jews had been in the interwar period in the last century. Freedom of expression was exercised selectively: while it was restricted in the case of anti-Semitism, its unhindered application was justified in the case of Islamophobic speech and publications. OIC was particularly concerned at the rising tendency to trivialize acts of discrimination that aggravated hatred among religious communities and ran counter to the spirit of multiculturalism.

91. There was a need to fill the legal vacuum in addressing the issue of religious intolerance, and OIC suggested that the Council, together with OHCHR, should consider the possibility of drafting a convention to combat the defamation of religions and promote religious tolerance.

92. Mr. GALA (Cuba) said that a particularly disquieting form of discrimination against Islam was the increasing hostility to religious symbols. However, Islamophobia was most visible in security policies and anti-terrorist measures, which provided a pretext for surveillance of Muslim places of worship and education, as well as for legislative, administrative and policy measures that stigmatized or penalized Muslim minorities. In addition, there had been countless violations of rights and international humanitarian law in the context of the "war on terror", not only in the United States but also in the European Union and elsewhere.

93. Cuba supported the Special Rapporteur's call for strengthened commitment among political leaders and intellectuals to reject and condemn expressions of hate and xenophobia and for States to integrate, in their national policies, the promotion of dialogue between cultures and religions and to avoid policies inspired by the divisive concept of the clash of civilizations.

94. Mr. SILVESTRE (Observer for Portugal), speaking on behalf of the European Union, said that the European Union found it difficult to reconcile the notion of defamation with the concept of discrimination. The European Union did not consider the concept of “defamation of religions” to be valid in a human rights discourse. International human rights law primarily protected individuals in the exercise of their freedom of religion or belief, and not religions as such. On the other hand, discrimination on various grounds was a concept clearly established in human rights law.

95. The European Union recognized the relevance of the Special Rapporteur’s report insofar as it concerned efforts to eradicate racism, racial discrimination, xenophobia and related intolerance, including double discrimination based on race and religion.

96. Like the Special Rapporteur, the European Union strongly rejected the notion of a hierarchy in discrimination. Since the report focused on the issue of Islamophobia, he would welcome the Special Rapporteur’s opinion on how his future work could reconcile the trend to pay attention to a particular manifestation of discrimination with the need to avoid establishing a hierarchy among the victims of discrimination.

97. He wished to know whether the Special Rapporteur had had an opportunity to engage with the Human Rights Committee or other special procedures concerning the relationship between freedom of expression, freedom of religion and non-discrimination, in the light of that Committee’s declared interest in drafting a revised general comment on article 20 of the International Covenant on Civil and Political Rights; if so, the European Union would value any suggestions he might have in that regard. He wondered whether it might be worthwhile engaging with relevant mechanisms in regional bodies.

98. Mr. ZHAO Xing (China), referring to paragraph 78 (b) of the report, said that the Special Rapporteur should explain how he hoped to complement legal strategies with an intellectual and ethical strategy relating to the historical and cultural processes underpinning the various forms of defamation of religions.

99. In the context of the current preparations for the Durban Review Conference, he wondered how the Special Rapporteur assessed the implementation to date of the Durban Declaration and Programme of Action and in what areas the international community needed to make greater efforts.

The meeting rose at 1 p.m.