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### HUMAN RIGHTS COUNCIL

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#### SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,  
on Monday, 19 June 2006, at 3 p.m.

<u>President:</u>	Mr. DE ALBA	(Mexico)
later:	Mr. HUSÁK (Vice-President)	(Czech Republic)
later:	Mr. DE ALBA (President)	(Mexico)

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

STATEMENT BY THE MINISTER OF DISASTER MANAGEMENT AND HUMAN RIGHTS OF SRI LANKA

1. Ms. SAMARASINGHE (Sri Lanka) said that the opening of the first session of the Human Rights Council was a historic day for all those who had worked relentlessly in recent years to make the United Nations human rights machinery more accountable and capable of responding more decisively to the voices of the aggrieved. She trusted that the Council would usher in an era of implementation of human rights norms, in which human rights would become a cross-cutting component in such areas as development, conflict resolution, peacekeeping and peacebuilding. The Council should focus its activities on implementing the norms and standards that had been established over the past six decades, inter alia by further strengthening national human rights institutions and frameworks throughout the world.
2. Sri Lanka's Permanent Standing Committee on Human Rights had been set up to provide policy guidance to the Government in its efforts to promote and protect human rights. The Inter-Ministerial Committee on Human Rights, as the executive arm of the Standing Committee, had established a working group on payment of compensation to victims of human rights violations, including torture. Wide-ranging consultations were under way on the drafting of a human rights charter. The United Nations special rapporteurs on the question of torture and on the right to freedom of opinion and expression would be invited to visit the country, and the recommendations of the special rapporteurs on freedom of religion or belief and on extrajudicial, summary or arbitrary executions, who had visited the Sri Lanka the previous year, were being studied.
3. Sri Lanka's experience in dealing with violence and terrorism had made it acutely aware of the need for openness and accountability in the promotion and protection of human rights. The Ministry of Disaster Management and Human Rights provided assistance in coordinating action on behalf of internally displaced persons as well as other humanitarian activities in cooperation with the United Nations, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross.
4. Sri Lanka was making rapid progress towards achieving the Millennium Development Goals. The current year had been declared National Year of Children, and a plan of action on behalf of children was being implemented. Sri Lanka would shortly become a party to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It was also at the forefront of the campaign to ban the use of child soldiers worldwide. The Liberation Tigers of Tamil Eelam continued to recruit thousands of children despite a solemn undertaking to the contrary made to the United Nations Children's Fund. The Government was finalizing the terms of reference of a task force to monitor and report on the matter pursuant to Security Council resolution 1612 (2005), and would continue to seek a political solution to the conflict through sustained dialogue, with the support of the international community.

5. Referring to the priority given in General Assembly resolution 60/251 to human rights education, advisory services, technical assistance and capacity-building, she announced that Sri Lanka would contribute US\$ 10,000 to the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

STATEMENT BY THE DEPUTY PRIME MINISTER, MINISTER FOR FOREIGN AFFAIRS AND IMMIGRATION OF LUXEMBOURG

6. Mr. ASSELBORN (Luxembourg) said that Luxembourg was in favour of a regular and open dialogue between the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights. His Government had recently increased its contribution to the Office.

7. The Council had solid foundations on which to build, namely the body of human rights instruments, mechanisms and procedures that had been established by the Commission of Human Rights over its 60 years of existence. The Council's main assets were its permanent status as a body that would meet throughout the year and could hold special sessions if necessary; its direct link to the General Assembly; the mainstreaming of human rights throughout the United Nations system; the universal periodic review mechanism, which guaranteed equal treatment of all members of the Council; and the participation of civil society, particularly non-governmental organizations (NGOs), in the work of the Council.

8. Emphasizing the importance of the principle of equality of all human beings irrespective of race, gender, language or religion, he deplored the continued widespread discrimination against women, minorities, children and people with disabilities, which could not be justified by tradition or culture. Steps should be taken to ensure the effective implementation of all relevant international anti-discrimination instruments.

9. Indigenous peoples had long been the victims of prejudice and marginalization. Luxembourg therefore strongly supported the adoption at the current session of the draft United Nations declaration on the rights of indigenous peoples. It also supported the early adoption of the draft international convention for the protection of all persons from enforced disappearance. Universal ratification of the Rome Statute of the International Criminal Court should remain a priority, since the phenomenon of impunity was a recurrent factor in human rights violations.

10. The fight against terrorism should not be undertaken at the expense of human rights. However abhorrent and unjustifiable terrorist acts might be, they should not lend States to take a relativistic approach to the rule of law and international humanitarian law.

11. He welcomed the entry into force in a few days' time of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

12. Luxembourg called on all States to abolish the death penalty.

13. Luxembourg attached special importance to human rights education and encouraged the Council to focus on that component of its mandate. A society with a human rights culture was sensitive to injustice and suffering and helped to maintain both national and international peace.

