



# General Assembly

Sixty-fifth session

## 43<sup>rd</sup> plenary meeting

Wednesday, 3 November 2010, 3 p.m.  
New York

Official Records

*President:* Mr. Deiss ..... (Switzerland)

*In the absence of the President, Mr. Ntwaagae (Botswana), Vice-President, took the Chair.*

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

### Agenda item 63 (continued)

#### Report of the Human Rights Council

##### Report of the Human Rights Council (A/65/53 and Corr.1 and A/65/53/Add.1)

**Mr. Leucă** (Republic of Moldova): The delegation of the Republic of Moldova associates itself with the statement delivered earlier today by the representative of Belgium on behalf of the European Union. I should now like to add some remarks in my national capacity.

First, I would like to thank Ambassador Sihasak Phuanketkeow, President of the Human Rights Council, for introducing the Council's report (A/65/53 and A/65/53/Add.1) to the General Assembly, as well as to congratulate Ambassador Ivan Šimonović on his assignment as Assistant Secretary-General for Human Rights to lead the Office of the High Commissioner for Human Rights in New York. Their leadership in managing the complexity of human rights activities and instruments under the United Nations umbrella is of great importance for the effective realization of the goals of the Council, as voiced and shared by all Member States.

The report of the Human Rights Council reflects the diversity and intricacy of the human rights

situations in various States, as well as the multiple and sustained measures undertaken both by Governments and the United Nations system to improve and promote human rights around the world. The Council has registered considerable progress through thematic resolutions related to torture, human trafficking, the rights of the child and violence against women that have a positive impact on the ground. These policies will be supported by every country, and jointly by the international community.

One of the recent accomplishments of the Human Rights Council was the consensus adoption of the United Nations declaration on human rights education and training, initiated by the Platform on Human Rights Education and Training. We hope that this declaration will serve as an important engine for the implementation of the Universal Declaration of Human Rights and as a practical tool for promoting understanding and disseminating information about human rights.

Although since its establishment, in 2006, the credibility and capacity of the Council to address human rights issues at the global level effectively and without selectively has been subjected to controversial debates on several occasions, the Human Rights Council has proved its relevance and vital role in promoting the fundamental values of human rights enshrined in the United Nations Charter. We believe that these discussions should become more constructive and that, in the framework of the review process, we have to strike a sensible balance between what has been accomplished already and the gaps and

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limitations we must overcome in order to achieve the commitments articulated in resolution 60/251.

As a member of the Human Rights Council, the Republic of Moldova strongly advocates in favour of the appropriate implementation of the Council's institution-building package, adopted in 2007, along with the application of new and transformative elements of the Universal Periodic Review Mechanism, the Advisory Committee, the complaints procedure and the special procedure mechanisms. These instruments are essential for the prevention of human rights violations and for carrying out country evaluations and advancing tailored recommendations. The interactive dialogue with Special Rapporteurs, concluded yesterday in the Third Committee, confirmed the valuable inputs brought by the special procedure mechanism for the protection of human rights and the increasing interest of Member States to cooperate and work closely with the special mandate holders.

My country has its own experience of cooperating under the special procedures with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on violence against women, who visited Moldova in 2008 and 2009 upon the invitation of the Government. We are pleased that this exercise was of benefit to the Government in helping to highlight areas where additional resources, capacity-building activities and the adoption of relevant laws were required. The commitment of my Government to further increase cooperation under special procedures resulted in the extension of a standing invitation to the relevant mandate holders, as we entrusted them with the important role of safeguarding, monitoring and advising on the human rights agenda. In the same vein, we will present our national report under the Universal Periodic Review Mechanism in 2011.

Important factors in accurately carrying out special procedures include the requirements to strictly follow the mandates assigned, rely on existing instruments and standards in the field of human rights and pursue country assessments and reporting in accordance with those directives. That must be done to ensure that the mechanism does not go beyond existing regulations or alter the meaning and the aim of the special procedures.

While special mandate holders' recommendations are important for the streamlining of the human rights

protection agenda, it is equally essential to put in place a follow-up mechanism for the elaboration of guidelines and support for their practical implementation. In this respect, we envisage close cooperation between the Council and the High Commissioner for Human Rights to assist States in upholding human rights while preserving the independence of the High Commissioner, in conformity with the mandate adopted by the General Assembly in resolution 48/141.

