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Chairman: Mr. Tommo Monthe (Cameroon)

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The meeting was called to order at 10.10 a.m.

Agenda item 68: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

(A/65/369, A/65/280 and Corr.1, A/65/340, A/65/256, A/65/119, A/65/227 and Add.1, A/65/224, A/65/257, A/65/156, A/65/171, A/65/263, A/65/285, A/65/322, A/65/287, A/65/258, A/65/207, A/65/223, A/65/282, A/65/281, A/65/321, A/65/273, A/65/222, A/65/274, A/65/288, A/65/310, A/65/255, A/65/254, A/65/260 and Corr.1, A/65/261, A/65/162, A/65/259, A/65/87 and A/65/284)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

(A/65/391, A/65/367, A/65/370, A/65/364, A/65/368 and A/65/331)

1. **Mr. Talbot** (Guyana) said that a balanced approach that gave equal importance to all human rights was required for the realization of peace and development. The Government of Guyana had strengthened provisions to protect human rights and provide mechanisms for redress of violations through the establishment of several constitutional commissions to monitor the situation of indigenous peoples, women and other vulnerable groups. The protection of children's rights had been strengthened through the creation of a child protection agency, a family court system and a children's legal aid programme; legislation on juvenile justice and guardianship questions would soon come before the Parliament. In addition, laws had recently been enacted to strengthen protection of women from sexual violence and improve opportunities for persons with disabilities. An amendment to the Criminal Code had recently been passed restricting the mandatory application of the death penalty. In the absence of international consensus on the death penalty, however, Guyana remained opposed to efforts to impose a selective agenda on the issue.

2. The Government was in the process of implementing the recommendations resulting from the recent universal periodic review of Guyana. That mechanism was useful for assessing the human rights situation of all States in an atmosphere of

non-selectivity. While his delegation recognized the valuable work of special rapporteurs and independent experts in holding States accountable and drawing attention to failures, it was concerned that some mandate holders abused their independent status to venture outside their authority, thereby undermining the usefulness of their work to States. Finally, his delegation expressed support for efforts to promote human rights education.

3. **Mr. Kim** Bong-hyun (Republic of Korea) said that the recent natural disasters and the economic and food crises had demonstrated the vulnerabilities of the existing human rights architecture. Endeavours to achieve universal respect for human rights required effective implementation of relevant instruments, most notably the universal periodic review process. The effectiveness of the process could be improved by States at the national level through sincere efforts to follow up the recommendations resulting from the review.

4. The human rights mechanisms of the United Nations, particularly early warning systems, required support in order for crisis situations to receive a prompt response. The Rapid Response Unit of the Office of the High Commissioner for Human Rights (OHCHR) warranted particular attention because of its proven success in containing crises through swift deployment of qualified staff. The special procedures of the Human Rights Council had also helped to provide a timely response to urgent human rights situations. A more systematic and coordinated system of cooperation that linked the work of all human rights mechanisms was still needed in order to improve timely preventive action. His Government greatly appreciated the proactive and practical approach of the special procedures mandate holders to the protection of the rights of the most vulnerable, as it was such groups as women, children, migrants and persons with disabilities who were the hardest hit during situations of economic crisis, armed conflict and other external shocks.

5. **Mr. Mamdouhi** (Islamic Republic of Iran), drawing attention to the rising discrimination on the basis of religion, race and ethnicity in member States of the European Union, said that Muslims and ethnic minorities had faced discrimination in employment and housing, were prevented from observing their religious practices and dress code in public, and were subject to verbal and physical attacks. United Nations treaty

bodies had expressed concerns over the excessive use of force by the police and torture against prisoners in some European Union countries.

6. The policies under the United Kingdom's so-called "war on terror" were for the most part directed against Muslims and foreigners and had increased racial tensions and xenophobia. The Government had done little to address the fears of Muslim communities or the concerns of human rights activists. Since 11 September 2001, the Government had committed a series of grave human rights violations, and was implicated in acts of torture, unlawful detentions and renditions.

7. For its part, the United States Government continued its illegal detention of 198 people in Guantanamo, and several prisoners who had been tried by military tribunals had not been provided all the guarantees of a fair trial. Hundreds of detainees, including children, were also being held in other countries by the United States military without access to counsel. Conditions in United States prisons often fell short of standards for humane treatment. Many prisoners were held in solitary confinement without adequate review of their status. Furthermore, in violation of international standards, thousands of migrants were routinely detained and held in harsh conditions, and there had been documented cases of extrajudicial executions committed by security forces against migrants. The Committee on the Elimination of Racial Discrimination had expressed deep concerns at the treatment of racial minorities in the United States, while the "war on terror" had created a generalized climate of impunity for law enforcement officers.