By encouraging tolerance, human rights education made it possible to reconcile freedom of expression with respect for other people's beliefs, thereby laying a solid and sustainable basis for the eradication of racism and xenophobia.

14. Poverty, which claimed the lives of 45 million people, mostly children, each year, was a core human rights challenge. All human rights - civil, political, economic, social and cultural rights, including the right to development - were indivisible and interdependent and must be considered equally important. Luxembourg had therefore allocated 0.86 per cent of its gross domestic product in 2005 to official development assistance.

15. He urged the Council to identify the obligations that both developed and developing States had incurred at the 2005 summit to review progress towards the implementation of the Millennium Declaration and to promote a rights-based approach to the achievement of the Millennium Development Goals.

#### STATEMENT BY THE MINISTER OF STATE AND MINISTER FOR REFORM AND HUMAN RIGHTS OF GABON

16. Mr. MAGANGA MOUSSAVOU (Gabon) said that the quest for peace should be one of the principal concerns of the Human Rights Council. The cause of conflicts between and within States was often the gap between the aspirations of peoples and countervailing political systems. The spectacle of the West defending its luxurious lifestyle from malnourished Africans who risked their lives in search of a paradise lost was not an encouraging one. In that regard, all countries must assume their responsibility to protect human rights, particularly at a time when globalization could be used by some as an excuse to crush others with impunity. Even globalization had its rules, and failure to abide by them would lead in the long term to imbalances the impact of which would spare no one. The Council must therefore concentrate its efforts on promoting development, peace and security.

17. Gabon was fully committed to active participation in the Council's efforts to promote and protect human rights.

#### STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SERBIA

18. Mr. DRAŠKOVIĆ (Serbia) said that, owing to the persistence of gross violations of human rights throughout the world, the Human Rights Council had been vested with considerably greater powers than had the Commission on Human Rights. In that connection, he called on the Council to condemn the massive and systematic violations of the human rights of Serbs and other non-Albanians in the Serbian province of Kosovo, which had been under United Nations civil and military administration since 1999. More than 220,000 Serbs, Roma, Turks and other non-Albanians had been expelled over the past seven years, and not a single Jew remained in Kosovo. More than 1,000 Serbs had been killed and 40,000 Serbian homes and 150 centuries-old churches and monasteries had been destroyed.

19. The former United Nations Ombudsperson for Kosovo, Mr. Marek Nowicki, an honest witness to the truth about Kosovo, had been replaced in 2005 without explanation. The Secretary-General's Special Envoy to undertake a comprehensive review of the situation in Kosovo, Ambassador Kai Eide, had arrived at the same gloomy conclusions regarding the human

rights situation and the culture of impunity in his report to the Security Council (S/2005/635, annex). It was as though the political leaders of the Albanian majority were being congratulated on their promise to respect Serbs' rights provided that Kosovo was declared a sovereign State. The Security Council and the Contact Group would decide on the status of Kosovo at the end of 2006. Serbia urged the Human Rights Council to demand that the rights of Serbs and other Albanians should be protected by unconditional international guarantees. The Council should also take a stand against any attempt to change the internationally recognized borders of Serbia against its will.

20. Serbia was a candidate for election to the Council for the period from 2008 to 2011. If elected, it would seek to ensure that the principles contained in the Charter of the United Nations were uniformly applied to all peoples, nations and States.

#### STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF FRANCE

21. Mr. DOUSTE-BLAZY (France) said that all States members of the Human Rights Council had committed themselves to cooperating with the United Nations and its mechanisms and had agreed to submit to a critical discussion of the manner in which they promoted and protected human rights.

22. The Council should take immediate action to confirm the mission of the special rapporteurs and provide assurance that NGOs would continue to occupy a special place in the Council.

23. The work of the Council should be an improvement over that of the Commission. First, the Council should be able to follow up on its decisions more easily owing to its more frequent sessions. Secondly, the Council should ensure that no subject was too controversial for discussion at its plenary meetings.

24. More than ever, the Council must uphold the principle of the rule of law. Universal ratification of the main international human rights instruments was within reach, and the Council could make its own contribution by adopting the draft international convention for the protection of all persons from enforced disappearance.

25. Combating impunity should be a guiding principle in the technical cooperation and assistance that the Council provided to States, in consultation with the new Peacebuilding Commission.

26. The Council should continue to develop economic, social and cultural rights. It should also endeavour to combat the various forms of violence against women. Violence against women was not a domestic matter but a crime that had consequences for every State and individual.

27. If the law and human rights were to prevail, all States must recognize the moral authority and expertise of the Office of the United Nations High Commissioner for Human Rights, particularly its courageous and devoted observers. It was also essential to support human rights defenders who, often anonymously, took considerable risks and were on the front line in the struggle for greater rights and dignity.

