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HUMAN RIGHTS COUNCIL

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High-level segment

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,  
on Monday, 12 March 2007, at 10 a.m.

President: Mr. DE ALBA (Mexico)

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The meeting was called to order at 10.05 a.m.

#### OPENING OF THE SESSION

1. The PRESIDENT declared open the fourth session of the Human Rights Council.

#### STATEMENT BY THE PRESIDENT

2. The PRESIDENT said that the current session was taking place at a critical juncture. While the Council had made significant progress at the level of institution-building, agreement had not yet been reached on sensitive aspects of the new system for the promotion and protection of human rights around the world. A constructive spirit and open dialogue were needed, especially among actors from different regions and groups, to overcome differences and avoid polarization. The Council should not be content with lowest common denominators but should seek the best possible outcome, overcoming the flaws of the Commission on Human Rights while preserving its strong points. The system should be strengthened rather than merely overhauled, and it should certainly not be weakened.
3. In keeping with the mandate assigned to the Council, the new protection regime would operate on the basis of the principles of universality, impartiality, objectivity, non-selectivity, dialogue and cooperation. It should effectively promote and protect all human rights for everybody.
4. At the current session the Council would review the progress made since the previous session in the establishment of a universal periodic review mechanism, the review of special procedures mandates, expert advice, the complaint procedure, agenda and programme design, methods of work and the rules of procedure of the Council. The aim was to equip the Council as soon as possible with the tools it needed to carry out its mandate under General Assembly resolution 60/251, on the understanding that those tools could be honed in the light of experience.
5. To prevent a recurrence of the inertia that had dogged the Commission on Human Rights, universally applicable criteria should be devised in order to avoid politicization, selectivity and double standards. The application of such universal criteria in all cases without exception as a cornerstone of the Council's working methods would prevent it from being discredited in the same way as the Commission.
6. To be efficient and fair, the new Council should build a new culture of genuine cooperation without diluting States' human rights obligations or the Council's functions and decisions. That was a two-way process: the Council had the responsibility to assist States in fulfilling their human rights obligations, and States had a duty to cooperate with the Council. He was therefore greatly concerned about the lack of cooperation discernible in some areas of the Council's work. Three of the four missions established by the Council to date had been unable to carry out their work properly because of a lack of cooperation. Such practices undermined the legitimacy of the Council's decisions and were incompatible with the purposes and principles of the Charter of the United Nations and the Organization's multilateral human rights work. They could also undermine the machinery that was being designed to address serious human rights situations fairly and impartially. It was important to examine that trend in depth and to seek ways of ensuring that all the Council's decisions were effectively implemented.

7. He was confident that at the current session the Council would move forward in forging a new system for the promotion and protection of human rights and in developing positive practices.

#### VIDEO MESSAGE FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS

8. Mr. BAN Ki-Moon (Secretary-General of the United Nations) said that a vast responsibility rested on the shoulders of the Human Rights Council at the opening of its fourth session. The pursuit of human rights lay at the heart of the mission of the United Nations and underpinned the hopes of millions of people for a life in freedom, security and prosperity.

9. He had attended the inaugural session of the Council in 2006 as Minister for Foreign Affairs of the Republic of Korea and had witnessed at first hand the high level of excitement and anticipation that had prevailed. The world was now watching to see whether the young Council would live up to its promise. He hoped that Council members would work together to promote an objective and universal approach to human rights. In the weeks and months ahead their determination would be put to the test time and again. Acute crises and long-simmering human rights issues would demand scrutiny and remedies. It was crucial to have the components in place to enable them to pass those tests.

10. By the time the Council observed its first anniversary in June 2007, its wheels should be in full motion, including the universal periodic review mechanism, which had great potential to promote and protect human rights in the darkest corners of the world. Once that mechanism was in place, the Council would be able to examine the record and performance of all countries, on all human rights, at regular intervals. That effort would also require the help of independent experts, who could use impartial fact collection and analysis to facilitate the Council's work. It would also be necessary to tap into the resources of civil society and the international human rights machinery and to make full use of the services of special procedures mandate-holders. He hoped that the Council would ensure that States opened their doors to all of them and would strive to ensure that Governments cooperated with its decisions. He also hoped that the Council would work in full partnership with the High Commissioner for Human Rights and her Office, who offered invaluable support for the Council's work to make human rights a permanent item on everyone's agenda.

11. All victims of human rights abuses should be able to look to the Human Rights Council as a forum and a springboard for action. That was the essence of the Council's mandate and was ultimately how it would be judged. He wished the Council strength and inspiration in its mission.

#### STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

12. Ms. ARBOUR (United Nations High Commissioner for Human Rights) said that for many months the Council had been deeply engaged in fleshing out what had been, at the outset of its deliberations, little more than an idea within general parameters. The Council's permanent architecture and most important procedures should be in place shortly. While institution-building had been the dominant preoccupation of Council members and the human rights community over the past year, the special sessions had been a stark reminder that procedural concerns should not overshadow the substantive human rights agenda.

13. The concern for fairness and impartiality in reviewing the performance of States in the discharge of their human rights obligations was perfectly well-founded but should be pursued with equal dedication in the case of thousands of individuals who encountered neither when they sought to address their grievances to their Governments.

14. Poverty and discrimination were both the causes and consequences of the most egregious human rights violations, and armed conflict, whether internal or international, inevitably increased threats to life and the vulnerability of civilians. Yet poverty and war were often perceived as being akin to natural disasters that were essentially unavoidable and for which no one could really be held responsible. It was considerably more difficult to indulge in such convenient fatalism with regard to human rights violations that were clearly attributable to human agents and could hardly be described as unavoidable occurrences: disappearances, illegal detention, mistreatment of detainees, abuse of patients in mental institutions, discriminatory laws, exploitation of migrants, selling of women into prostitution or domestic labour slavery, beating of children, brutal repression of opinions and beliefs, and abandonment and neglect of the elderly in State-run institutions. Those were some of the ills that the Council was mandated to redress.

15. As resources were deployed to assist government officials in meeting their treaty reporting obligations, it should be borne in mind that the purpose of the exercise was to stop something or to make something happen. The human rights community had a collective responsibility to articulate unambiguously the true nature of severe deprivations of rights, to provide redress and to call to account those who bore responsibility. Its inability to do so as thoroughly as it ought could not serve as a pretext for doing nothing at all.