8. The same pattern of human rights violations was evident in Canada. United Nations treaty bodies had expressed concerns about the situation of minority groups, including indigenous and Afro-Canadians, who faced discrimination in employment and unwarranted use of police force. Indigenous women in particular lived in conditions of disproportionate poverty and violence. There were also concerns that the Government's counter-terrorism practices did not conform to its human rights obligations.

9. In their pursuit of globalization of their own value systems, some States presented a tarnished view of other cultural systems, thereby undermining efforts at international cooperation. Their use of double standards and lack of respect for diversity in religions

and traditions presented a challenge to the protection of human rights. The international community could overcome that challenge through improved bilateral and multilateral cooperation and through fulfilling the primary mandate of United Nations human rights machinery, which was to create coherent, constructive and transparent dialogue among Member States. His Government was prepared to engage in such dialogue and had participated in 18 rounds of bilateral talks on human rights and judicial issues with a number of interested countries in various regions.

10. **Mr. Mnisi** (Swaziland) said that the fundamental human rights and freedoms of the individual were guaranteed in the Constitution of Swaziland, and the country was also committed to the major international and regional declarations on human rights. In the view of his Government, rights were balanced with responsibilities, and should be understood and exercised in a moral framework rooted in the dignity of the human person. At the same time, every person had a responsibility to uphold the rule of law, to respect the rights of fellow citizens and not to pursue individual happiness at the expense of others' rights. For example, freedom of expression was guaranteed provided it did not involve defamation of persons, culture, religion, etc.

11. In Swaziland, the family was recognized as the natural and fundamental unit of society; therefore, every family should have the right to determine the moral and intellectual upbringing of offspring. His delegation thus noted with concern the growing number of attempts by special procedures mandate holders to impose concepts that challenged social systems, including the role of the family. Such notions as sexual orientation, sexuality, sexual rights and gender identity fell outside the internationally agreed human rights legal framework and expressed disregard for the universality of human rights. He expressed the hope that in future the mandate holders would adhere to their mandates and the Code of Conduct adopted by the Human Rights Council.

12. His Government, which was pursuing a policy of full respect for international law and the purposes and principles of the Charter, did not encourage the use of unilateral measures in relations among States. It had thus supported the establishment of the Human Rights Council and its universal periodic review mechanism; as the five-year review of the Council approached, he expressed the hope that Member States would engage

in an open, inclusive, transparent and non-politicized process to ensure its further strengthening.

13. **Mr. Aryal** (Nepal) said that his delegation recognized the progress in the work of the Human Rights Council since its establishment, particularly with regard to the conduct of universal periodic reviews. It wished to note, however, that the Council should be mindful of the diversity and the wide range of stages of socio-economic and political development of the different world regions when undertaking such reviews. The Council should also seek to adopt its guidelines in a fair and uniform manner.

14. The protection of human rights was indispensable to sustaining peace, security and development. Measures to promote human rights should therefore encompass issues of poverty alleviation and social equity. The Government of Nepal had adopted a rights-based approach to development, stressing the relationship between human rights, democracy and development. It was committed to strengthening its National Human Rights Commission and protecting the rights of human rights defenders, women and indigenous groups. Continuing efforts to end impunity for violations of human rights included more effective implementation of relevant laws and directives of the Commission; provision of adequate resources to security bodies; and establishing commissions to investigate enforced disappearance and monitor the truth and reconciliation process.

15. Nepal's historic transition to a democratic republic had enhanced the Government's implementation of the major international human rights instruments. Special emphasis had been placed on raising awareness of human rights among law enforcement personnel. Both the national and military police maintained human rights offices at the central and local levels, and human rights were a part of their basic training programmes. Mechanisms were also in place to examine claims of human rights violations by the police. His delegation therefore rejected the claims made by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment regarding the lack of punitive and preventive measures related to torture in Nepal. The positive developments that had taken place should have been better reflected in his report. The Interim Constitution of Nepal recognized the right of detainees to be held free of torture, and national law prohibited and criminalized torture or inhuman treatment in any form. The

Government was committed to promoting social inclusion, the rule of law, and the independence of the judiciary.

16. **Mr. Kumar** (India) said that India had been a leader in the promotion of respect for diversity and the protection of human rights throughout its history. The right to equality, the right to life and individual freedoms including freedom of expression constituted the sacred pillars of the Constitution. Furthermore, the principles guiding State policy included elimination of inequality, empowerment of women and promotion of the physical and mental health of all. A national human rights commission had been established in 1993, greatly enhancing capacity to investigate human rights violations. Similar commissions at the state level had subsequently been created, as well as a commission to investigate violations of women's rights, including acts of violence. A landmark act on the right to information was passed in 2005, enabling individuals to gain access to information on public officials and Government decision-making processes, leading to improved transparency.