## STATEMENT BY THE MINISTER OF JUSTICE OF MOROCCO

28. Mr. BOUZOUBAA (Morocco) said that Morocco had firmly supported the establishment of the Human Rights Council, which should seek to build on the achievements of the Commission on Human Rights and avoid its shortcomings. The Council's strategy should focus on strengthening cooperation across the spectrum of civil, political, economic, social and cultural rights, while respecting cultural diversity and States' level of development. He trusted that the Council would not become a forum for sterile squabbling and polemics. Morocco looked forward to working in a calm, yet dynamic, environment characterized by mutual respect and understanding.

29. The Council's goals coincided with those of Morocco which, under the leadership of His Majesty King Mohammed VI, was building a State based on democracy and the rule of law. Decentralization was a basic principle of government policy. He hoped that negotiations on autonomy involving all parties would resolve the artificially stoked-up disputes about Morocco's southern regions, and preserve the country's unity and sovereignty. Morocco was concerned about the inhuman treatment of its nationals who were being held against their will in the camps of Tindouf, and called for their release.

30. Morocco was committed to bringing its domestic legislation into line with international human rights instruments and establishing an independent judiciary. It had ratified a large number of human rights treaties, complied with its reporting obligations and acted on the comments and recommendations of the monitoring bodies. Morocco had established a large number of human rights institutions, including the Consultative Council of Human Rights, the Office of the Ombudsman, the Royal Institute of Amazigh Culture and, in particular, the Equity and Reconciliation Commission, which would close the file on past human rights violations. In the area of legislative reform, Morocco had adopted an act that criminalized torture and incorporated the definition of torture set out in the Convention against Torture. It had also withdrawn its reservations to a number of instruments. A committee in the Ministry of Justice was looking into such matters as the death penalty and the possibility of ratifying the Rome Statute of the International Criminal Court.

31. The Government of Morocco was working with NGOs on the implementation of a national strategy to counter violence against women. The National Children's Plan had recently been adopted. In 2005, the Government had approved an integrated project, known as the National Human Development Initiative, with a view to implementing the Millennium Development Goals.

32. Morocco was deeply concerned about the situation in the occupied Palestinian territories and its adverse impact on the right of the Palestinian people to decent living conditions and basic health care. Every effort must be made to reactivate negotiations for the establishment of a Palestinian State with its capital in Jerusalem.

## STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF BRAZIL

33. Mr. AMORIM (Brazil) said that the Human Rights Council must provide a forum where the voices of the victims of human rights violations could be heard, without preconceptions or political bias.

34. Human rights must contribute to development with social justice. The right to life was paramount and no right of a commercial nature should be invoked against that right or the right to health.

35. Torture was a particularly reprehensible violation of human rights. On 26 June 2006, Brazil would deposit the optional declaration under the Convention against Torture, thereby allowing the Committee against Torture to consider individual complaints from Brazilian citizens. Hunger and disease could also be seen as anonymous forms of torture imposed by unjust societies on individuals. The victims of such torture were in no position to enjoy civil or political rights. Combating poverty and illness was therefore a way of promoting human rights and reinforcing democracy.

36. The Human Rights Council must be effective and proactive and build on the legacy of the Commission on Human Rights, particularly with respect to special procedures and dialogue with NGOs and other representatives of civil society.

37. Brazil supported the introduction of the universal periodic review mechanism. All members of the General Assembly should be subject to review on an equal footing. The review should not only identify difficulties but should also single out good practices that deserved support.

#### STATEMENT BY THE FEDERAL MINISTER FOR FOREIGN AFFAIRS OF GERMANY

38. Mr. STEINMEIER (Germany) said that the establishment of the Human Rights Council was a significant achievement that could mark a new beginning for the protection and promotion of human rights. Germany had supported the Council's establishment from the outset and was pleased that the General Assembly had elected Germany as one of the founding members of the Council.

39. The elected members of the Council had a special responsibility to the international community and must live up to the trust placed in them. However, the success of the Council would depend directly on the degree to which its work was supported by all States, including those that were not members. In the restructuring of multilateral human rights policy, one principle was of particular importance: the Council must not remain silent in the face of gross and systematic violations of human rights, regardless of where they were committed. The Council must be unanimous on that point, since anything less would seriously damage its credibility. The Council must also make a tangible contribution to preventing and correcting abuses, and must find viable ways of promoting and protecting human rights. That would require a constructive and goal-oriented approach.

40. Germany advocated the retention and further consolidation of the system of special procedures, particularly the appointment of special rapporteurs. The Council had been charged with implementing an extraordinarily ambitious project - universal period review. The way in which it fulfilled that mandate would greatly influence the credibility of the Council. In that regard, shortcomings should be addressed wherever they arose and discussed constructively with all those involved, without exception.



