



General Assembly

Distr.: General
29 November 2010
English
Original: French

Human Rights Council Sub-Commission on the Promotion and Protection of Human Rights Fifty-eighth session

Summary record of the first part (public)* of the 22nd meeting

Held at the Palais des Nations, Geneva, on Thursday, 24 August 2006, at 3 p.m.

Chairperson: Mr. Bossuyt

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* No summary record was prepared for the second part (closed) of the meeting.

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

Administration of justice, rule of law and democracy (agenda item 3) (*continued*)
(E/CN.4/Sub.2/2006/7; A/HRC/Sub.1/58/5 and Add.1; A/HRC/Sub.1/58/CRP.9;
A/HRC/Sub.1/58/8)

1. **Mr. Khan** (European Union of Public Relations) drew the Sub-Commission's attention to the fact that Pakistan was a politically unstable and undemocratic country, characterized by considerable economic disparity, social injustice and abuses committed by security forces. According to the Pakistani media, more than 1,300 women were currently in detention for offences under the Hudood Ordinances. Hundreds of people from minority groups and secular Muslims were being detained under the law on blasphemy. It should also be emphasized that honour crimes continued to be committed in Pakistan. Rape had become widespread; the authorities were preventing the judiciary from doing its job in the case of *Shazia Khalid*, a female physician raped by a Pakistani army officer in January 2005. Numerous human rights violations had been committed by Pakistani military personnel in Gilgit-Baltistan; nationalists were kidnapped. Political militants were detained as alleged terrorists. The human rights situation was also worrying in Jammu and Kashmir, where the elections that had taken place the previous July had been neither free nor regular. The earthquake on 8 October 2005 had resulted in the displacement of thousands of people who continued to live in tents; nothing had been done to relieve the situation in the affected areas and contrary to information from the Pakistani authorities, affected families had not received 175,000 Pakistani rupees in compensation, but only 25,000.

2. **Mr. Khan** (Commission to Study the Organization of Peace) recalled that under article 2, paragraph 3 of the Declaration on the Right to Development, adopted by the General Assembly in its resolution No. 41/128 of 4 December 1986, States had the right and the duty to formulate appropriate national development policies that aimed at the constant improvement of the well-being of the entire population and of all individuals. Article 6, paragraph 2 of the Declaration stated that all human rights and fundamental freedoms were indivisible and interdependent, and that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights. The policies implemented by the Pakistani Government in Jammu and Kashmir, Gilgit-Baltistan and other regions were contrary to the Declaration. The basic rights of the population were being flouted, particularly by abuses committed in total impunity by agents of the Pakistani secret service. Political militants who were fighting extremism had been arbitrarily arrested and placed in detention. Some of them had been tortured. The Pakistani authorities wanted to keep the people of Jammu and Kashmir under their control, be it direct or indirect. Whatever its needs in respect of water and electricity, Pakistan did not have the right to build dams on territory that was not its own. The construction of the Bahsha Dam in Gilgit-Baltistan would cause the displacement of tens of thousands of people and would submerge hundreds of towns and villages and with them their history and culture.

3. **Mr. Pinnagoda** (International Buddhist Foundation) said that Hinduism and Buddhism, two ancient religions born in the Indian subcontinent, both promoted noble ethical and humanist practices, intended to promote good administration of justice, democracy and the rule of law. Those two great religions existed peacefully side by side in countries such as India, Thailand and Sri Lanka. He emphasized the need to promote tolerance and dialogue between religions. He called emphatically for the establishment of bodies to promote dialogue between religions for the purposes of moral education, and insisted on the need to identify the reasons why young people chose violence as a means of expressing themselves. The international community must strengthen its efforts to end tyranny and the assassinations of minority intellectuals simply because they defended justice and respect for the law. Thus the recent assassination of Mr. Ketheesh Loganathan, a

member of the Tamil minority and Deputy Secretary-General of the Secretariat for Coordinating the Peace Process in Sri Lanka, should be denounced. The international community must strive unremittingly to bring an end to the recruitment of child soldiers and ensure that those who used children in the context of armed conflicts were brought before international jurisdictions, such as the International Criminal Court.