17. The international community must work together to fight against those committing gross violations of human rights, but attempts to single out individual countries for intrusive monitoring and pointing out failures of State mechanisms for the protection of human rights had not been productive.

18. Terrorists violated the fundamental right to life and waged attacks on democracy, human dignity and development. In the fight against terrorism, Governments faced the challenge of fulfilling their first obligation to protect citizens while also fully observing international law and human rights standards. No country was isolated from the terrorist threat. The international community must ensure that the human rights debate was not misused for the pursuit of narrow political agendas or to fulfil territorial ambitions of States with destructive foreign policy objectives.

19. **Ms. Riley** (Barbados) said that her delegation wished to correct the statements contained in the report of the Secretary-General on moratoriums on the use of the death penalty (A/65/280) regarding the ruling of the Inter-American Court of Human Rights in the case of *Boyce et al v. Barbados* of 2007. The death penalty was not in fact in violation of the American Convention on Human Rights, as the report had stated. The Inter-American Court of Human Rights had

observed that in article 4, paragraph 2, the Convention allowed for the imposition of the death penalty in countries that had not abolished it, noting that it should be reserved only for the most serious crimes. The criminal code of Barbados provided for the use of the death penalty in cases of murder and treason. In recent times, capital punishment had only been applied in cases of murder — a crime which had been deemed by the Government to be among “the most serious” — and was last used in 1984.

20. Furthermore, her delegation wished to clarify that the Court judgement cited in the report required the Government of Barbados to adopt measures to ensure that application of the death penalty was not mandatory. The Government had been taking steps to ensure that the Constitution and laws of Barbados were not in conflict with the American Convention on Human Rights, a reflection of its respect for human rights and relevant international instruments.

21. Her delegation reaffirmed that every State had the sovereign right to determine whether to retain or abolish the death penalty, in accordance with its cultural and legal needs, and its obligations under international instruments to which it was party. Capital punishment was first and foremost a criminal justice issue and must be viewed from that perspective, taking into account the rights of victims and the right of the community to live in peace and security.

22. **Mr. Hannan** (Bangladesh) said that his delegation appreciated the reports presented by the special rapporteurs and human rights mandates. It had reservations, however, regarding the controversial concept of comprehensive sexuality education put forward by the Special Rapporteur on the right to education.

23. The Constitution of Bangladesh embodied the principles of universality, non-selectivity, impartiality and objectivity of human rights, as enshrined in the Universal Declaration of Human Rights, and also contained special provisions to safeguard the rights of women, children and minorities. The Government believed that effective enjoyment of human rights depended on the ability of the State to establish the appropriate laws, institutions and legal system to uphold those rights, which required human, material and financial resources. Eradication of poverty being the top priority for the Government, it attached great

importance to the right to development, along with economic and social rights.

24. As a member of the Human Rights Council since its inception in 2006, Bangladesh remained engaged in constructive dialogue with the international community. It had established an independent National Human Rights Commission to strengthen the institutional safeguards of the fundamental human rights of all citizens and redress for violations. Thus far the Commission had received 147 complaints, 82 of which had been disposed of.

25. Bangladesh remained committed to the protection and promotion of human rights despite the challenges it faced, including poverty and climate change. In that context, he noted the recent visits of the Independent Expert on access to safe drinking water and sanitation and the Independent Expert on the question of human rights and extreme poverty, which had helped to consolidate efforts to ensure the human rights of its citizens.

26. **Ms. Morgan** (Mexico) said that Mexico was continuing its work to ensure a culture of human rights throughout the country through its National Human Rights Plan 2008-2012. Among human rights issues of particular importance to her Government, the protection of the human rights of migrants was one that should be given priority in the United Nations as well. Her delegation agreed with the Special Rapporteur on the promotion and protection of the human rights of migrants that lack of attention to human rights in an effort to manage migration had negative consequences both for migrants and for host societies. Civil society and the media should play an important role in comprehensive strategies to promote tolerance and combat stereotypes of migrants. Their vulnerability to extortion, sexual exploitation, trafficking and violence could not be ignored, and required concerted action by countries of origin, transit and destination. The presence of the High Commissioner for Human Rights at the forthcoming Global Forum on Migration and Development would be critical in promoting a comprehensive perspective on migration.

27. Mexico welcomed the universal support for the Convention on the Rights of Persons with Disabilities and was preparing its initial report under that Convention. It also considered that the only way to ensure the effectiveness and legitimacy of measures to combat terrorism was to promote respect for human

rights as part of those efforts. The Global Counter-Terrorism Strategy must incorporate a human rights perspective into its working groups and task forces as well.

28. Lastly, the five-year review of the Human Rights Council was an important process that would test the ability of the international community, from a perspective of cooperation and understanding, to promote the changes needed to ensure the Council's effectiveness in promoting and protecting human rights worldwide.