41. The “culture of cooperation” that had developed over the years with civil society must be further intensified, since civil society and NGOs had made an important contribution to the concept of human rights. States and NGOs should be partners, not adversaries, in the promotion and protection of human rights and should treat each other accordingly.

42. The Human Rights Council would have to address a number of important issues, including the protection of human rights in the fight against terrorism, and the eradication of torture. The Council must continue its efforts to combat racism, anti-Semitism and xenophobia, and must do more to achieve the goals of the special session of the General Assembly on children, held in New York from 8 to 10 May 2002.

43. Germany attached great importance to the enforcement and protection of human rights and would work with great commitment for a strong, credible, reputable and influential Human Rights Council that enjoyed the active cooperation of all regions and was respected in them all.

#### STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS AND TRADE OF THE REPUBLIC OF KOREA

44. Mr. BAN Ki-moon (Republic of Korea) said that for 60 years the Commission on Human Rights had served to advance human rights by establishing global norms, promoting dialogue, assisting in capacity-building and protecting vulnerable groups against serious human rights violations. Since the adoption of the Universal Declaration of Human Rights in 1948, the Commission had served as a beacon of hope around the world for greater human dignity and freedom and had left behind a legacy of accomplishments - and mistakes - that should guide the work of the Human Rights Council.

45. The Council would require the full commitment and joint efforts of all. The founding members bore a heavy responsibility: they must generate a spirit of cooperation and common purpose based on dialogue and engagement. The Council should endeavour to ensure full and effective implementation of existing human rights norms. In that regard, the universal periodic review would help to build capacity of each Member State to fulfil its human rights obligations and identify areas for international assistance. The universal periodic review should be objective and transparent, with consistent follow-up, and should complement the existing human rights mechanisms, such as the special procedures and the treaty bodies.

46. The Council should respond promptly and effectively to urgent human rights situations, since its credibility would in large measure depend on its ability to rally global action against gross violations of human rights. It should build on the Commission’s practice of incorporating the active participation of all major stakeholders, including civil society, national human rights commissions and other United Nations bodies, in its work. The Council should attach priority to frequent interaction and dialogue with the United Nations High Commissioner for Human Rights, whose annual reports and briefings could provide balanced and objective input.

47. The Government of the Republic of Korea shared the international community’s concerns about the human rights situation in the Democratic People’s Republic of Korea, and he called upon the Democratic People’s Republic of Korea to engage in a human rights dialogue

that would lead to technical and institutional cooperation. Dialogue, cooperation and engagement could lead to tangible improvements in the human rights situation both in the Democratic People's Republic of Korea and in other countries.

48. The most vital element in making the new Human Rights Council a fair and effective body was the renewed conviction that human rights and fundamental freedoms were universal values. The Republic of Korea would cooperate fully in order to make the Council a forum for genuine dialogue and the effective promotion and protection of human rights and fundamental freedoms.

49. Mr. Husák (Czech Republic), Vice-President, took the Chair.

#### STATEMENT BY THE MINISTER OF STATE FOR EXTERNAL AFFAIRS OF INDIA

50. Mr. SHARMA (India) said that the Human Rights Council had to meet the high expectations of people around the world who hoped that the Council would be responsive to the concerns and aspirations of the underprivileged. The credibility and effectiveness of the Commission on Human Rights had suffered because of politicization, and it was now up to the Council to introduce a new culture of cooperation and mutual understanding and to avoid the mistakes of the past.

51. During its first year, the Council would establish a universal periodic review mechanism, which should ensure equal treatment of all States while preventing selectivity and double standards. It must also be even-handed in dealing with civil and political rights, on the one hand, and economic, social and cultural rights, including the right to development, on the other. The international community must also address the challenge of terrorism and should recognize that terrorism directly violated the most basic human rights, the right to life and the right to liberty.

52. India's commitment to human rights was based on its firm belief in a pluralistic society. Its Constitution guaranteed fundamental civil and political rights and provided for the progressive implementation of economic, social and cultural rights. India had an independent and impartial judiciary, a free and independent press, a vibrant civil society and a powerful National Human Rights Commission.

53. The Government of India had recently taken initiatives with significant implications for human rights by reserving one third of all seats in urban and local self-government for women, and by launching a national rural employment guarantee programme. At the international level, India had actively participated in deliberations on human rights in international forums, played a leading role in the struggle for decolonization and the abolition of apartheid, and been one of the few countries that had been members of the Commission on Human Rights throughout its existence.

54. The Human Rights Council should serve as forum for voluntary participation and sharing of national experiences and best practices in the promotion and protection of human rights. The Council should devise means of providing technical and financial assistance to enable national Governments to address human rights concerns. That was the only way to create an environment of trust and confidence that would encourage those in real need to seek assistance.

## STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF LIECHTENSTEIN

55. Ms. KIEBER-BECK (Liechtenstein) said that the establishment of the Human Rights Council afforded a unique opportunity to place human rights work on a more solid and effective basis. While the Commission on Human Rights had had a proud and impressive record of achievement, it had come to an end owing to political problems. Those problems persisted and would have to be addressed by the Council.

56. The work of the Council should be based on genuine dialogue and guided by the precepts of the universality of all human rights, the interrelatedness and interdependence of all human rights, and the equal treatment of all human rights. The implementation of international human rights standards was first and foremost the responsibility of States, while universal promotion and protection were legitimate concerns of the international community as a whole.

57. The implementation of existing human rights standards must be the highest priority of the Council. While the failure to implement those standards could be attributed to unwillingness on the part of States, it might also reflect States' inability to give effect to those standards. The Council must therefore make capacity-building and technical assistance one of its core activities. Any State or regional organization that required such assistance should receive it, since that would contribute not only to the worldwide implementation of human rights standards but also help to identify those States that were unwilling to implement those standards.

58. The Human Rights Council should be based on a clear division of work between the United Nations General Assembly and the Council. In the past, the significant amount of overlap of the work of the Commission on Human Rights and the General Assembly had been counterproductive and wasteful. The human rights work of the General Assembly should be reduced and better focused, particularly on work in the area of standard-setting.

59. At the current session, the Council should set the right tone for its future work. It must establish clear procedures, including deadlines, for all matters yet to be resolved, such as the establishment of the universal periodic review mechanism and the review of the special procedures. Lastly, it should draw up a simple agenda that would allow for discussion of all human rights issues at future sessions, without placing unnecessary emphasis on any particular subject. In order to leave the past behind, the Council's agenda must be fundamentally different from that of the Commission.

## STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF GHANA

60. Mr. AKUFO-ADDO (Ghana) said that, for all its weaknesses, the Commission on Human Rights had made significant achievements in the promotion and protection of human rights. It had provided a forum for the analysis of the global human rights situation and had established a framework for the international protection of human rights. The members of the new Council would have a singular opportunity to bolster confidence in the work of the United Nations in the area of human rights. They should be trailblazers for a global human rights agenda and should ensure that the mistakes of the past were not repeated. Their watchwords must be universality, constructive international dialogue and cooperation.

61. The establishment of the universal periodic review mechanism would have a positive impact on the human rights situation worldwide. Pursuant to General Assembly resolution 60/251, all members of the Council must be reviewed under the universal periodic review mechanism during their term of membership. Since one third of the Council's membership would end its term of office within a year, it was particularly important that the review mechanism should begin its work in good time and in earnest.

62. Ghana had been the first country to be reviewed under the African Peer Review Mechanism, and the Government and people of Ghana were currently implementing recommendations made by the review panel. Thanks to its experience in that regard, Ghana was confident that the proposed universal periodic review mechanism would improve human rights situations globally, provided that its work was open and based on dialogue and cooperation. The universal periodic review mechanism should complement existing procedures rather than serve as a tool for thwarting the Council's efforts. For that reason, the capacity-building needs of the countries to be reviewed must be considered. While the membership of the Council should reflect different legal systems and have a regional balance, there should be a limit on the term of office of members of any "think tank" set up under the Council.

63. The Government of Ghana was currently in the process of adopting all human rights instruments to which it had not previously acceded. The Government had also issued a White Paper on the findings of the National Reconciliation Commission, which had been established to investigate cases of human rights abuses since Ghana's independence. The Attorney-General was currently being provided with the financial means to compensate cases that the Commission had identified.

64. The Government of Ghana was committed to making a meaningful contribution to improving the global human rights situation, for only in a world devoid of human rights violations would each individual be able to achieve his or her full potential.

#### STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF NIGERIA

65. Mr. ADENIJI (Nigeria) said that the Human Rights Council should be objective, firm and timely in its response to human rights situations in any part of the world, and must act without selectivity or prejudice. The fact that the Council would meet no less than three times a year should allow it to respond in a timely manner to developing human rights situations. The members of the Council must establish appropriate structures and procedures to mark a fresh start in United Nations efforts to promote and protect human rights in all countries; the past practices of selectivity, double standards and excessive politicization must be abandoned.

66. In its first year of work, the Council would have a unique opportunity to establish itself as a major human rights body that delivered results quickly, impartially and effectively. One of the most important innovations of the Council would be the universal periodic review of the human rights situation in Member States. The universal periodic review should be applied universally, transparently and in a non-confrontational manner, and should be based on pragmatic criticism or censure of human rights violators.