The implementation of the Universal Periodic Review Mechanism as a unique tool to review the human rights record of each Member State is currently the pre-eminent State-driven process whereby all countries are treated equally and on the basis of objective and consistent reporting information. At the same time, strengthening the Mechanism and enhancing the High Commissioner's role in building national capabilities for the implementation of action-oriented recommendations is the key modality to accelerate and improve the functioning of the Council. Accordingly, while assessing the performance of the Council, it is essential to streamline the Mechanism's review sessions to ensure more constructive and substantial discussions by Member States. Moreover, provided that in 2011 the Council will have reviewed the human rights records of every country, we will need to consider measures to help States to implement the recommendations emanating from the review, as well as international instruments in the field of human rights, through technical assistance, best practices and lessons learned.

Along the same lines, we consider it necessary to generate more synergy between the Council and United Nations human rights agencies and instruments in order to avoid duplication of activities and projects in the field. Ensuring cohesion in the United Nations system in this area is a complex exercise, but it is of great importance for strong United Nations human rights action to meet the expectations of peoples. It is therefore up to us to encourage all Member States to vigorously cooperate in order to ensure that the dialogue established under the Universal Periodic Review Mechanism is indeed universal and inclusive of all.

In conclusion, I would like to highlight that, as a member of the Human Rights Council, the Republic of Moldova is committed to continuing to fulfil its individual pledges and to doing its utmost to strengthen

this important body and its results-oriented mechanisms, including ensuring its impartiality and universality.

**Mr. McLay** (New Zealand): New Zealand welcomes the President of the Human Rights Council, Ambassador Phuangketkeow, and thanks him for presenting the Council's fifth annual report (A/65/53 and A/65/53/Add.1). We would also like to take this opportunity to thank, and acknowledge the work of, his predecessor, Ambassador Alex Van Meeuwen.

New Zealand remains a firm supporter of the Human Rights Council, which plays an important role as the principal human rights body of the United Nations. As we take stock of another year, we are pleased to acknowledge some recent positive developments in the Council's work. In particular, an increased spirit of cross-regionalism has been evident, such as with the resolution establishing a new mandate on the freedom of assembly and association, which was brought to the Council by a group of seven States representing five different regional groups.

In New Zealand's case this year, we were honoured to work in partnership with Burkina Faso and Colombia on several initiatives on preventable maternal mortality and morbidity and human rights. This shows that, working cross-regionally, the Council can avoid some of the problems that plagued its predecessor, the Commission on Human Rights, and enable it better to fulfil its mandate.

The credibility of the Council will of course always be judged by its ability to respond to serious human rights violations. We welcome the fact that, over the past year, the Council has increasingly used the various tools at its disposal in formal and informal sessions. The recent discussions on mass rapes in the Democratic Republic of the Congo and the debate on Somalia are good examples of the Council using a range of different tools to consider critical situations effectively and in a timely manner.

We also regard the Universal Periodic Review Mechanism, the ninth session of which is presently under way, as a useful addition to the United Nations human rights machinery. We continue to see great value in the Council's system of special procedures.

New Zealand is among those countries that have extended standing invitations to special procedures mandate holders. This year, we were pleased to

welcome to New Zealand Professor James Anaya, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. The scrutiny afforded by the special procedures system allows for engagement with leading human rights experts. That visit was a welcome opportunity to assess progress on indigenous rights in New Zealand.

We appreciate these and other positive elements of the Council's work, but much remains to be done. In that regard, the Council's ongoing review of its work and functioning provides all stakeholders with an opportunity to consider how to enhance the effectiveness of the Council. This is an important opportunity, although it must be borne in mind that the Council's existing institutional structure contains under-utilized elements that could be better implemented.