29. **Mr. Rutilo** (Argentina) said that impunity, which arose out of a legal and moral vacuum in some societies, was among the major threats to human rights. The international community must deliver the clear message that grave human rights violations must be investigated and punished wherever they occurred. Argentina thus strongly supported the work of the Special Rapporteurs and recognized the valuable contribution of the International Criminal Court. Human rights defenders also made an important contribution to the promotion and protection of human rights. His delegation thus urged Member States to intensify efforts to guarantee their right to life, personal integrity and freedom of expression.

30. Matters urgently requiring attention and discussion within and among societies included homophobia and human rights violations on the grounds of gender identity, sexual orientation or gender expression. Argentina rejected discrimination on any grounds, and commended the work of the special procedures concerned with such issues. It was also committed to the elimination of all forms of discrimination based on religion, and sanctioned any act of incitement to national, racial or religious hatred.

31. His delegation hoped that the one remaining ratification necessary for the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance would soon be forthcoming, as the implementation of that important instrument would be a decisive step in the protection of human rights.

32. **Mr. Chipaziwa** (Zimbabwe) said that Zimbabwe subscribed to a definition of human rights that emphasized the compatibility and indivisibility of civil and political rights on the one hand and social, economic and cultural rights on the other.

33. His delegation was concerned, however, at the growing tendency of some human rights mandate holders to submit reports exceeding their mandates which contained notions not agreed to under universal human rights law. It was furthermore dismayed at the confrontational stance adopted by some, who presented unverified information as facts. The hostility expressed towards some countries made constructive engagement extremely difficult. He therefore called on the special procedures mandate holders to abide by their code of conduct and to exercise moderation.

34. Many developing countries were reeling under the effects of historical exploitation, the financial and economic crises and, as in the case of his country, economic sanctions. He wondered, however, why civil and political rights were being given priority over economic, social and cultural rights, when it was so often preached that all human rights were indivisible, interdependent and interrelated. The global financial and economic crises had confirmed his delegation's view that the continued implementation of neo-liberal economic formulas, particularly in developing countries, resulted in the erosion of human rights. It therefore called on developed countries to honour their financial commitments. Human rights could not be guaranteed in an environment of abject poverty.

35. Unilateral coercive measures were contrary to international law, the United Nations Charter and the norms and principles governing peaceful relations among States. Zimbabwe was a victim of unilateral sanctions imposed by some developed countries purely because the Government had embarked on a process of equitable distribution of land. If the European Union and its allies had the welfare of Zimbabweans at heart, they should lift the sanctions so that the country could move ahead with implementation of its economic empowerment and development strategies. Crime rates were at normal levels in Zimbabwe, and allegations of widespread incidents of rape had not been substantiated.

36. Zimbabwe rejected the culture of finger-pointing characterized by its Western detractors, including the Special Rapporteur on torture and the European Union and its allies, particularly Australia and Canada. Those countries remained silent on human rights violations in their own territories, especially continued discrimination against minorities, migrants and the indigenous population. The Government of Zimbabwe was committed to the implementation of the 2008

Global Political Agreement and had made good progress that had been commended by many in the international community. It was engaged in a constitutional and electoral reform process and must be given the space to chart its own destiny without undue political influence from outside.

37. **Mr. Pak Tok Hun** (Democratic People's Republic of Korea) said that aggression and armed conflict created obstacles to international efforts for the promotion and protection of human rights. Innocent women and children were the main victims of hostilities in such locations as Iraq, Afghanistan and the occupied Palestinian territories. Encroachment on State sovereignty was another major obstacle. A typical example was the North Korean Human Rights Act adopted by the United States of America in 2004, with the objective of bringing about a change in his Government under the pretext of promoting human rights, democracy and the market economy. It was for the Korean people themselves to choose their political and economic system. Efforts by the United States to impose its own standards constituted interference in the internal affairs of a State and were doomed to failure.

38. Politicization of human rights and the imposition of double standards should not be allowed; there could be no judges and defendants where human rights issues were concerned. The resolutions on the situation of human rights in specific countries adopted annually in the Third Committee were an open challenge to the universal periodic review mechanism of the Human Rights Council, which dealt with the human rights situations of all countries on an equal footing.

39. He drew attention to past human rights violations by Japan, in particular forcing 200,000 women and girls from Korea and other Asian countries into sexual slavery as "comfort women" during the Second World War. A half century later, Japan had not made a sincere apology, nor had it offered compensation for its crimes.

40. **Ms. Semasinghe** (Sri Lanka) said that if the objective of the human rights framework was indeed to institutionalize the promotion and protection of human rights, then countries emerging from violent political convulsions must be allowed space to begin to restore and revitalize their regime of rights and freedoms. Sri Lanka thus welcomed the response of the High Commissioner for Human Rights that the role of her Office was not to "name and shame", but to address

how best to improve the human rights situation in the context of a particular country.