67. His delegation supported the proposal to establish two intergovernmental working groups to meet during the intersessional periods to develop procedures, formats and modalities for the universal periodic review mechanism, and to review all mandates, including those of the special rapporteurs, the Sub-Commission on the Promotion and Protection of Human Rights, and the confidential 1503 procedure. Coordination with regional groups should form the basis of decision-making in the Bureau of the Council.

68. Despite economic and scientific progress throughout the world, the rights of vast numbers of people continued to be violated regularly and systematically. Most of the world's population still lived in poverty, and conflicts were allowed to rage unabated. Considering the interdependence of all human rights, the Council must seek to address such issues. Donor countries should fulfil their promises to assist developing countries in attaining the Millennium Development Goals, for which a considerable increase in official development assistance was necessary. An appropriate environment for the full enjoyment of human rights and fundamental freedoms could be created only through the establishment of sustainable democracy, good governance and respect for the rule of law.

#### STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS, INTERNATIONAL TRADE AND COOPERATION OF MAURITIUS

69. Mr. DULLOO (Mauritius) said that the establishment of the Human Rights Council represented a major step in the implementation of the United Nations agenda for reform, and demonstrated the importance that the international community attached to the protection of human rights. The Council should incorporate the best features of the Commission on Human Rights, while developing the new and innovative tools set out in General Assembly resolution 60/251. Its purpose was to reinvigorate the United Nations machinery for promoting and protecting human rights, and to deal more objectively and credibly with human rights abuses worldwide. The Council should also assist States Members of the United Nations in fulfilling their obligations to promote and protect human rights in order to ensure the well-being and dignity of their citizens.

70. Human rights should not be promoted in a confrontational manner but rather through cooperation. Mauritius would work with the members of the Council to ensure its credibility, objectivity and effectiveness in promoting human rights and addressing violations.

71. The universal periodic review mechanism had been designed to prevent selectivity and to ensure that no State remained above the law. Care must be taken to ensure that sufficient resources were allocated to the review mechanism. States under review should be granted the necessary assistance to prepare themselves and undertake the reforms recommended by the Council. Human rights education, technical assistance and capacity-building to promote human rights must be given due attention. It was important that the Council should act on the basis of credible information and should be perceived by States as a body that would assist States in their efforts to ensure the enjoyment of fundamental rights by all human beings. Efforts should be made to enable the universal periodic review mechanism to begin its activities as soon as possible, and to define the channels of communication between the Council and other United Nations bodies, particularly the General Assembly.

72. The first session of the Council was of critical importance, since the decisions that it would take would determine its overall credibility and usefulness. Every effort should therefore be made to avoid politicization. The members of the Council should exercise self-restraint and flexibility in order to agree on a comprehensive and realistic programme of work. His delegation was prepared to cooperate with all stakeholders to that end, and was confident that the Council's work would succeed through constructive dialogue and cooperation.

73. Mauritius was a party to the core international human rights instruments, and had been among the first 20 countries to ratify the Optional Protocol to the Convention against Torture. In an age of real threats of terrorism, legitimate security concerns should not undermine fundamental rights. The fight against terrorism and the promotion of human rights were mutually reinforcing.

74. In accordance with the voluntary pledges and commitments that it had made when it had presented its candidature for membership of the Council, Mauritius would continue to uphold and ensure the highest standards in the promotion and protection of human rights, and would participate actively in the work of the Council in a spirit of impartiality, objectivity, non-selectivity, constructive dialogue and cooperation.

#### STATEMENT BY THE PARLIAMENTARY SECRETARY, MINISTRY FOR FOREIGN AFFAIRS OF MALAYSIA

75. Mr. CHEEK (Malaysia) said that the establishment of the Human Rights Council had heightened expectations that the commitment of the United Nations to ensure the effective enjoyment of human rights and fundamental freedoms would have tangible results. Victims of human rights violations looked to the Council in the hope that it would have a direct and positive impact on their daily lives. The Council's ability to meet such expectations would require commitment and cooperation from all concerned.

76. The Council should draw on the 60 years' experience of the Commission on Human Rights. In particular, the Council should avoid the double standards, selectivity and politicization that had marred much of the Commission's final years. The Council must be guided by the principle of the universality, indivisibility, interrelatedness and interdependence of all human rights. It should serve as a forum to enhance dialogue, broaden understanding and promote mutual respect. The Council should strengthen Member States' capacity to meet their human rights obligations through bilateral and multilateral technical cooperation and assistance.

77. The Council would benefit considerably from the participation of civil society. NGOs working in the field of development, environmental protection and disarmament should be strongly encouraged to raise their human rights concerns in the Council. Appropriate interim measures should be taken to ensure that "protection gaps" did not occur during the transition from the Commission to the Council. Where necessary, decisions should be taken to extend mandates, including the mandate of the Sub-Commission on the Promotion and Protection of Human Rights. Intersessional working groups should be established to improve and rationalize all mandates, mechanisms, functions and responsibilities of the former Commission, and to develop the modalities for the universal periodic review mechanism. Time should be allocated for considering the reports of the Commission's five intergovernmental working groups.