Turning now to the review itself, we are carefully considering all of the proposals made in Geneva last week during the first session of the open-ended working group on the work and functioning of the Council. Our aim for, and our expectation of, that review is simple: to improve the Council's ability to promote and protect human rights. In particular, we see value in proposals that would improve the Council's ability to address critical human rights situations, wherever they occur; improve the action-oriented nature of the Council's work while allowing for follow-up where necessary and enhanced coordination with other branches of the United Nations system, including the Third Committee and specialized agencies; provide for a more balanced, transparent, predictable and streamlined programme of work and enhance the universality of the Universal Periodic Review Mechanism and make better use of the work of special procedures.

We regard the input of other Council stakeholders, including of national human rights institutions and civil society, as integral to the review process as it is to the Council's work in general. We support the President's aim of completing the review of the work and functioning of the Council in Geneva by March 2011, thus allowing sufficient time here in New York for the related review of the Council's status.

New Zealand congratulates the President on his able efforts to lead the review process during his informal consultations and at last week's working group meeting. We commend especially his role in

bringing together the various regional groups and building a basis for consensus.

Human rights constitutes one of the three fundamental pillars on which the United Nations was founded. Mainstreaming human rights throughout the United Nations system is at the heart of the mandate of the Human Rights Council. New Zealand is hopeful that the positive elements we have observed this year will continue and that the review of the Council will move it further towards the objectives for which it was originally established.

**Mr. Apakan** (Turkey): First of all, I wish to extend our gratitude to the President of the Human Rights Council for his statement today. We appreciate his able leadership of the Council. He has Turkey's full support. Yesterday, we made a statement in the Third Committee on the report of the Human Rights Council. Therefore, today I will keep my remarks brief.

We welcome the Human Rights Council report contained in document A/65/53 and its addendum. The report and addendum contain many important resolutions and decisions. However, I wish to draw attention to one in particular. Resolution 15/1 concerns the follow-up to the report of the Independent International Fact-Finding Mission on the 31 May incident. The resolution endorses the report (A/HRC/15/21) of the mission, which was tasked to investigate violations of human rights law and international humanitarian law resulting from the Israeli attack in international waters on the international humanitarian convoy to Gaza. During the attack, Israeli forces killed nine civilians and wounded many others.

The Independent International Fact-Finding Mission consisted of highly reputable international legal personalities and issued its report after having interviewed 112 witnesses, representing over 20 nationalities, in Geneva, London, Istanbul and Amman. The findings and conclusions of the report therefore reflect a meticulous study and analysis of the situation. It also contains compelling legal arguments based on international law, including international human rights law and humanitarian law.

Among other things, the Mission concluded that

“The conduct of the Israeli military and other personnel towards the flotilla passengers was not only disproportionate to the occasion but

demonstrated levels of totally unnecessary and incredible violence.” (A/HRC/15/21, para. 264)

The report further stated,

“Such conduct cannot be justified or condoned on security or any other grounds. It constituted a grave violation of human rights law and international humanitarian law.” (*ibid.*)

The Mission also concluded that the following crimes had been committed: wilful killing, torture or inhuman treatment and the wilful causing of great suffering or serious injury to body or health. In addition, the report went on to enumerate a series of violations by Israel of its obligations under international human rights law. It also reaffirmed the illegality of the blockade on Gaza. We note that the vast majority of the international community supports the findings and conclusions of the report, which gives a fair account of the events based on solid facts and legal documents.

Meanwhile, our commitment to the Panel of Inquiry established by the Secretary-General in accordance with the Security Council's presidential statement of 1 June (S/PRST/2010/9) continues. On 1 September, we submitted our interim report to the Panel of Inquiry, with substantive attachments including autopsy reports and witness accounts. Our interim report resulted from an objective study carried out by the Turkish Commission of Investigation by inspecting three of the convoy's ships, taking verbal and written testimonies from many witnesses and analysing the legal implications of the attack.

After having received the Turkish interim report, the Panel submitted its first progress report to the Secretary-General in mid-September. However, Israel has yet to present its own report to the Panel. We call on Israel to acknowledge its mistakes and to act accordingly. Had the Israelis met our expectations of a formal apology and compensation for the wounded and the families of the deceased, we would not be at this stage. The sooner the Israelis act responsibly, the faster relations will normalize.