41. Sri Lanka was party to seven core human rights instruments and its Constitution guaranteed a comprehensive set of fundamental rights which were enforceable through an independent judiciary anchored in its sustained democratic and legal traditions. It had adopted a human rights-based approach to recovery from armed conflict and the strengthening of democratic governance. Within the space of a little over a year, it had massively scaled down the provisions under the Emergency Regulations, resettled more than 90 per cent of internally displaced persons, continued to rebuild basic infrastructure in areas affected by the conflict, rehabilitated and reintegrated 667 former Liberation Tigers of Tamil Eelam (LTTE) and child combatants and improved security and mobility throughout the country. A Commission on Lessons Learned and Reconciliation addressed reconciliation and confidence-building. Presidential and parliamentary elections had taken place in January and April 2010 respectively throughout the country.

42. One constructive outcome of the universal periodic review process in the Human Rights Council had been the formulation of a National Plan of Action for the Promotion and Protection of Human Rights, with a feasible and time-bound plan for implementation put forward by a Cabinet subcommittee.

43. The Action Plan assigned a thematic focus on the issue of torture. Upgrading of professional skills of the police forces combined with an emphasis on the prevention of torture by the Supreme Court had helped to improve the situation. Changes to criminal law that would strengthen prevention were also being considered.

44. Legislative provisions under the Emergency Regulations had been repealed with the exception of offences related to possession and transportation of explosives and ammunition. With regard to the assertions on the payment of reparations as a substitute for prosecution, she clarified that only when the victim's version of events did not meet the standards for admissibility of evidence, resulting in acquittal, did the concept of compensation of the victim by the suspect come into play.

45. Solutions to the country's political problems, including issues related to human rights, must

necessarily have local resonance and public acceptance. By the same token, a sympathetic external environment would be useful in realizing those efforts more quickly. While Sri Lanka had been criticized over the past 28 years as it grappled with tensions in the area of human rights, its willingness to engage with the international community based on constructive and objective assessments remained undiminished.

46. **Mr. Babadoudou** (Benin) said that there had been division and political contradictions of all sorts among Member States almost since the adoption of the Charter some 66 years earlier. Barriers had been erected between North and South, Islam and Christianity, civil society and governments, and even those who believed that civil and political rights should be given priority over economic, social and cultural rights. The new concept of sexual orientation and identity, expressed by the Special Rapporteur on the right to education as the “right to a comprehensive sexual education”, which was viewed, curiously, as a means to achieve Millennium Development Goal 2 of universal primary education, was the latest in the series of such barriers. Meanwhile, the majority of the peoples of the world remained mired in poverty.

47. The Human Rights Council had been established in response to the need to move beyond the politicization of the international human rights machinery, but unfortunately, politicization had returned with a vengeance, to the detriment of the effective enjoyment of human rights by all. Benin reiterated its full support for the Human Rights Council and its efforts to uphold the sovereign equality of all States in the area of human rights. The current review of the Council provided an opportunity for the international community to refine its procedures, mandate and governance.

48. The question of the mandate of special rapporteurs deserved particular attention during the review. Their contribution to the improvement of the human rights situation must be assessed, along with the responsibility of mandate holders in the exercise of their freedom of expression. The major challenge was to ensure that universally accepted human rights and fundamental freedoms were a set of values that determined the behaviour of the individual in society.

49. **Mr. Hetanang** (Botswana) said that his country had made significant strides in respect of the rights of women and children. It had adopted a Domestic

Violence Act, designed to protect victims of domestic violence, and a Children’s Act which incorporated into national legislation all the provisions of the Convention on the Rights of the Child and of the African Charter on the Rights and Welfare of the Child. Naturally, much remained to be done.

50. While the universal periodic review mechanism of the Human Rights Council was proving successful, as had the special procedure mandate holders of the human rights system, some mandate holders seemed to be using their clear mandates to further a narrow agenda. Recently, one Special Rapporteur had sought to propagate ideas that clearly went beyond his mandate. Such conduct, if permitted, would undermine the entire human rights system.

51. While reaffirming his Government’s commitment to human rights, he said that the draft resolution concerning a moratorium on the use of the death penalty was unacceptable in that it attempted to impose certain values on others. He therefore urged delegations to vote against it.

52. **Mr. Jomaa** (Tunisia), after briefly reviewing how the culture of human rights had evolved over the past 60 years, starting with essential rights and now including such things as the right to a healthy environment and rights having to do with communications technology, said that the principle of solidarity was considered so fundamental, in Tunisia, and so closely related to human rights, that it had been included in the latest amendment to the Constitution.