16. She encouraged the Council to maintain the momentum of engagement and the spirit of compromise that had characterized its work to date, particularly as it embarked on the last and most challenging chapter of its collective effort. In the light of the forthcoming elections of one third of the Council's membership, she wished to stress a feature that was intended to guarantee the international community's confidence in the new body, namely the fact that members were elected on the basis of individual commitments and were expected to participate in a competitive process for the privilege of serving on the Council. That characteristic ensured that the Council's work reflected genuine human rights concerns and not merely the lowest common denominator of regional interests. The fact that in the previous elections almost all regions had put forward more candidates than their allocated seats was in keeping with the spirit of the founding resolution. She urged all Member States to consider their potential candidacy in the forthcoming elections in that light and to insist that others should do the same.

#### STATEMENT BY THE PRESIDENT OF THE SWISS CONFEDERATION AND HEAD OF THE FEDERAL DEPARTMENT OF FOREIGN AFFAIRS

17. Ms. CALMY-REY (Switzerland) said that the Council's activities in recent months, including its response to the emergency situations in Palestine and Lebanon, its efforts to alleviate the plight of the people of Darfur and its adoption of the draft International Convention for the Protection of All Persons from Enforced Disappearance and the United Nations Declaration on the Rights of Indigenous Peoples, had illustrated its capacity for action. However, such efforts must be actively confirmed to ensure that the Council achieved its goals.

18. The fact that four Council missions had been unable to carry out their mandates in full had shown that the Council's capacity to address emergency situations was limited. Moreover, the institutional consolidation of the Council continued to face obstacles, while the new universal periodic review mechanism had yet to be established. It was thus extremely important that Council members should seize the historic opportunity they had to carry out an in-depth reform of the multilateral human rights system. To that end, the Council must overcome the divisions of the past, work on the basis of objectivity, non-selectivity and dialogue, and demonstrate its creativity and capacity for innovation.

19. Completion of the institutional consolidation of the Council must be the first priority in the coming weeks. The universal periodic review mechanism should serve to strengthen dialogue within the Council, thus addressing one of the main weaknesses of the former Commission on Human Rights, namely the application of double standards. No country had a perfect human rights record, and all must be subject to impartial and objective scrutiny. It was thus essential to establish a mechanism that fostered genuine, constructive dialogue on ways to enhance the human rights situation in all countries, without duplicating the efforts of the treaty bodies or other relevant organizations.

20. The special procedures were another essential element of human rights protection. They provided valuable information on the human rights situation in individual countries, and the concrete results that the Council could achieve depended on each State's willingness to cooperate with them.

21. Her Government attached great importance to respect for fundamental rights and freedoms in all circumstances. In the light of certain recent developments, the rights to life, freedom and security must be reaffirmed. The plight of civilians, especially women and children, in conflict situations was a source of grave concern. Addressing the past and transitional justice were crucial to avoiding the repetition of past errors and the human rights violations that entailed. The development and implementation of international norms and standards must be an ongoing process.

22. Despite the many promises made, the situation in Darfur continued to deteriorate. Human rights and humanitarian law were violated daily and the safety of humanitarian actors could no longer be guaranteed. She called on all parties, and above all on the Government of the Sudan, to desist from using violence as a means to attain political ends. It was regrettable that the High-Level Mission deployed on the basis of a consensus decision had been unable to fulfil its mandate, and she urged the Sudanese Government to cooperate fully with the Council.

23. The conflict and deteriorating human rights situation in Sri Lanka were also cause for concern. While the recent establishment of a commission of inquiry and the appointment of independent experts to investigate a number of violations was likely to help counteract the culture of impunity that prevailed in that country, the limited mandate given to the commission of inquiry undermined its ability to respond to the current human rights crisis. The Sri Lankan Government might wish to consider the various positive models of human rights monitoring mechanisms established elsewhere, strengthen its cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and facilitate visits by special rapporteurs, as it had pledged to do.

24. Resumption of the Middle East peace process was contingent on respect for human rights and international humanitarian law. The clashes in that region continued to take their heaviest toll on the civilian population. She called for the immediate cessation of all acts of violence against civilians and an end to the destruction of civilian infrastructure and the expansion of settlements in the Occupied Palestinian Territory. Obstacles to freedom of movement should be proportionate to security needs, and communication between the Gaza Strip, the West Bank and East Jerusalem must be guaranteed. The resumption of economic activity in the Occupied Palestinian Territory was the only lasting solution to poverty, unemployment and the lack of job security.

25. The progress made in Nepal, in contrast, showed that cooperation between State authorities and international mechanisms could be fruitful. The OHCHR office in Nepal had contributed substantially to improving the difficult human rights situation, and she urged the Nepalese Government to extend the office's mandate while tackling other challenges posed by peacebuilding and addressing the past.

26. During its current session the Council would once again consider the serious human rights situation in Myanmar, and she called on the Government of that country to allow the International Committee of the Red Cross to resume its activities.

#### STATEMENT BY THE DEPUTY PRIME MINISTER OF GABON

27. Mr. MBA ABESOLE (Gabon) noted that the Preamble to the Gabonese Constitution proclaimed Gabon's commitment to human rights and fundamental freedoms; he expressed particular satisfaction at the progress Gabon had made in that area for over a decade. President Bongo Ondimba, in his programme of action entitled "My Project, Acts on Behalf of Gabon" which had been approved by the Gabonese people in a referendum in December 2005, had given high priority to public welfare and to the safeguarding and promotion of human rights. Nevertheless, Gabon admitted that shortcomings existed, and it had no fear of scrutiny of its human rights situation, for the country needed assistance in improving prison conditions and building new prisons to remedy overcrowding, in addressing the problem of child trafficking, and in setting up a special police force to eradicate ritual crimes whose perpetrators were difficult to identify.

28. Gabon had made pledges prior to its election to the Council in May 2006, and halfway through its mandate it had made considerable headway in promoting the smooth functioning of its institutions and consolidating the rule of law, democracy and good governance. It had also taken steps to safeguard the right to health by deciding in February 2007 to provide health care free of charge in all public hospitals and health centres. The new system would first be applied in the capital and would then be extended to the rest of the country. To assist the most disadvantaged sectors of society, the Government had introduced a new social security system in the form of a health insurance fund that would give people access to medicines. Free access to antiretroviral drugs and the establishment of a ministerial department responsible for AIDS and AIDS orphans reflected the authorities' commitment to fight against the prejudice suffered by those living with HIV/AIDS.

