



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/2005/SR.5  
18 April 2006

ENGLISH  
Original: FRENCH

---

COMMISSION ON HUMAN RIGHTS

Sixty-first session

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 15 March 2005, at 1 p.m.

Chairperson: Mr. ESCUDERO (Ecuador)

later: Mr. WIBISONO (Indonesia)

CONTENTS

STATEMENT BY Ms. ALCINDA ABREU, MINISTER FOR FOREIGN AFFAIRS AND  
COOPERATION OF THE REPUBLIC OF MOZAMBIQUE

STATEMENT BY Ms. BELELA HERRERA, DEPUTY MINISTER FOR FOREIGN AFFAIRS  
OF URUGUAY

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

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

CONTENTS (continued)

STATEMENT BY Mr. BORYS TARASYUK, MINISTER FOR FOREIGN AFFAIRS  
OF UKRAINE

STATEMENT BY Mr. LAKSHMAN KADIRGAMAR, MINISTER FOR FOREIGN AFFAIRS  
OF SRI LANKA

STATEMENT BY Mr. KASSYMZHOMART TOKAYEV, MINISTER FOR FOREIGN  
AFFAIRS OF KAZAKHSTAN

STATEMENT BY Mr. MOHAMED BOUZOUBAA, MINISTER OF JUSTICE  
OF MOROCCO

STATEMENT BY Mr. DANIEL ROSATTI, MINISTER OF JUSTICE AND HUMAN RIGHTS  
OF THE ARGENTINE REPUBLIC

The meeting was called to order at 1 p.m.

STATEMENT BY Ms. ALCINDA ABREU, MINISTER FOR FOREIGN AFFAIRS AND COOPERATION OF THE REPUBLIC OF MOZAMBIQUE

1. Ms. ABREU (Mozambique) said that her country was deeply committed to peace and democracy, two basic prerequisites for the enjoyment of human rights. The President of Mozambique, Mr. Armando Guebuza, who had been elected in December 2004, had set a number of objectives for the Government over the following five years: eradication of absolute poverty; access to primary education for all the country's children; gender equality; reduction of infant mortality and improvement of maternal health care; the fight against AIDS, malaria and other endemic diseases; action against corruption and bureaucracy; and promotion of sustainable economic growth based on human development, rural development and promotion of women's participation in the life of the nation at all levels.

2. Government initiatives aimed at promoting respect for human rights included the establishment of the Office of the Ombudsman, whose role was to guarantee citizens' rights and to ensure the lawfulness of measures taken by the public authorities. As good governance was a priority, the authorities would enforce transparency in the management of public funds through periodic oversight. To implement that programme, which was based essentially on the Millennium Development Goals, Mozambique would require the assistance of the international community.

3. The Government of Mozambique was preparing to ratify the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. At the regional level, Mozambique was also actively involved in the work of the African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child.

4. She reiterated her Government's determination to cooperate with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and called for the implementation of the Declaration and Plan of Action adopted by the Durban World Conference against Racism.

STATEMENT BY Ms. BELELA HERRERA, DEPUTY MINISTER FOR FOREIGN AFFAIRS OF URUGUAY

5. Ms. HERRERA (Uruguay) said that, for the first time in her country's history, the progressive opposition party Frente Amplio had won power in the presidential election. The new President, Mr. Tabaré Vázquez, who had assumed office a few weeks previously, had included the protection and promotion of human rights among his top priorities. Firmly committed to multilateralism, the new Uruguayan Government intended to support all action taken by the international community to come to the aid of victims of persecution and discrimination and to fight against poverty.

6. That meant, at the domestic level, that the new administration must first endeavour to heal the wounds that had been festering since the tragic years of military dictatorship and must do its utmost to ensure that the country never again experienced such appalling oppression. Uruguay therefore resolutely supported the efforts of the working group to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance and called on all delegations to ensure that negotiations on such an instrument, if necessary, were completed as speedily as possible. The new Uruguayan administration was determined to take action against the abhorrent practices of torture and ill-treatment, in particular by ensuring that the judiciary, the police and the armed forces received human rights training.