53. His Government’s approach to human rights reflected a multidimensional policy based on democracy, pluralism and political participation. Indeed, the culture of democracy was deeply rooted in Tunisian society and was at the heart of its new approach to growth and to the renewal of its political, economic and social structures.

54. Given the situation in various regions of the world, due, inter alia, to wars, endemic diseases, poverty and the rising tide of fanaticism, it was essential to make human rights genuinely universal. His President had long ago proposed the principle of world solidarity as a way of helping to build a better future and the international community had responded by adopting General Assembly resolution 57/265, endorsing the decision of the World Summit on Sustainable Development to establish a World

Solidarity Fund. It was now more essential than ever to take action.

55. **Ms. Klein Solomon** (Observer for the International Organization for Migration) supported the Secretary-General's view that States had an obligation under the core international human rights instruments to protect the human rights of all individuals under their jurisdiction, regardless of their nationality or their migratory status (A/65/156, para. 67 (e)), while noting, at the same time, that migrants must respect the laws of host and transit societies.

56. Her organization was committed to working with Member States at the policy and operational level to assist them in their efforts to give effect to the human rights of migrants. While all migrant workers were vulnerable to human rights abuses, migrant domestic workers were particularly vulnerable because of their isolation.

57. Her organization believed that knowledge of the legal instruments governing migration could foster protection of the human rights of migrants. To that end it disseminated information on various aspects of international migration law; provided training in that area for a variety of officials and organizations; cooperated with the various United Nations treaty monitoring bodies; and collaborated with various Special Rapporteurs.

58. **Mr. Mutter** (Observer for the Inter-Parliamentary Union (IPU)) said that, in its efforts to familiarize parliaments with the various human rights mechanisms, IPU had focused on the United Nations treaty bodies. Earlier that year it had sent a questionnaire to all parliaments with a view to conducting a study on parliamentary involvement in the preparation of national reports on the relatively recent universal periodic review process.

59. Summarizing the results, he said that, as expected, few parliaments had contributed to the reports. In one case, both Chambers had designated a member to represent parliament in the preparatory meetings; in another, the parliament had examined the report before submitting it. Almost all respondents had said that there was no parliamentary presence on the national delegations. Nearly half of all respondents reported having been informed of the recommendations from the universal periodic review by various means and some had reported on follow-up action. The Czech Parliament, for instance, had ratified the Rome Statute

and had adopted an anti-discrimination law. However, the outlook for the future was brighter, as a majority of parliaments had reported that they planned to be involved in the process. IPU would do its best to support them in that endeavour.

60. **Ms. Gastaldo** (International Labour Organization (ILO)) said that protecting migrants and regulating migration were central issues of governance and public debate. In a recent study, ILO had estimated that nearly half of people living outside their own countries in 2010 were economically active; in many countries 10 per cent or more of the workforce was now foreign-born.

61. Migration was driven by globalization and by the dynamics of development itself. On the demand side, competition compelled workers to accept lowered standards and more precarious employment, while on the supply side, globalization had been unable to create decent employment in countries with young and growing populations. A disproportionate number of migrant workers were unemployed or faced deteriorating working conditions due to the economic crisis. They had less access to social protection and were subject to rising xenophobic violence, exploitation and abuse. The very lack of legal migration regimes led to clandestine flows of low-skilled migrants.

62. A comprehensive body of law protecting migrants had evolved in the twentieth century based on non-discrimination in employment, universal human rights regardless of migration status and international labour standards. The ILO Multilateral Framework on Labour Migration called for a firm and viable legal foundation for policy and for the strengthening of labour standards.

63. Migrants also performed a large part of domestic labour. A lack of knowledge of their rights made them vulnerable to forced labour. In June 2010, at the International Labour Conference, ILO had discussed the issue of decent work for domestic workers for the first time, with a view to setting new international labour standards.

Statements made in exercise of the right of reply

64. **Mr. Mamdouhi** (Islamic Republic of Iran) said, that all Iran's citizens enjoyed equal legal protection and human, political, economic, social and cultural rights. More than 32 elections had been held over the

previous three decades, with all political parties allowed to participate. The Constitution guaranteed freedom of expression and more than 5,000 public gatherings were held annually. No officials were immune from prosecution for punishable offences. A body existed to handle complaints of human rights violations and effective measures had been taken to prevent torture or ill-treatment.

65. Countries had a choice of whether or not to use capital punishment; death sentences in Iran were issued only for serious crimes after the judicial system had exhausted all other available remedies.

66. Certain countries which claimed to be champions of human rights maintained stereotypes by condemning others for human rights violations while evading their own responsibility for violations. Since 11 September 2001, Muslims in New Zealand and Australia had felt victimized. Asylum-seekers faced persecution under New Zealand's new Immigration Act and Maori were disproportionately arrested and imprisoned. In Australia, more than 45,000 Aboriginal people had been subjected to racial discrimination, including compulsory income management. In Norway, there were reports that security officials used racial profiling to stop and search ethnic minority members and that juveniles were imprisoned in cells with adults and often exposed to drug use.