29. Gabon had always recognized the right of every child to education and for more than two years had increased the volume of resources invested in ensuring universal access to education. The Government also aspired to guarantee decent housing and a decent environment for every Gabonese family and was creating a special ministerial department responsible for housing and a housing bank. In addition, the restructuring of the social welfare system would give vulnerable groups access to a new range of benefits.

30. In the area of children's rights, Gabon was fighting child trafficking and exploitation, which were incompatible with the country's traditions. The Gabonese Government was also contemplating an ambitious reform of the juvenile justice system.

31. A National Human Rights Day was celebrated on 30 May each year in commemoration of the founding of Libreville, the "city of freedom", on 30 May 1849. Both the authorities and the general public organized special activities designed to raise awareness of the importance of respecting human dignity.

32. Pledging Gabon's determination to consolidate peace, democracy and respect for human rights and fundamental freedoms, he stressed that peace was a prerequisite for development. It was essential to build a national and international community that lived in harmony and subscribed to sound values that laid the basis for a better future for all.

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

33. Mr. STEINMEIER (Germany), speaking on behalf of the European Union and the candidate countries, reminded members that the Council had been mandated to review and improve existing United Nations human rights instruments and procedures. The outcome of that process, which had yet to be completed, would be decisive in determining the Council's ability to shoulder its responsibilities.

34. Experience had shown that the effective promotion and protection of human rights could only be achieved by recognizing that human rights were universal, indivisible and interdependent; by according equal importance to all categories of rights; by providing an environment in which security was guaranteed; and by upholding those values in the fight against terrorism. Those principles were the basis on which the Council's institutions should be built. The forthcoming negotiations should therefore focus on four priority areas: the universal periodic review mechanism; the system of special rapporteurs; interaction with civil society; and overcoming regional or ideological differences in order to further the common cause of human rights.

35. The European Union firmly supported a credible and effective universal periodic review mechanism that would counteract claims that human rights work at the United Nations was selective and politicized. The outcome of such reviews must be universally accepted and implemented. The proven system of special rapporteurs, meanwhile, should be strengthened and improved, and he commended mandate-holders for their hard work and commitment.

36. For the Council to be effective, it must act as a forum for human rights defenders, both individuals and non-governmental organizations (NGOs). Their work was crucial for the



effective protection and implementation of human rights on the ground and a key element in promoting cooperation. The European Union firmly supported the active participation of civil society in the Council's debates.

37. Unfortunately, in the past, the views and actions of Council members had often been determined by regional or ideological allegiances. Those considerations must be cast aside if the Council was to live up to expectations; it was unacceptable that serious violations of human rights should go unaddressed because regional or ideological solidarity took precedence over the main principle governing the Council's work, namely an unequivocal commitment to the cause of human rights. The Council had the duty to speak out against extreme violations of human rights, wherever they occurred.

38. The European Union intended to focus special attention on the situation in Darfur, and action must be taken on the report and recommendations of the High-Level Mission tasked to assess that situation. Clear support for the mission was crucial to its success.

39. Worldwide abolition of the death penalty was a key concern of the European Union's human rights policy. Capital punishment constituted cruel and inhuman punishment and had proved ineffective as a deterrent to crime. The number of States that had abolished the death penalty was constantly growing, and the statement on the abolition of the death penalty submitted by the European Union to the General Assembly in December 2006 had received support from 85 States. Those developments illustrated the extent of global support for the cause and showed that the issue must remain on the United Nations human rights agenda.

40. In order for the Council to succeed, all States, including those not represented on the Council, must cooperate, for the promotion and protection of human rights was of concern to the international community as a whole. The European Union was firmly committed to supporting the Council in the successful discharge of its mandate.

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

41. Mr. ASSELBORN (Observer for Luxembourg) called on members to ensure that the process of institution-building was completed as scheduled by the Council's next session, to be held in June 2007. Like other European countries, Luxembourg was in favour of maintaining and strengthening the system of special procedures, and believed that the establishment of a universal periodic review mechanism would greatly enhance the credibility and status of the new body. The gathering of information by independent experts, close cooperation between States and civil society within the Council, and the continued independence of OHCHR were all of crucial importance.

42. Associating himself with the comments made by the President of the Swiss Confederation, he firmly denounced the tragic human rights situation in Darfur, which was marked by massive population displacements, persistent insecurity, attacks against humanitarian actors and acts of barbaric violence against women and children in particular. He called on the Sudanese Government to respect the decision of the Security Council to deploy a joint African Union/United Nations technical assessment mission to the region.

43. He commended the Council for the holding of a special session on Darfur and for its decision to send a high-level mission to assess the situation. The Sudanese Government's lack of cooperation with the mission was deplorable. The Council's credibility depended on its taking effective measures to end the grave and systematic violation of human rights in Darfur and to improve the desperate situation of the people living there.

44. A political solution and a comprehensive peace agreement in the Middle East could only be achieved through dialogue and negotiation between all the parties, especially Palestinians and Israelis. The gravity of the human rights situation, especially in the Occupied Palestinian Territory, had been widely documented by OHCHR and the Council, and the time had come to put an end to the violence, insecurity and constant violation of human rights. In that connection, he called on all States, especially Israel, to cooperate with the missions deployed by the Council.

45. His Government supported the European Union campaign for universal abolition of the death penalty, which was one of the underpinnings of a humane society and an essential aspect of the right to life as set out in various international human rights instruments. He welcomed the growing trend towards abolition or the placing of moratoria on the death penalty as well as the broad support that had been expressed for the statement on the abolition of the death penalty submitted to the General Assembly by the European Union in December 2006.

46. Too many children around the world continued to be engaged in child labour or suffered from all types of violence. Some 25,000 children died from starvation each day, while 300,000 child soldiers were involved in over 30 conflicts throughout the world, often after having been forcibly recruited or kidnapped. It was thus crucial to ensure the effective implementation of the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles) and the Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups, which had been adopted at an international conference on child soldiers held in Paris on 5 and 6 February 2007.