7. Racism and all forms of discrimination persisted in Uruguayan society as elsewhere. The new Government intended to engage in a dialogue on the matter with civil society and to redress past injustices by means of affirmative action. It would focus on education with a view to promoting awareness of the rich diversity of the Uruguayan people. Furthermore, being aware of the importance of others' experience in that regard, the new Uruguayan Government requested the active cooperation of OHCHR and invited the Commission rapporteurs, especially those dealing with racial discrimination and religious intolerance, to visit the country.

8. At the regional level, Uruguay encouraged the convening of a conference to review progress made during the five years since the Santiago Conference in 2000 and to prepare a fourth world conference against racism, racial discrimination, xenophobia and related intolerance.

9. She was pleased to note that a first cooperation project had been launched between the Uruguayan Government and OHCHR in the area of lawmaking. Her Government further intended to establish an independent national human rights institute and to draw up a national plan for the protection of human rights that would focus on the safeguarding of women and children, and action against domestic violence and for gender equality, the latter goal being a top priority of the new administration. Women who, like herself, had been appointed ministers and deputy ministers, were determined to promote the mainstreaming of women's interests in the new Government's policies.

10. Children were a major concern for the Uruguayan administration, which intended to take steps, jointly with NGOs and the United Nations Children's Fund (UNICEF), to bring domestic laws and practices into line with the Convention on the Rights of the Child and its protocols. It would give special attention to the situation of juveniles in detention.

11. As a country that derived its identity largely from international migration, and that had welcomed thousands of mainly European refugees to its shores but had also condemned many of its nationals to exile during the years of the dictatorship, Uruguay undertook to implement the International Convention on the Rights of All Migrant Workers and Members of Their Families, to enact the new national law on refugees without delay and to participate actively in the work of the Office of the United Nations High Commissioner for Refugees (UNHCR).

12. In its efforts to create conditions conducive to sustainable human development based on equity and social justice, Uruguay had to contend with the adverse impact of foreign debt, structural adjustment plans and lack of access for its agricultural produce to markets in the developed countries. Given that the country's development was largely dependent on success in expanding foreign trade, Uruguay attached great importance to the development of a fair, transparent and balanced multilateral trade regime. Hence also its support for the Doha Development Agenda, the new round of trade negotiations under the auspices of the World Trade Organization (WTO) and the Millennium Development Goals.

13. As it embarked on its first five-year term, the new Uruguayan Government pledged to the international community that it would respect to the full its responsibilities for the protection of all human rights.

STATEMENT BY Mr. BORYS TARASYUK, MINISTER FOR FOREIGN AFFAIRS  
OF UKRAINE

14. Mr. TARASYUK (Ukraine) said he was honoured to represent a country that had just overthrown an authoritarian and corrupt regime, a country that had made democracy, the rule of law and observance of human rights the very basis of its statehood. He was therefore proud to bring to the Commission a message from a victorious people inspired with a sense of democratic solidarity. The "Orange Revolution" had opened a new chapter in the history of Ukraine, bringing about a tangible change in the geopolitical situation in the region and in international politics. That new revolution was the strongest manifestation of the move towards democracy that the world had witnessed since the velvet revolutions of Central and Eastern Europe and since the collapse of the Soviet Union. The new Ukraine had set itself the task of promoting freedom and justice in the region and of assisting in the establishment of an area of stability and cooperation with the European Union extending from Belarus to Azerbaijan.