4. **Mr. Monod** (International Fellowship of Reconciliation) drew the Sub-Commission's attention to the report by Mr. Decaux on the administration of justice by military tribunals, E/CN.4/2006/58, and said he hoped that the draft principles therein would be adopted by the new Human Rights Council. Ideally, there should not be any military tribunals, but since they existed in some States, it was important for them to pay due attention to the draft principles established by Mr. Decaux. In that regard, respect for principle No. 5, in accordance with which military courts should have no jurisdiction to try civilians, was particularly important. According to that principle, conscientious objectors must be tried by civilian courts, including when they had been conscripted. Too many countries still imprisoned conscientious objectors, in particular the Republic of Korea, where more than 1,000 Jehovah's Witnesses were imprisoned. The importance of principle No. 19, on non-imposition of the death penalty should also be emphasized. In accordance with that principle, sentencing conscientious objectors to death for desertion was prohibited. There were unfortunately still countries where conscientious objectors were arbitrarily considered to be deserters and were summarily executed, particularly in Eritrea. The States concerned should end such practices and respect international law.

5. **Mr. Littman** (Association for World Education) said that he wished to make a number of observations regarding the working paper on human rights and State sovereignty presented by Mr. Kartashkin during the current session, which was a particularly instructive document, the quality of which he commended. In it, the author pointed out that the Charter of the United Nations was the first multilateral agreement in the history of international relations to enshrine a vast body of principles and standards of international law, which had received universal recognition and were applicable *erga omnes*. The establishment of the United Nations and the adoption of the Charter of the United Nations had signified the beginning of a new stage in international relations. That process had been particularly intensified after the adoption of the Universal Declaration of Human Rights and the International Covenants on human rights. In that context, it was worth emphasizing the important statement made by the representative of Pakistan, on behalf of the States members of the Organization of the Islamic Conference (OIC) in which he had informed the Sub-Commission of the adoption by OIC of a 10-year plan for the promotion and protection of human rights and the drafting of a human rights charter. The Association for World Education supported Mr. Kartashkin's recommendation that the Sub-Commission should urge the Human Rights Council to appoint a special rapporteur responsible for follow-up to work undertaken, particularly through analysing, from the point of view of State sovereignty, issues of personal status in international law, and the human rights activities of regional organizations. It would also be interesting to study the human rights declarations adopted by bodies other than the United Nations.

Statement in exercise of the right of reply

6. **Mr. Wolde-Yohannes** (Eritrea) said that the persons to whom the representative of the International Movement for Reconciliation had referred, had been convicted as deserters, not as conscientious objectors, in accordance with the laws applicable in the country.

Specific human rights issues

- (a) **Women and human rights**
- (b) **Contemporary forms of slavery**
- (c) **Terrorism and counter-terrorism**
- (d) **New priorities**

(agenda item 6) (*continued*) (A/HRC/Sub.1/58/27 and Add.1; A/HRC/Sub.1/58/26; A/HRC/Sub.1/58/CRP.6 and CRP.11; A/HRC/Sub.1/58/NGO/5)

Draft resolution A/HRC/Sub.1/58/L.24 (the prevention of human rights violations committed with small arms and light weapons)

7. **The Chairperson** proposed amending paragraph 6 of the draft resolution to read: “*Approves* the draft principles on the prevention of human rights violations committed with the use of small arms and light weapons, as amended by Ms. Frey, in order to take account of the discussion held during the fifty-eighth session of the Sub-Commission, attached in an annex to the current draft resolution, and invites States, intergovernmental organizations and other relevant actors to follow and implement these principles.”

8. *The draft resolution, as amended, was adopted by consensus.*

Draft decision A/HRC/Sub.1/58/L.26 (Effect of debt on the enjoyment and exercise of human rights)

9. **The Chairperson** announced that Mr. Tuñón Veilles and Mr. Salama were co-sponsors of the draft decision. He proposed amending the draft to read: “the Sub-Commission for the Promotion and Protection of Human Rights decides to appoint Mr. El-Hadji Guissé as Special Rapporteur on the impact of debt on the enjoyment and exercise of human rights, and requests Mr. Guissé to submit his preliminary report on this study to the Sub-Commission at its fifty-ninth session, or to the first session of the future expert advice mechanism”.

10. *It was so decided.*

11. **Mr. Alfonso Martinez** said that it should be pointed out that in the context of his study, Mr. Guissé should take account of discussions that had taken place during the fifty-eighth session of the Sub-Commission and the different reports drafted by the Independent Expert on the impact of debt on the enjoyment and exercise of human rights.

12. *The draft decision, as orally amended, was adopted, subject to further amendment.*

The public part of the meeting rose at 3.50 p.m.