47. The initiation of proceedings before the International Criminal Court in respect of the crime of forced recruitment of children represented a significant step forward for the international community. The prosecution of war crimes and serious violations of international humanitarian law were crucial to combating impunity, and he commended the action taken by the Court in that regard in the Democratic Republic of the Congo, Uganda and the Sudan.

48. Implementation of the Convention on the Elimination of All Forms of Discrimination against Women was crucial to addressing persistent gender-based discrimination across the globe. The Council must speak out against cultural traditions and stereotypes that perpetuated social exclusion and discrimination.

49. Protection of human rights and respect for the rule of law must continue to be a concern in the fight against terrorism. Persons deprived of their liberty on charges of terrorism must be guaranteed the right to a defence and treated in accordance with human rights instruments and international humanitarian law. In order to be credible, the Council must ensure the implementation of its decision 2/112, entitled "Persons deprived of liberty in the context of counter-terrorism measures".

50. The recently adopted Convention on the Rights of Persons with Disabilities was an important step towards international recognition and protection of the rights of the persons concerned. Its main purpose was to enable the world's 600 million disabled persons to participate in public life. The full integration of such persons was crucial to the advancement of society as a whole.

51. Ensuring the universality, indivisibility and interdependence of human rights remained a key challenge. In its work, the Council must give equal importance to all human rights, including the right to development. While he welcomed the progress made by the Council in its deliberations on extreme poverty and the rights to food, health and access to drinking water and medicines, more must be done to implement the Millennium Development Goals. In that connection, he wished to inform the Council that his country had pledged 0.9 per cent of its gross national product (GNP) for development assistance in 2007.

#### STATEMENT BY THE MINISTER OF LAW AND HUMAN RIGHTS OF INDONESIA

52. Mr. AWALUDDIN (Indonesia) welcomed the determination of the international community to engage in a constant process of improving the promotion and protection of human rights, inter alia by establishing the Human Rights Council as a more effective forum for addressing human rights issues. The Council was expected to develop new human rights standards and to step up support for awareness-raising, capacity-building and implementation. In that connection, a crucial task of the Council would be to address perceptions and the notion of what constituted a right while promoting universal acceptance of the fundamental notion of the indivisibility of all human rights.

53. Another important concept was that of non-derogable rights, which should remain at the heart of the Council's philosophy and mechanisms. He recalled in that connection that his country had been one of the first to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

54. Indonesia's transition to democracy had given momentum to the promotion and protection of human rights at the national level and the adoption of two successive national plans of action. Party to six core human rights conventions, Indonesia intended to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance in the near future. New citizenship legislation enacted in 2006 granted equal citizenship rights to all Indonesians, including women and children, and anti-discrimination legislation was currently in the drafting stage. As part of its efforts to strengthen national human rights mechanisms, the Government had invited several special rapporteurs to visit the country.

55. The Council's institution-building process would provide the basic framework for implementation of the precepts of the Universal Declaration of Human Rights. The Council should support capacity-building at the national level, thereby enabling States to fulfil their human rights obligations and prevent human rights crises through education, assistance and awareness-raising. His Government firmly supported the establishment of strong institutions within the Council, in accordance with the time frame established in General Assembly resolution 60/251.

56. The Council had a dual role to play. It was tasked to develop new norms in order to respond to emerging challenges and also to continue addressing unresolved human rights issues, such as human trafficking, torture, extrajudicial killings, enforced disappearances and violence against women and children.

57. Addressing poverty must be one of the Council's most pressing objectives. Extreme poverty was at the core of the worst human rights abuses, and attainment of the Millennium Development Goals was indispensable to the enjoyment of human rights by the world's poor. Implementation of economic, social and cultural rights, including the right to development, must therefore remain high on the Council's agenda.

58. The Council must spearhead efforts to promote a more systematic dialogue between cultures and religions. His Government was actively engaged in interfaith dialogue at the national, regional and international levels and hoped to work closely with the Council in that area. Genuine dialogue in a spirit of partnership between the Council and its members was also crucial. Indonesia was committed to enhancing its cooperation with the Council and its mechanisms, and welcomed the introduction of the universal periodic review as a mechanism that placed all States on an equal footing. He urged Governments, civil society and other stakeholders to work together to create a credible, impartial and effective Council built on trust, solidarity and cooperation.

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

59. Mr. AL-KHATIB (Jordan) said that the international community had made great strides in the area of human rights since the adoption of the Universal Declaration of Human Rights in 1948 and the two International Human Rights Covenants, particularly by focusing on the rights of vulnerable groups in society such as women, children and minorities, by drawing attention to problems such as poverty, unemployment, discrimination and impunity, and by promoting equality, the rule of law and freedom of belief.

60. In practice, however, the horrors of international and internal armed conflicts and foreign occupation demonstrated the fragility of human rights in many regions. Time and again in the recent past the world had witnessed cases of genocide, war crimes and massacres. The Palestinian people continued to suffer serious human rights violations under Israeli occupation. It was essential to enforce Security Council resolutions and to end the occupation so that the Palestinians could establish an independent State.

61. As international security had a humanitarian dimension and human rights a developmental dimension, security and development could not be achieved without full respect for human rights. To bridge the gap between theory and practice at the institutional level, it had been decided to establish the Human Rights Council, in which great hopes had been vested. Unfortunately, however, human rights principles sometimes clashed directly or indirectly with political ambitions and States' interests. It was therefore important to enhance awareness of human rights mechanisms and practices, both among those deprived of their rights and those responsible for the violations.