15. Since the Orange Revolution, the promotion and protection of human rights had become a top priority for the Ukrainian Government. That was his second key message from Kiev. The third concerned the role of the United Nations, including the Commission, which clearly had to take decisive steps to restore its waning credibility. The Commission should undertake an impartial examination of whether existing mechanisms, including the practice of "shaming" countries that failed to respect human rights, had led to any genuine improvement in the situation. Ukraine, for its part, was in favour of friendly dialogue, while recognizing the need for tougher measures where the circumstances so required. In that context, his country supported the suggestions of the High-level Panel on Threats, Challenges and Change, particularly the idea of mainstreaming human rights into the work of the Security Council and the desirability of more frequent involvement of the High Commissioner in the Council's deliberations. The idea that OHCHR should prepare periodic reports on the global human rights situation and the proposal for universal membership of the Commission also merited consideration.

16. The international community had recently paid tribute to the victims of Auschwitz. Two years previously, Ukraine had commemorated another tragedy, known as the Holodomor. That great famine of 1932-1933, due to forced collectivization decreed by Stalin, had cost the lives of some 7 to 10 million Ukrainians. The world's silence in the face of those atrocities had

subsequently encouraged Hitler to perpetrate the Holocaust. The lesson to be drawn from those tragic events was clear: a link that was all too frequently ignored existed between massive violations of human rights and threats to international peace and security. A mechanism to provide early warning of genocidal acts and to ensure, in particular, that the United Nations and its Security Council took prompt action was therefore essential. Another imperative step towards breaking the cycle of hatred involved acknowledging the past and promoting tolerance, dialogue and mutual respect. That was why Ukraine would work to keep alive the memory of the Holodomor as a genocide perpetrated against the Ukrainian people.

The meeting was suspended at 1.45 p.m. and resumed at 2 p.m.

17. Mr. Wibisono (Indonesia), Chairperson, took the Chair.

STATEMENT BY Mr. LAKSHMAN KADIRGAMAR, MINISTER FOR FOREIGN AFFAIRS OF SRI LANKA

18. Mr. KADIRGAMAR (Sri Lanka) took the opportunity to express appreciation of the tremendous solidarity and generosity shown towards his country following the tragedy it had suffered on 26 December 2004. Thanks were due not only to Governments and all the international organizations that had come to the assistance of Sri Lanka, but also to the ordinary people who, in expressing their sympathy and offering their support, had displayed a true spirit of humanity.

19. As a country that had always participated, including as a full member, in the proceedings of the Commission on Human Rights, Sri Lanka noted that the Commission's loss of credibility made it necessary to undertake far-reaching reforms. However, the reforms proposed by the High-level Panel appointed by the Secretary-General should be pursued in a balanced way and lead to a strengthening of the General Assembly and the Economic and Social Council as two principal organs of the United Nations.

20. Sri Lanka had always cooperated closely with the Commission, even under difficult circumstances such as those now prevailing, as the country embarked on the enormous task of reconstructing the areas devastated by the tsunami while contending with the ongoing armed conflict in the north of the country. Its cooperation had taken the form of regular invitations to the Commission's special rapporteurs and other mandate-holders, strengthening of the national human rights protection system and the incorporation of international norms in the judicial and legislative systems. There had been a marked decline in the number of allegations of human rights violations communicated to the Sri Lankan Government by the Commission's mechanisms. The Government had taken very seriously the allegations of torture in police custody, adopting a policy of zero tolerance with regard to such practices, which carried a sentence of seven years' imprisonment. Furthermore, a very large number of indictments under the Prevention of Terrorism Act had been withdrawn and more than 300 persons held in preventive detention under the Act had been released. The Prevention of Terrorism Act should in any case become obsolete as the peace process moved forward, as had happened in the case of the Emergency Regulations.

21. The Government kept a watchful eye on the human rights situation through the Human Rights Commission of Sri Lanka, which had a far-reaching mandate involving investigative, advisory, conciliatory and mediatory functions, and the monitoring bodies set up within the armed forces and the police force. On social issues, Sri Lanka had also made remarkable progress in the fight against poverty and was well on its way to achieving the Millennium Development Goals.