78. The Council must not overlook the responsibilities that it inherited from the past, particularly the special mandate of the United Nations vis-à-vis the people of Palestine. Given the grave human rights situation and humanitarian crisis in the occupied Palestinian territories, Malaysia supported all those who called on the Council to consider that question as a matter of urgency and take immediate and effective measures. The Council's response to the situation in Palestine would be an early demonstration of its credibility and legitimacy.

STATEMENT BY THE VICE-MINISTER FOR FOREIGN AFFAIRS OF GREECE

79. Mr. KASSIMIS (Greece) said that the Human Rights Council should contribute effectively to the prevention of human rights violations and respond promptly to human rights emergencies. It should also provide guidance and assistance to all countries in order to achieve the highest standards of human rights protection. The Universal Declaration of Human Rights set out the pivotal concept of the interdependence and indivisibility of human rights, and the Commission on Human Rights had promoted other key concepts, including the relationship between human rights, development and democracy. The Commission had been instrumental in developing procedures for protecting human rights and had been a unique forum that had allowed NGOs and national human rights institutions to voice their concerns and share their experiences. The Council should continue to ensure the same active participation of civil society.

80. Greece had ratified all the major United Nations and regional human rights instruments. In 2001, the Greek Parliament had adopted a series of constitutional amendments in order to incorporate contemporary international standards into domestic law. It had also adopted comprehensive legislation to combat trafficking in persons and provide assistance and protection for victims of trafficking. In 2003, the institution of the Children's Ombudsman had been introduced, and significant amendments had been made to the Criminal Code and the Code of Criminal Procedure, in accordance with recommendations made by the Committee on the Rights of the Child. In 2000, Greece had established a national institution to promote and protect human rights, which operated in close cooperation with the Greek Ombudsman and in full conformity with the Paris Principles.

81. Greece was committed to working with all stakeholders to ensure that the Human Rights Council would have the strength and capacity required to respond effectively to modern challenges in the field of the promotion and protection of human rights.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

82. Mr. HASANOVIC (The former Yugoslav Republic of Macedonia) said that the work of the Human Rights Council should focus on prevention, and the Council provide States with guidance and assistance in order to enable them to reach the highest possible human rights standards. Human rights crises and violations should be addressed promptly and effectively. The universal periodic review mechanism should facilitate dialogue between the Council and countries under review. An effective follow-up system should be established to ensure that that mechanism functioned properly. The approach to the development of the modalities of the universal periodic review mechanism should be flexible but structured and should involve all

stakeholders in a transparent consultation process. The Council should endeavour to improve and strengthen the achievements of the Commission on Human Rights, such as the system of special procedures and the Commission's standard-setting function.

83. The former Yugoslav Republic of Macedonia was firmly committed to promoting and protecting human rights and fundamental freedoms, and was working hard on its European Union and North Atlantic Treaty Organization integration agenda. Despite a difficult economic transition, regional instability and internal problems, the former Yugoslav Republic of Macedonia had made substantial progress in human rights protection, including through constitutional, judicial and legislative reforms. It had submitted its candidature for membership of the Human Rights Council for the period 2009-2012, and was determined to uphold the highest human rights standards. The Council must meet the high expectations of the international community and fulfil its moral obligation to civil society, particularly to victims of human rights violations.

#### STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF ITALY

84. Mr. VERNETTI (Italy) said that the Government of Italy was satisfied with the establishment of the Human Rights Council, since there had long been a need for an authoritative and effective body to build on the positive work of the Commission on Human Rights and overcome its shortcomings. The members of the Council must honour the commitments that they had undertaken prior to their election; full cooperation from observer States and participation of civil society were also crucial. The Council should be able to make tangible improvements in human rights situations wherever fundamental freedoms were endangered, repressed or denied.

85. The universal periodic review mechanism would test the reform process that had led to the establishment of the Council. The mechanism offered a unique opportunity to address the issue of selectivity that had been repeatedly raised in the context of the Commission's activities.

86. Italy had submitted its candidature to the Council for membership in 2007 and, in view of the 2007 elections, his Government would launch initiatives to strengthen its activities in the field of human rights. The promotion of democracy and respect for all human rights could create the conditions for peace, security and prosperity, and dialogue and cooperation were central to Italy's activities in that regard.

87. Italy was strongly committed to the universal abolition of the death penalty. A large number of countries had abolished capital punishment, and many of the countries that maintained it had reduced capital offences under their legislation. That trend demonstrated the slow but gradual establishment of a communis opinio within the international community towards outlawing the death penalty.