62. The establishment of the Council was an important step in the process of reform of the United Nations and in asserting the universality of human rights as one of the main pillars of the Organization.
63. Although attempts to steer or manoeuvre multilateral negotiations could facilitate consensus in certain circumstances, they could not replace the resolve and trust that were needed to surmount obstacles to the achievement of human rights. Success depended on each party refraining from attempts to exploit the weaknesses of the other party. The Council was composed of States and was therefore bound to be political, but it should be aware that human rights were a universal heritage that must be respected by all. Jordan had participated in the working group on a mechanism to replace the Sub-Commission on the Promotion and Protection of Human Rights. It hoped that the members of the Council would achieve consensus on the various reforms proposed for the coming five years pending a review by the General Assembly. That would send a positive message to all external observers of the Council's work. Moreover, the question of the role to be played by the various human rights actors, such as States, civil society organizations and independent experts, should not become a point of contention among Council members.
64. Jordan set great store by human rights, and the Hashemite political leadership had devised the slogan: "The human person is our most precious possession." By virtue of the rule of law and independent civil society institutions, Jordanian citizens and residents were guaranteed freedom of expression and independent media. An independent National Human Rights Centre had been established to monitor the human rights situation and deal with complaints from individuals. The Centre worked closely with NGOs and human rights activists and produced annual reports on the situation of human rights in Jordan. Its recommendations were taken very seriously and put into practice.
65. A bill on the establishment of an ombudsman's office had been drafted, and it was hoped that the constitutional procedures leading to its enactment would shortly be completed. The Parliament was also currently discussing a new municipalities bill that would accord women 20 per cent of all seats, thereby enhancing their role in local administrations. Moreover, many laws providing for the death penalty had been amended.
66. Action to assist vulnerable groups such as women, children and persons with disabilities was also being stepped up by means of legislation and the opening of centres for the care and rehabilitation of victims of various forms of violence and exploitation. Jordan had decided to sign the Convention on the Rights of Persons with Disabilities and called on other States to follow suit.
67. Jordan viewed all those achievements as part of an ongoing process and would continue to work through its private and public institutions to improve the human rights environment. It had issued an open invitation to all special rapporteurs, and the Special Rapporteur on the question of torture had recently visited the country and been offered all necessary facilities. Jordan viewed such visits as a means of strengthening its cooperation with the human rights mechanisms, welcoming verification of its performance rather than shying away from it.

68. The Middle East region was faced with major challenges stemming from wars, failed development efforts, poverty and terrorism, all of which undermined human rights and threatened stability. However, such adverse circumstances should not serve as a pretext or as justification for failure to protect human rights; rather, they should spur States and peoples to cling more closely to human rights principles and to put them into practice wherever possible, thereby acting as a beacon of hope for a better future for the peoples of the Middle East.

69. Although terrorism was a major challenge, it should be addressed in a balanced way that preserved respect for fundamental human rights. In that context, Jordan appreciated the work of the Special Rapporteur on the promotion and protection of human rights while countering terrorism.

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

70. Mr. ABDALLAH (Tunisia) said that thanks to the concerted efforts of all its members the Council was well on the way to consolidating its structures and strengthening its role in the international human rights system. It was a matter for congratulation that the Council had engaged in consultations to revise, rationalize and improve the mandates and mechanisms inherited from the Commission on Human Rights and to introduce the universal periodic review mechanism. The Council should maintain a constructive dialogue, untainted by political considerations, which should culminate in mechanisms that would ensure the effectiveness of its work. Tunisia had always worked for rapprochement among Council members in order to encourage the emergence of a constructive consensus, which was essential in the human rights context. In view of the importance of strengthening United Nations human rights structures and mechanisms, it was to be hoped that the Council would continue to operate with full transparency and impartiality, without politicization or selectivity.

71. The interest shown by the international community in the dissemination of and adherence to human rights values should reinforce support for the universality, interdependence and complementarity of all human rights, as defined in the relevant international instruments. More than ever, the international community should respect that approach, which could lay the foundations of a fairer and more united international order that would guarantee international peace and security and dignity for human beings everywhere. Tensions in various parts of the world should be relieved by dialogue and mutual understanding between peoples and cultures rather than confrontation and the clash of civilizations. Tolerance, moderation and solidarity should be enshrined as fundamental values in international relations. In that context, the President of Tunisia had championed the establishment of the World Solidarity Fund to combat poverty and the introduction of an international covenant for peace and development. He had also called for further dialogue between cultures and religions and the adoption of an international code of conduct to combat terrorism. The Carthage Charter for Tolerance of 1995 and the Tunis Declaration on Dialogue among Civilizations of 2001 had been launched in the same spirit.

72. Human rights values must be widely disseminated and handed down from one generation to another. His Government had therefore incorporated human rights into the Tunisian education system at every level. It also devoted particular attention to the training of judges and law enforcement officials.

73. His delegation undertook to work with all States, both members and non-members of the Council, to consolidate the foundations of an effective Human Rights Council. It therefore called on all parties to redouble their efforts to find consensus solutions to the issues before the Council. The promotion of human rights was a collective responsibility, requiring a common effort in a spirit of dialogue, cooperation, confidence and mutual respect.

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

74. Mr. ROMULO (Philippines) said that the creation of the Council in 2006 had been a historic step towards the realization of the saying that all humanity was an indivisible family in which all members were responsible for each other. The challenge facing the countries of South-East Asia was to build such a community, a commitment they had made at the Twelfth Summit of the Association of South-East Asian Nations (ASEAN) in January 2007. For the Philippines, that commitment meant reinforcing respect for human rights in the region by taking the lead in ensuring that the ASEAN Charter was firmly grounded in a common commitment to human rights, even while combating terrorism. The Philippines could never forget the days when a shadow had hung over the country's human rights situation or the country's tragic legacy of political violence. The oldest democracy in Asia, the Philippines was currently strengthening its democratic institutions, including the Presidential Human Rights Committee, which acted as the focal point for inter-agency coordination on human rights. Additional funds had also been earmarked for the Philippine Human Rights Commission. It should be noted that the Philippines had ratified all seven core international human rights treaties.

75. For his Government, the protection of human life, including that of the unborn child, was a sacred commitment. Accordingly, it had recently abolished the death penalty and signed the Second Optional Protocol to the International Covenant on Civil and Political Rights. Measures had also been taken to eliminate politically motivated killings, which were a gruesome element of the culture of violence that the country had inherited. Capacities were being strengthened with assistance from the international community to investigate and bring the guilty to justice. In the same spirit, the Philippines had invited the Special Rapporteur on extrajudicial, summary or arbitrary executions to conduct a country visit, and the Government was currently studying his preliminary report.

76. In response to continued assaults on freedom of conscience and faith throughout the world, the Council must make respect for and protection of human rights a reality rather than an abstraction. It must take decisive action on extreme poverty, the right to development, regional cooperation and the effective implementation of international human rights instruments. The Council's adoption of the United Nations Declaration on the Rights of Indigenous Peoples and the International Convention for the Protection of All Persons from Enforced Disappearance was a step in the right direction. The Council should also address the human rights of vulnerable groups, particularly migrants and their families and the women and children who were victims of human trafficking.