22. Sri Lanka was in the forefront of the campaign against the recruitment of child soldiers, a practice condemned by Graça Machel in her 1996 report. Unfortunately, despite the undertakings given to Mr. Olara Otunnu, Special Representative of the Secretary-General on children and armed conflict, in 1998 and again in 2003, the Liberation Tigers of Tamil Eelam (LTTE) rebel movement had continued to recruit thousands of children, often by force, some as young as 11 years old and many girls. Sri Lanka had supported the recommendations made by the Secretary-General to the Security Council in that regard and took the view that enforcement of those measures against violators of children's rights should have a dissuasive impact. At the same time, the Sri Lankan Government was committed, as stated by President Kumaratunga, to consolidating the ceasefire agreement with the LTTE and to doing all it could to persuade the rebel movement to return to the negotiating table.

STATEMENT BY Mr. KASSYMZHOMART TOKAYEV, MINISTER FOR FOREIGN AFFAIRS OF KAZAKHSTAN

23. Mr. TOKAYEV (Kazakhstan) said that his country was a presidential republic. The Government of the current President, Noursoultan Nazarbaev, had set itself the task of modernizing the country by means of administrative reforms involving decentralization, legislative improvements and a reform of the judicial system in accordance with generally recognized international standards, while respecting the country's multinational and multi-confessional character. The role of Parliament would also be strengthened, as recommended by the National Commission on Democracy and Civil Society, a body specially created to submit proposals for reform to the President. With regard to the judicial system in particular, the Government appreciated the recommendations made by Mr. Leandro Despouy, Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers, regarding the need to simplify procedures, to enhance the independence of judges and the role of lawyers, and to introduce jury trials. The powers of the Ombudsman in Kazakhstan had been considerably expanded. The incumbent could now attend court hearings, file a request for the review of judicial decisions and request Parliament to investigate citizens' complaints. Kazakhstan was furthermore about to ratify the two International Covenants as proof of its determination to make progress in all areas pertaining to human rights.

24. In the interests of improving the lot of women and children and combating poverty, the Government had taken a number of initiatives such as providing micro-credit facilities for the least protected population groups.

25. However, the Government's top priority consisted in maintaining harmony among the 130 ethnic groups and minorities of which the population was composed and which were represented in the Assembly of the Peoples of Kazakhstan. The country's efforts to promote

interreligious dialogue and understanding had been welcomed by the General Assembly in its resolution entitled "Promotion of interreligious dialogue" adopted in November 2004. The country was also proud to have hosted the First Congress of Leaders of World and Traditional Religions.

26. In the context of globalization, Kazakhstan was confronted, like many other countries, with religious extremism and hence with a terrorist threat. His country therefore supported the central role assigned to the United Nations and its agencies, particularly the Counter-Terrorism Committee of the Security Council, in fighting against terrorism, while remaining firm in its belief that any action taken should respect the rule of law and human rights.

27. Referring in conclusion to the reforms of the functioning of the Commission on Human Rights proposed by the Secretary-General's High-level Panel, he said that his country was open to dialogue in that regard.

#### STATEMENT BY Mr. MOHAMED BOUZOUBAA, MINISTER OF JUSTICE OF MOROCCO

28. Mr. BOUZOUBAA (Morocco) said that the United Nations was more than ever the focus of great expectations. With the globalization of economic relations and the primacy of the global market, there was an urgent need for a regulatory institution capable not only of defending the political, economic and sociocultural rights of the peoples of the least influential States but also of building peace and safeguarding human rights and fundamental freedoms throughout the world. The report of the High-level Panel on Threats, Challenges and Change offered the opportunity in that context to review the role of the United Nations, including that of OHCHR and the Commission. His delegation considered that, in the case of the Commission, the High-level Panel had failed to address certain questions, such as the risk of duplication between the Commission on Human Rights and the Third Committee of the General Assembly, the manipulation of human rights for political ends and the question of agenda item 9, which should not be used to denigrate certain States. The Moroccan delegation was broadly in favour of strengthening preventive diplomacy in support of human rights, while advocating the establishment of appropriate mechanisms to deal with situations involving massive human rights violations. Peace demanded both respect for human rights and the promotion of economic and social development.