67. **Mr. Thomson** (Fiji) said that since 1987, Fiji had undergone traumatic national events, including coups d'état and racially divisive Constitutions. The low point had come in 2000 when its Government had been held hostage at gunpoint for 56 days. It was in reaction to those forces that Fiji was undergoing a necessary transition phase. It would not be doing anything "promptly" as demanded by Australia; to do so would invite a return to the conditions of the coup d'état. It was instead seeking a return to parliamentary democracy that would sustain it for the century ahead. In 2014, Fiji would hold general elections, under universal suffrage and without regard to race for the first time since independence in 1970.

68. Human rights were central to that transition. As of June 2010 all citizens could call themselves Fijians, a right previously unavailable to Fiji's non-indigenous citizens. The Human Rights Decree of 2009 enforced rights to equality and banned gender and racial discrimination. The judicial system was fully operational, rooted in the principles of impartiality,

justice and independence. New laws had been enacted, reaffirming Fiji's commitment to international law, particularly on human rights. The adoption of a new Constitution by 2014 was a national priority.

69. Fiji had ended communal violence and racial strife, and it was sad that a few sought to undermine its path to sustainable democracy. It did no credit to the stated desire of Australia and New Zealand to re-enter constructive engagement with Fiji that they persevered with a negative approach. Fiji's visitor arrivals in 2010 had increased by 20 per cent compared to the previous two years; ironically, most of those holiday-makers came from Australia and New Zealand. The desire for regional cohesiveness and mutual support among the Pacific Island Countries and Territories remained as strong as ever in Fiji.

70. **Mr. Ileka** (Democratic Republic of the Congo) said that he was extremely shocked by the term "local authority" used to describe his Government by the representative of Belgium on behalf of the European Union. The term was pejorative, not to say insulting. If he were to describe the king of Belgium as a hereditary chief, it would spark a major diplomatic crisis. The colonial era was over; he thus called for mutual respect.

71. The investigation into the death of human rights activist Floribert Chebeya Bahizire was still under way but was nearly complete and the case was expected to go to trial in the near future. By contrast, a high-profile investigation in Belgium had lasted more than a year without prompting accusations of flagrant human rights violations.

72. Regarding the report on the mapping exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003, he said that the source of destabilization in the Great Lakes region did not lie in Africa. It was the European Union alone which had refused to follow up the recommendations of the Special Rapporteurs on the grounds that creating tribunals or supporting the judicial system were expensive, as if the lives of Congolese people were not worth the cost.

73. Regarding the mass rapes perpetrated in the village of Luvungi in the Walikale region, he reiterated his condemnation of that cruel, inhuman and degrading treatment of Congolese women. The Government was

conducting an inquiry which had so far led to the arrest of five Mai-Mai militiamen. Moreover, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) had handed over an individual suspected of being a commander involved in the mass rapes.

74. The Democratic Republic of the Congo welcomed the mapping report and called on the European Union to help it provide justice for the millions of victims of the unspeakable horror the Congolese people had undergone. He asked if the European Union would prosecute those of its nationals who — individually, in an official capacity or as members of multinational companies — had supported destabilization in the Great Lakes region and knowingly fomented the war. The European Union must accept its responsibility and act accordingly, in line with the moral values it claimed to uphold.

75. **Mr. Ali** (Sudan) referred to the accusations levelled by the delegation of the United States of America concerning arrests allegedly made by the Sudanese authorities targeting certain persons who had spoken with the Security Council delegation that had recently visited the Sudan. The Council's visit had been made by agreement with the Sudanese Government, which had offered the delegation every possible facility, since the Sudan was an open country with nothing to hide.

76. Those allegations were based on incorrect information. The Security Council delegation had been totally free to visit Juba, in Southern Sudan, as well as Darfur and the capital, Khartoum. None of the individuals with whom the delegation had spoken in the displaced persons camps, which were overseen by the United Nations, had been arrested. Those persons were still in the camps and enjoyed complete safety. The reports of arrests in the media campaigns of certain organizations, which his Government accused of being behind the strife in Darfur, such as American Jewish World Service, what was known as the "Save Darfur Coalition" and other organizations active in the United States that had no official status with the United Nations, were entirely untrue and unsubstantiated. He called upon the United States to produce any evidence in its possession. The names mentioned in the reports of those organizations were those of two individuals who had been arrested by the police in connection with judicial criminal cases involving the crime of attempted murder and the Sudanese authorities were in

possession of all the related information. The arrests had been made in accordance with the lawful procedures under the supervision of the judiciary, and the right of defence of the two individuals was fully guaranteed.