77. Institution-building must remain a priority during the Council's first year. Working methods must be credible, predictable and transparent; new approaches, such as the universal periodic review, must be adopted; and all existing procedures must be re-examined. Substantial progress had been made in the working groups, but greater efforts must be made over the next

three months to reconcile remaining differences. To be strong the Council must be governed by the fundamental organizing principle of sovereign equality. Secondly, it should be cooperative and constructive and not use human rights as a political weapon that led to divisiveness. Thirdly, it must uphold the role of the State as having primary responsibility for the promotion and protection of citizens' human rights, although member States must accept that many other stakeholders also deserved to be part of the discourse. Fourthly, openness, transparency, and accountability were crucial; otherwise, consensus could not be reached and the Council would lack external credibility. The world had to see and believe in the Council's work if the Council was to succeed.

78. It was also crucial to mobilize resources to strengthen the capacity of developing States to observe the full range of human rights, while at the same time highlighting the practical benefits of human rights to ordinary people everywhere. Human rights education, capacity-building and technical assistance programmes should be formulated with the full cooperation of the countries concerned, particularly developing countries. Human rights were never meant to foster division; they should be a unifying force. The Council could advance and promote such unity and thus overcome fear and intolerance.

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

79. Mr. SAMARASINGHE (Sri Lanka) said that during its first year the Council should focus on completing its institution-building procedures in order to meet the conditions set out in General Assembly resolution 60/251. His delegation would show maximum flexibility in the interests of a consensual outcome.

80. A recent development in Sri Lanka had been the establishment of the Presidential Commission of Inquiry to investigate alleged human rights violations. The Commission had already met the International Independent Group of Eminent Persons, who had been nominated by Governments around the world to observe its functioning, and the initial interaction had been positive. His Government was committed to providing all possible assistance to the Commission and the Independent Group. It would continue to brief the Council on the progress achieved. In that connection, he wished to thank OHCHR for its valuable advice in such areas as witness protection.

81. In the north and east of Sri Lanka, the Government continued to seek short- and long-term solutions to the problems experienced by internally displaced persons affected by both natural disasters and the conflict with the Liberation Tigers of Tamil Eelam (LTTE). He had recently led an international needs assessment mission to Batticaloa district on which he had been joined by the Ambassadors of France, Germany, Italy, Japan and the United States of America and officials from the European Union, the United Nations and the Sri Lankan Government. Despite enduring a mortar attack by LTTE on its arrival in Batticaloa, the mission had completed its task of assessing the resettlement process in Vaharai, where over 34,000 civilians had sought government protection from LTTE. The resettlement of such people in their original places of residence, after mine clearance and the restoration of essential infrastructure and services, was under way. Electricity had already been restored and administrative structures, including health facilities and schools, were being established. A



similar mission had gone to Jaffna to assess the food situation and to follow up recommendations made by the United Nations logistics team that had conducted an assessment of the situation at the Government's invitation. Despite LTTE threats and attacks on ships carrying food and essential supplies, the Government continued to meet the region's monthly requirements and had sent over 75,000 tonnes of supplies by sea since August 2006, when the land route had been closed owing to LTTE attacks. He acknowledged the valuable assistance of the international community and United Nations agencies, which supported the Government's key priority of providing civilians with supplies.

82. Despite grave provocation and attacks by LTTE, the Government had announced in February 2007 that the ceasefire agreement remained valid and that the Government remained committed to finding a negotiated political settlement, as shown by its willingness to resume peace talks with LTTE. An all-party representative committee was currently at an advanced stage of formulating constitutional proposals for devolution that aimed to meet the aspirations of all the communities concerned.

83. As an active founding member of the Council, Sri Lanka had demonstrated its engagement with the Council's special procedures by extending invitations to the Special Rapporteur on the question of torture and the Representative of the Secretary-General on the human rights of internally displaced persons to visit the country in October and November respectively.

84. While making every effort to deal with alleged human rights violations, the Government continued to favour preventive measures. Senior police officers throughout Sri Lanka had recently been briefed on the effective implementation of the Presidential Directive on Arrest and Detentions to ensure that fundamental rights were respected, even in the difficult circumstances of combating terrorism. Initiatives were also taken on a regular basis by the Inter-Ministerial Committee on Human Rights, which, meeting once a month, had proved an effective tool in monitoring specific allegations of human rights violations and adopting practical measures in response.

85. He commended the Capacity Building and Field Operations Branch of OHCHR for its assistance in the preparation of a single core reporting document under the harmonized reporting system, which was a pioneering initiative intended to test whether Sri Lanka's reporting burden could be reduced. As a concrete measure of support for OHCHR, his Government had recently honoured its pledge to donate US\$ 10,000 to the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

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

86. Mr. VERHAGEN (Netherlands) paid a tribute to the moral courage shown by human rights defenders, most of whom, fighting in obscurity, risked their lives for a better, more just future. The international community should support such people not only with words but with action. Governments, too, needed to be morally courageous and be prepared to address human rights violations anywhere, including in their own countries. His Government pledged to take to heart the findings - whether critical or supportive - of the Special Rapporteur on violence against women, its causes and consequences, who had visited the Netherlands in 2006.

87. Having been in office for only a few weeks, he was engaged in setting the priorities for his Government's foreign policy. He intended to raise the country's human rights profile, not only because respect for human rights was important in itself but also because it contributed to security and economic and social progress. As the Secretary-General had indicated in his report entitled "In larger freedom: towards development, security and human rights for all" (A/59/2005), it was a mistake to promote economic growth at the expense of democracy and human rights.

88. The international community bore the heavy responsibility of making the Council the authoritative human rights body that it should be, alongside the Security Council and the Economic and Social Council. The Human Rights Council was still under construction, and when a construction site got messy, doubts about the final product inevitably arose. Thus delegations were unsure of the form that the Council would ultimately take and wondered whether it would be a true pillar of human rights, built on solid rock, or whether it was built on quicksand. When the Council had been established, optimism had prevailed. The promises made at that time should be kept. The Netherlands was committed to the Council's success and had therefore decided to apply for membership for the next three years and contribute to the completion of the construction project.

89. In order to ensure that the high expectations that had been set were met, the human rights situation in every country must be regularly assessed and such assessments must be followed up. A strong universal periodic review mechanism was therefore required. His country had already volunteered to be among the first to undergo such a review.