29. Since his accession to the throne in 1999, King Mohamed VI of Morocco had sought to build a modern democratic society founded on a human rights culture, enhancement of the role of women and the strengthening of social solidarity. The King had also launched a process of in-depth reform of the administration of justice, while stepping up efforts to achieve final closure of the file documenting forced disappearances and arbitrary detention that had been inherited from the past.

30. With that end in view, the Moroccan authorities had initiated a series of reforms aimed at aligning domestic legislation, particularly the Criminal Code and the Code of Criminal Procedure, with the provisions of international human rights instruments. The beneficial results of the reform process included: establishment of the principle of presumption of innocence; creation of mechanisms for the supervision of police custody, interrogation and conditions of detention; establishment of the office of judge responsible for the execution of sentences; and



reorganization of juvenile justice. In the area of social reform, new measures had been adopted to protect women and children from violence, sexual exploitation and ill-treatment, prohibiting child labour and guaranteeing access for all citizens to medical care by means of compulsory health insurance. The new Family Code, which enshrined the principle of spousal equality, giving everyone the right to divorce and making polygamy subject to conditions that made it virtually impossible, had put an end to the unequal status of women in Morocco. Its entry into force during the current year had necessitated, in addition to the establishment of court divisions specializing in family law, a major public awareness campaign. Furthermore, a large number of amendments had been made to the 1958 Code of Civil Liberties in order to enhance judicial oversight of the lawfulness of administrative decisions. The Advisory Committee on Human Rights (CCDH), which had been made more representative and independent, had recently submitted a report on prisons, in which it had drawn attention in particular to violations perpetrated in the context of the fight against terrorism and to issues of concern to human rights defenders.

31. The Ombudsman, known in Morocco as Diwan al-Madhalim, acted both as a conciliator and as an effective avenue of relief for members of the public who felt they had been harmed by a decision or act by a public body. Another body known as the Equity and Reconciliation Authority worked with the Independent Arbitration Commission on the issue of reparations for victims of enforced disappearance and arbitrary detention and their successors, organizing public hearings for the purpose. The Supreme Audiovisual Communication Authority was responsible for democratization of the media. With regard to Morocco's international obligations, the Inter-ministerial Commission on Civil Liberties, Human Rights and International Humanitarian Law had decided in February 2005 to withdraw the country's reservations to article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, articles 20 and 22 of the Convention against Torture and article 14 of the Convention on the Rights of the Child, and to consider withdrawing its reservations to the Convention on the Elimination of All Forms of Discrimination against Women and acceding to the Optional Protocol to the Convention. The Commission had further decided in favour of Morocco's accession to the first Optional Protocol to the International Covenant on Civil and Political Rights.

32. Turning to the situation in the Middle East, he said that King Mohamed VI, as Chairman of the Al-Quds Committee, had steadfastly supported the Palestinian Authority in its efforts to create an independent Palestinian state. Morocco therefore welcomed the current truce in Palestine, and trusted that every effort would be made to ensure its continuation so that a negotiated settlement acceptable to all parties concerned was finally achieved.

33. With regard to the territory of the Sahara, the subject of an artificially protracted dispute, he welcomed the efforts of the Secretary-General and his Special Representative to reach a final settlement of the matter. He called on the Commission to demand the immediate and unconditional release of all Moroccan detainees in Tindouf.