77. It was odd that the United States had ignored information from the United Nations and the African Union joint forces, including 23,000 soldiers and officers, which had not been the source of any statement that might support their allegation. It was obvious that the United States had relied for its information on certain entities with a purpose. The spreading of information and creation of opinion to serve political purposes had become an easy matter since the advent of the Internet, which abounded in accusations against the United States of America itself.

78. He welcomed concern with the Sudan, provided that it remained objective and neutral and based on constructive dialogue.

79. **Mr. Sen** (Turkey) said that at the thirty-third meeting the representative of Greece had stubbornly denied the truth about the years 1963-1974. He had tried to depict the Cyprus issue as one of invasion and occupation, as if it had suddenly happened in 1974. In fact, United Nations peacekeepers had been deployed as early as 1964 to stop Greek Cypriot attacks on Turkish Cypriots, described by the then Secretary-General as a veritable siege. The United Nations had full archives of Greek Cypriot atrocities against the 180,000 Turkish Cypriots forced to live in enclaves. He had also failed to mention the ousting of Turkish Cypriots from the Government, legislature and judiciary of Cyprus at gunpoint in 1963 and the notorious "Akritas Plan" of ethnic cleansing, drafted by the Greek Cypriot leadership of the time and designed to deprive Turkish Cypriots of constitutional safeguards in order to realize enosis (union with Greece). The Greek Cypriots had failed to force the Turkish Cypriots off the island, but they had succeeded in hijacking the State in 1963.

80. In 1974, the military regime in Greece had instigated a military coup to annex the island and Turkey had intervened as a Guarantor Power, acting within its rights and responsibilities under the 1960 Agreements. The Turkish intervention, rather than the beginning of the problem, had been an inevitable consequence of nearly 20 years of enosis-oriented policies and acts perpetrated by the Greek Cypriots.

81. Human rights violations against the Turkish Cypriots were continuing. In 2004, the Turkish Cypriots had contributed to a solution by voting overwhelmingly in favour of the United Nations Settlement Plan. Yet the Turkish Cypriots still lived in unacceptable isolation imposed not by the United Nations but by the so-called "State". In his report to the Security Council in 2004, former Secretary-General Annan had said that efforts to end the restrictions did not contradict Security Council resolutions 541 (1983) and 550 (1984). The international community should support the Turkish Cypriots through trade and social and cultural contacts. Turkey maintained a constructive stance and called for a settlement as early as the end of 2010, on the basis of the well-established United Nations parameters. The Turkish side was committed to equal treatment of the two sides and he called for a similar commitment from Greece.

82. **Mr. Jayamanne** (Sri Lanka) said that the approach of Belgium on behalf of the European Union, of selectively naming and shaming countries with regard to human rights paid scant attention to local context, nuance and complexity and was especially regrettable given the stated wish of the Office of the High Commissioner for Human Rights to improve human rights through dialogue and engagement.

83. The eighteenth amendment to the Constitution of Sri Lanka had come after 25 years of stalemate, blocking any worthwhile development schemes or evolving political processes for the North and the East, due to the absence of a two-thirds majority in Parliament. Political instability had also hampered economic growth. The amendment had been passed in total compliance with the Supreme Court and by an overwhelming majority of Members of Parliament. It established a Parliamentary Council with a workable process to appoint members to public commissions previously paralysed by a cumbersome constitutional mechanism. With the clarity provided under the new amendment, they would now be set up according to the terms enumerated in the Paris Principles.

84. The removal of term limits in that amendment would make the continuity of tenure of the Head of State dependent solely on the will of the people; that was not unusual in parliamentary democracies. No solid evidence had yet emerged to support allegations of human rights violations or impunity. The Lessons Learnt and Reconciliation Commission (LLRC) had

begun work and would discharge its wide mandate with total transparency; those with evidence had been invited to present it to the Commission, in line with international legal standards.

85. A total of 11,696 detainees with varying degrees of involvement in terrorism were being processed; most were undergoing rehabilitation and some had already reintegrated into society, while fewer than 1,500 had been identified as hard-core activists of the Liberation Tigers of Tamil Eelam (LTTE) and would be prosecuted. Ex-combatants were being held pending investigations, according to procedures established by law; they were not in secret detention and no one would be held indefinitely without trial.

86. All emergency provisions on media freedom had been repealed. The presidential pardon for the journalist Jayaprakash Sittampalam Tissainayagam was a good harbinger for media freedom. There were more than 71 media outlets functioning freely in Sri Lanka. General depictions of freedom of expression in individual countries often missed the searing political satire and robust discussion conducted in the local languages and broadcast via television and the Internet, among other media. It was in that local realm that freedom of expression truly thrived in Sri Lanka. He urged the European Union to broaden its perspectives when surveying the human rights situation in such countries.

The meeting rose at 1 p.m.