90. The need for unbiased information from independent sources meant that the system of special procedures should be retained and improved and that NGOs should take an active part in the Council's deliberations.

91. The Council must avoid the selectivity and politicization which had weakened the Commission on Human Rights. As human rights were universal, no country should be exempt from scrutiny of its human rights record, yet it would be wrong repeatedly to single out a specific country or region. The attention the Council devoted to human rights situations should be proportionate to the violations committed, and its conclusions must be balanced. The Council would soon lose its legitimacy if items were put on or taken off the agenda for political reasons.

92. For the sake of the Council's credibility, members should uphold the highest standards in promoting and protecting human rights, and they should cooperate fully with the Council. They must also honour their voluntary pledges. Moreover, suspension of members guilty of gross and systematic violations of human rights should not be an empty threat. In that connection, it was vital that the Council should denounce the atrocities committed in Darfur; silence or inaction would be inexcusable. The Council should support the International Criminal Court, which had recently issued the first indictments in connection with the human rights abuses perpetrated in Darfur. Although the Sudanese Government's refusal to allow the Council's assessment mission to visit the region was deplorable, the mission's findings should be discussed in a manner worthy of the Council's high principles, and the follow-up to its recommendations should be given high priority. That was the least the Council could do for the victims of Darfur.

93. Echoing the words of the Zimbabwean human rights defender Arnold Tsunga at the Council's opening session, he said that the Council's success would ultimately be judged by the impact the new body had on the lives of ordinary people and by whether it could restore their basic human dignity to those who suffered from fear and want. He therefore hoped that all present would display the dedication and moral courage needed to make the Council a human rights success story.

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

94. Mr. BILDT (Observer for Sweden) endorsed the remarks made by the Federal Minister for Foreign Affairs of Germany on behalf of the European Union and said that the promotion and protection of human rights was one of the central duties of the international community, since the bitter lessons of history had shown that regimes that violated human rights often threatened international peace and stability.

95. Although substantial headway had been made throughout the world in securing respect for human rights and a commitment to democracy during the past 15 years, the pace of that progress seemed to be slowing. The work of the Human Rights Council was therefore crucial not only for that reason, but also because the international community was experiencing obvious difficulty in addressing ongoing massive abuses of human rights and contending with restrictions on the free flow of information on the Internet.

96. The Council must meet current human rights challenges in order to dispel fears that it would not live up to the high expectations placed in it. It must deal with blatant human rights violations in the Occupied Palestinian Territory and in Darfur, even though the Sudanese Government had denied entry to the Council's fact-finding mission, and it must turn its attention to the human rights situation in countries such as Myanmar, the Democratic People's Republic of Korea, Belarus, Cuba, Uzbekistan and the Islamic Republic of Iran.

97. The death penalty should be abolished throughout the world, as it was a brutal and vindictive travesty of justice that contradicted the very notion of human rights. Yet it was still widely enforced in the Islamic Republic of Iran, Iraq and above all China, although capital punishment was at odds with the Olympic spirit. The right to life must never be violated, as the risk of errors could never be ruled out, even in democratic societies based on the rule of law.

98. The situation with regard to extrajudicial, summary and arbitrary executions was particularly worrying in Sri Lanka, and he therefore called upon the Council to adopt a draft resolution urging the Government of that country to broaden its investigation of the increasing number of extrajudicial killings and disappearances and to avail itself of the assistance of OHCHR in order to ensure that the investigation met international standards.

99. It was imperative that the Council's work should provide genuine protection for those most vulnerable to human rights abuses. Less time should be spent arguing about new legal instruments and full attention should be focused on making sure that commitments to implement civil, political, economic, social and cultural rights without discrimination based on gender, sexual orientation or race were honoured.

100. The extent to which the Council fulfilled that huge task would be measured by the improvements secured on the ground. To that end, the Council must promote the implementation of human rights instruments, constantly remind Governments of their obligations and support them in their efforts to comply. The first year of the Council's existence would prove crucial for its standing in the international system. It was therefore vital to preserve and strengthen the system of special procedures and set up an efficient universal periodic review mechanism that drew on information from a variety of reliable sources. Building a new institution must be done by consensus, but the common objective at all times must be a fair and properly functioning Human Rights Council, as that was in everyone's interest.

#### STATEMENT BY THE SECRETARY GENERAL OF THE ORGANIZATION OF THE ISLAMIC CONFERENCE

101. Mr. IHSANOGLU (Organization of the Islamic Conference) said that by establishing the Human Rights Council the world community had reaffirmed its determination to address global human rights challenges more effectively. The Council should strive to be constructive and remedial, not judgemental or selective. States' capacity to comply with their human rights obligations needed to be strengthened through cooperation and genuine dialogue among civilizations, cultures and religions. The Islamic world was moving steadily in that direction. His organization had adopted a 10-year programme of action in 2005 and had set up a Permanent Commission of Human Rights. It had called on all its member States to introduce changes in their national laws in order to guarantee full respect for human rights, promote good governance, combat corruption and take a firm stance against all forms of terrorism.

102. Human rights violations and the tragic consequences of occupation in Palestine and other Arab territories remained a deep concern for the Islamic world. The Human Rights Council could make a historic contribution to the alleviation of the Palestinian people's suffering through timely consideration of that issue. The occupying Power must be called upon to recognize the inalienable rights of the Palestinian people to self-determination and the establishment of a sovereign State. The occupying Power should likewise be made to abide by the tenets of the Fourth Geneva Convention: innocent people must never be killed in any circumstances whatsoever. Terrorism was a crime against humanity, irrespective of whether it was perpetrated by individuals, organized groups or States.

103. Israel should abandon its unlawful and provocative excavations in the vicinity of the Al-Aqsa mosque immediately and cease to tamper with the demographic status of Jerusalem. It was essential for the Council's credibility that the resolutions adopted at its two special sessions should be implemented. Palestinian ministers, lawmakers and officials who had been kidnapped must be freed. The economic blockade that had impeded the Palestinian people's access to food, medicine and basic health facilities was unacceptable. The international community could not remain silent about the daily humiliation suffered by all Palestinians.