#### STATEMENT BY Mr. DANIEL ROSATTI, MINISTER OF JUSTICE AND HUMAN RIGHTS OF THE ARGENTINE REPUBLIC

34. Mr. ROSATTI (Argentina) said that human rights were at the core of the Argentine Government's policy, which was based essentially on the principle of transparency. It entailed first and foremost an acknowledgement of the massive violations perpetrated by the former

military dictatorship, action against impunity, the conduct of investigations and the adoption of reparation measures. Accordingly, the Government had repealed the laws providing for impunity, established a special unit within the National Commission for the Right to an Identity responsible for shedding light on the fate of thousands of disappeared persons, created a memorial site at the Naval Engineering College, formerly the most notorious of the dictatorship's detention centres, and paid compensation to the victims. To assist in implementing that project, the Government had encouraged the setting up of human rights monitoring networks and thrown its doors wide open to organizations defending human rights.

35. The Argentine Government was also concerned about certain ongoing situations, such as those involving minors in conflict with the law and persons in police custody or in prison, which had given rise to complaints of torture and other forms of ill-treatment. The Government had taken steps to appropriate funds for human rights training for police officers and to reduce overcrowding in prisons. It had also initiated an employment programme in prisons as a first step towards the reintegration of offenders into society.

36. The Argentine Republic was actively involved in expanding the international human rights protection regime. The Argentine Congress had ratified the Optional Protocol to the Convention against Torture, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, still known as the "San Salvador Protocol". Moreover, the Congress was currently considering two bills, one on the integrated protection of children and the other prohibiting life imprisonment for persons who were minors at the time of commission of the crime. Furthermore, firmly believing that the rule of law must be respected in the fight against terrorism, the Argentine Congress planned to amend the country's domestic legislation to bring it into line with the Inter-American Convention against Terrorism. Again with a view to ensuring conformity with international norms, the Congress had adopted a new law on immigration based on the provisions of the International Convention on the Rights of All Migrant Workers and Members of Their Families. In addition, the Congress was studying a bill that would give the federal courts jurisdiction in cases involving serious violations of human rights, such as torture and ill-treatment. Lastly, a bill on computer crime that would make all forms of child pornography on the Internet liable to prosecution was being drafted.

37. In the context of the regional human rights protection regime, Argentina had encouraged the practice of friendly settlement. During the past year, many disputes had been successfully resolved by that means. For instance, in the case of the 1994 terrorist attack on the Argentina Jewish Mutual Aid Association, the Argentine Government had publicly assumed its responsibilities and undertaken to take all necessary steps to prevent the recurrence of such a crime.

38. Internationally, Argentina played an active role in humanitarian affairs, as evidenced by its participation in peacekeeping missions, such as that in Haiti, and its willingness to become involved in the UNHCR reintegration programme.

39. The major challenge facing Argentina today, however, was the socio-economic crisis unleashed by the structural adjustment policies imposed by the multilateral financial institutions, a crisis from which the country was painfully endeavouring to recover. The situation was still far from satisfactory but the Government's policy, especially on restructuring of the debt, which now represented just 72 per cent of gross domestic product, had reduced the number of poor and destitute by several million. Seeking to create a more egalitarian society, the Government was giving top priority to employment, education, health and housing. It had also restored land titles representing an area of 300,000 hectares to the original communities. In addition, it was seeking to improve public access to the courts and to that end had introduced free legal aid and mediation services. Lastly, a bill providing for jury trials in criminal proceedings was currently being considered.

40. Argentina had played an active part in the fourth Stockholm International Forum on preventing genocide. It was actively involved in the negotiations on a convention against enforced disappearances that would have its own monitoring body and in drafting an optional protocol to the International Covenant on Economic, Social and Cultural Rights, the draft Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law, and the draft declaration on the rights of indigenous people currently being negotiated at the United Nations and in the Organization of American States. Lastly, Argentina had adopted a national anti-discrimination plan based on the recommendations of the Durban Conference.

41. All those measures attested to the importance that Argentina attached to unqualified respect for human rights, which was the only means of guaranteeing the durability of democratic institutions and promoting international peace and security.

The meeting rose at 3 p.m.