88. Italy intended to pay specific attention to combating all forms of torture and degrading treatment, the use of which was one of the most serious forms of human rights violations. The capacity to prevent and pre-empt such practices should be one of the parameters by which to test Governments. No economic, social, cultural, political or religious reasons and no emergency could ever be used to justify torture.



89. The Italian Government attached considerable importance to the promotion and protection of children's rights and to the elimination of all forms of discrimination against women. The Council should react clearly and promptly in cases of gross human rights violations in specific countries, and should be a forum for constructive dialogue and genuine cooperation.

90. Mr. de Alba (Mexico), President, resumed the Chair.

#### STATEMENT BY THE VICE-MINISTER FOR FOREIGN AFFAIRS OF URUGUAY

91. Ms. HERRERA (Uruguay) said that the opening session of the Human Rights Council represented a new era in the multilateral human rights protection system, which should reflect the ideals of justice, equality and solidarity among countries, peoples and civilizations in order to increase respect for human rights and dignity. The Council must demonstrate that the protection of human rights was the most effective means of ensuring peace and security throughout the world. Her Government considered membership of the Human Rights Council to be a great responsibility. Uruguay had recently made efforts to improve its legislation on human rights protection, and an independent national human rights institution was being established with the support of the Office of the United Nations High Commissioner for Human Rights.

92. The Human Rights Council should be guided in its work by the principles of universality, impartiality, objectivity and non-selectivity, the achievement of which would be a considerable improvement over the work of the Commission on Human Rights. The universal periodic review mechanism should be the cornerstone of the new system of human rights protection. It should not merely be a review exercise but rather a system of mutual cooperation. States should accept the mechanism openly, without claiming that the mechanism threatened their national sovereignty.

93. Uruguay was in favour of strengthening mechanisms to eliminate racial discrimination, xenophobia and discrimination against women. The transitional period between the Commission and the Council should be seen as an opportunity to define important aspects of procedure and methodology, while striking a balance with the issues on the agenda that the Commission had been unable to address adequately. The adoption of such instruments as the draft international convention on the protection of all persons from enforced disappearance should not be postponed, since the international community expected the Council to obtain tangible results during its first year of work. The participation of civil society would be vital to the work of the Council, and efforts should be made to encourage such participation.

#### STATEMENT BY THE VICE-MINISTER FOR FOREIGN AFFAIRS OF JAPAN

94. Ms. YAMANAKA (Japan) said that the Human Rights Council must quickly define its methods of work and begin substantive activities. It should foster new international cooperation in the field of human rights, based on mutual understanding, and it must respond expeditiously and flexibly to serious human rights violations. The members of the Council must share responsibility by setting examples for the promotion and protection of human rights.

95. Although progress had been made in the protection of human rights throughout the world, many grave violations still occurred. The question of Japanese citizens abducted in the Democratic People's Republic of Korea had not been resolved; in that regard, Japan encouraged the adoption of the draft international convention on the protection of all persons from enforced disappearance.

96. Japan encouraged dialogue and cooperation with partner countries and had provided official development assistance to developing countries that made active efforts to promote peace, democratization and the protection of human rights. Her Government had assisted in capacity-building in judicial and legal systems, and in the development of a cooperative network in Asia to combat trafficking in persons and commercial sexual exploitation of children. Japan attached considerable importance to the promotion of human security as a means of overcoming poverty and discrimination and protecting and empowering vulnerable groups.

#### STATEMENT BY THE SECRETARY OF STATE FOR FOREIGN AFFAIRS OF PORTUGAL

97. Mr. IVO CRUZ (Portugal) said that criticism of the Commission on Human Rights should not undermine its valuable work and achievements, which the Human Rights Council should develop. During the twentieth century, denial of human rights had caused many conflicts. The Commission had played a crucial role in drawing international attention to the situation in Timor-Leste, and the Government of Portugal hoped that, through dialogue, the challenges facing the people of Timor-Leste would be overcome. The establishment of the Council offered States a unique opportunity to renew their commitment to human rights and to increase their efforts to ensure the full enjoyment of those rights by all people throughout the world. The Council's work could be achieved only through the presence of experts in the field and a comprehensive approach to human rights that placed civil, political, economic, social and cultural rights on an equal footing.

98. Portugal, was prepared to take part in honest discussions and negotiations and to cooperate with members and non-members of the Council, and with NGOs, in order to ensure the effectiveness of the Council. Work remained to be done on the issue of the universal acceptance of the comprehensive nature of human rights, and his delegation intended to introduce a draft resolution on the working group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights. The working group's mandate should be renewed and reviewed, and informal, intersessional discussions should be held on the draft optional protocol.

The meeting rose at 7.05 p.m.