104. Efforts to promote and protect the human rights of the people living in Darfur must be intensified by all concerned. His organization supported the endeavours of the Sudanese Government, the African Union and the United Nations to resolve the conflict and allay economic hardship in the area. The international community must address the root causes of the conflict in order to foster sustainable development in Darfur.

105. The Organization of the Islamic Conference encouraged all its member States to reach high standards in protecting and promoting human rights in their respective countries. It was also following the humanitarian situation of Muslim minorities in some non-member States in close cooperation with the authorities of those countries and was supporting the ongoing positive dialogue aimed at resolving all outstanding issues related to the human rights of the people of Jammu and Kashmir.

106. The Council must not overlook the upsurge of Islamophobia described in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance entitled "Situation of Muslims and Arab peoples in various parts of the world" (E/CN.4/2006/17). It should take action to combat the defamation of all religion, in keeping with General Assembly resolution 60/251, which had political weight and moral value. However, as past experience had shown, that resolution would have to be backed with effective and legally binding measures. To that end, the Human Rights Council ought to formulate norms designed to promote dialogue and comprehension among followers of different religions and should explore the possibility of drafting a convention on respect for religions.

107. The best way to combat the emergence of divisive extremist tendencies that promoted stereotyping was to help humankind acquire a proper knowledge of cultures and civilizations. Such a step would promote reconciliation between the two imaginary blocs - "the West" and "the rest" - by instilling respect for cultural diversity, tolerance and genuine dialogue.

#### STATEMENT BY THE SECRETARY FOR FOREIGN AFFAIRS OF THE PHILIPPINES ON BEHALF OF THE CONVENING GROUP OF THE COMMUNITY OF DEMOCRACIES

108. Mr. ROMULO (Philippines), speaking on behalf of the Convening Group of the Community of Democracies, said that the States members of the Community of Democracies shared a set of common core values, the most crucial of which was the belief that democratic governance was the key to development, security and the promotion and protection of human rights. The Community therefore welcomed the establishment of the Human Rights Council and was committed to its consolidation through consensus. It encouraged all Governments to overcome their differences and engage in cooperation and genuine dialogue in order to help member States strengthen their capacity to comply with their human rights obligations.

109. Civil society, NGOs and national human rights institutions had an important role to play in furthering democratic principles and securing respect for human rights worldwide through their participation in the activities of the Council. Accordingly, all States ought to protect the independence of such organizations and engage in constructive dialogue with them.

110. The States members of the Community of Democracies were committed to the promotion, protection and realization of the rights set forth in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Democratic governance was an essential component of efforts to alleviate poverty, foster economic growth and attain the Millennium Development Goals. While every country had primary responsibility for its own economic and social development, international cooperation and a democratic, transparent and enabling economic environment were vital.

111. Women's full participation on a basis of equality in all spheres of society and in the decision-making process was fundamental to a democratic culture. Tolerance and pluralism were likewise essential for the promotion and protection of human rights; consequently a dialogue among civilizations was needed to strengthen a culture of peace and respect for racial, religious and cultural diversity and to facilitate the full enjoyment of all human rights. Education was equally vital for the building of pluralistic and inclusive societies. States in the Community of Democracies were encouraged to introduce or expand human rights education at all levels and to renew their commitment to fighting racism, xenophobia and related intolerance.

112. Much remained to be done as the Council concluded its first year of work. Nevertheless, the Convening Group of the Community of Democracies, which was committed to the purposes and principles of the Charter of the United Nations, looked forward to continuing the work of building a strong and responsive Human Rights Council.

113. Mr. REYES RODRÍGUEZ (Cuba), speaking in exercise of the right of reply, said that he had been stupefied to hear the confrontational statement by the Swedish Minister for Foreign Affairs, which had been reminiscent of the inglorious days of Swedish imperialism, when blood and pain had been inflicted on neighbouring countries, some of which had been subjected to colonial slavery. The cynicism and hypocrisy of that speaker had been amazing. How was it possible to talk about the human rights situation in the world without mentioning the torture centre at Guantánamo, the war crimes committed by the United States of America in Iraq or the secret flights over and the existence of torture centres in several European countries? A number of European Governments, including that of Sweden, had colluded in that process.

114. Unlike Sweden, Cuba was a country of justice and inclusion. It did not persecute migrants or try to carry out ethnic cleansing aimed at retaining in the country those whose skin and hair colour were more typically Viking. The observer for Sweden should remember that Cuba was a member of the Council and that Sweden was not, having not earned a seat there because of the way it acted. It would be very difficult in the future to allow Sweden to sit on the new Human Rights Council; it might have been a member of the defunct Commission on Human Rights, but the Swedish approach had no place in a Council based on dialogue and cooperation. It would have been better had the Minister for Foreign Affairs stayed in Stockholm and not entered the Council chamber to utter such words of hatred and confrontation.

115. Mr. MAHAWAR (India), speaking in exercise of the right of reply, said that the statement by the Secretary General of the Organization of the Islamic Conference had contained an unacceptable reference to Jammu and Kashmir, which was an integral part of India. The Organization of the Islamic Conference did not have any *locus standi* to address that issue; all the legitimate rights of the people of the Indian State of Jammu and Kashmir were fully protected and guaranteed by the Indian Constitution. Those rights had been and would continue to be fully enjoyed.

116. Mr. LA Yifan (China), speaking in exercise of the right of reply, said that members of the international community held differing views on the death penalty: some countries were in favour of capital punishment, others were not. For that reason there was no consensus on the subject. His Government was prepared to discuss the matter, but it was categorically opposed to the practice of imposing a uniform view, as the Minister for Foreign Affairs of Sweden had

attempted to do in his statement. The reference in that statement to the number of death sentences enforced in China was particularly unacceptable, as was the linkage of the death penalty and the Olympic spirit. According to the Olympic Charter, the Olympic Games were a major contest for athletes from all over the globe, and no country should use a Council meeting to politicize them.

117. China was a country governed by the rule of law. The death penalty was applied only in cases involving the most heinous crimes, a situation entirely compatible with the International Covenant on Civil and Political Rights. As from 1 January 2007, death sentences would be reviewed by the Supreme Court, as the Chinese Government was in fact seeking to limit the number of death sentences carried out. He was confident that developments in his country would lead to the imposition of fewer death sentences and ultimately to the abolition of capital punishment.

The meeting rose at 1 p.m.