Until then, we will continue to closely follow developments in this matter. Depending on Israel's attitude in the coming weeks, we can revisit our position, in consultation with other relevant groups and countries, on how to pursue this issue in the General Assembly. Moreover, if Israel does not implement the

conclusions and recommendations of the report before March 2011, the issue will inevitably become one of the major agenda items of the sixteenth session of the Human Rights Council. In that respect, we also expect the High Commissioner for Human Rights to reflect steps taken by Israel to that end, if any, in its report to the sixteenth session in March 2011.

We also welcome Human Rights Council resolutions 15/6 and 13/9, with regard to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict. We will continue to follow up the implementation of the recommendations contained in the Goldstone report.

In conclusion, I wish to refer to the significance of fighting impunity and establishing accountability in the context of this Organization. If we are to speak about justice, we need to end impunity and ensure accountability. Otherwise, we cannot speak about peace and stability, let alone credibility.

**Mr. Sangqu** (South Africa): Let me extend a warm welcome to the President of the Human Rights Council, His Excellency Mr. Sihasak Phuangketkeow, and take this opportunity to congratulate him for his term of office during the Council's fifth cycle year. We wish to reassure him of South Africa's support in his endeavour to guide the Council's work during this cycle year.

Allow me to also express our sincere appreciation to the former President of the Council, His Excellency Mr. Alex Van Meeuwen, and to the members of his Bureau who have, in an exceptional manner, steered the work of the Council during the reporting period covered in the annual report before us (A/65/53 and A/65/53/Add.1).

We attach great importance to the work of the Human Rights Council as a body of first instance responsible for universal respect for the promotion, protection and fulfilment of all human rights and fundamental freedoms. In that regard, we wish to emphasize the imperative need for the Council's work to be solidly grounded on the fundamental principles that underpin the outcome of the 1993 World Conference on Human Rights, namely, the Vienna Declaration and Programme of Action. The Council's work must evolve to deal with the contemporary challenges facing the peoples of the world, which are deeply rooted in the debilitating poverty and underdevelopment that still defines the world order.

South Africa has always advocated the need to consider all human rights issues on an equal footing. In that regard, my delegation encourages the Human Rights Council to accord balanced attention and focus on both civil and political rights as well as economic, social and cultural rights. The notion of the justiciability of economic, social and cultural rights is also an integral thread, especially given the looming deadline for realization of the Millennium Development Goals (MDGs), in order to make the practical enjoyment of all human rights a reality for all.

In our view, the achievement of the MDGs is inconceivable without recognition of the intersectionality and inextricability between development and human rights. It is equally important that the Council seriously examine the possibility of establishing a mechanism or structure to positively and comprehensively contribute to General Assembly processes that aim to fast-track the realization of the MDGs, which, in our view, are human rights.

The Council must equally continue to strengthen existing international law, norms and standards, particularly where there are substantive gaps in relation to the contemporary challenges facing all victims of human rights abuses worldwide. That can only add value to the mandate of the Council in terms of the promotion and protection of human rights.

We are encouraged by the commencement of the process of review of the Human Rights Council, to which the President referred earlier. We are cognizant of all of the other parallel activities and efforts that are taking place in various regions of the world to deliberate on this subject. However, it remains our hope that the intergovernmental working group created for that purpose will continue to serve as a forum for such discussions, which must continue to be guided by the principles of inclusivity, transparency and comprehensiveness. We must congratulate both the Presidents of the General Assembly and of the Human Rights Council for ensuring that through joint efforts, a coherent and coordinated review process will emerge.

The review of the Council should take a victim-oriented approach and aim to prevent violations of human rights, rather than react to those issues. In the same vein, it is our hope that, in line with resolution 48/141, the realignment of the relationship between the Office of the High Commissioner for Human Rights and the Human Rights Council will serve to produce

complementarity in the efforts of those two institutions.

Similarly, the Council is faced with an odd situation of a cycle year that begins in the middle of the year and month. That presents a serious anomaly in its work, with the concomitant result of a sitting President presenting an annual report covering a period over which he has not presided. This is an issue that my delegation raised during the earlier institution-building processes. We will continue to follow up on it in the context of the review of the Human Rights Council.

Of equal importance is the Universal Periodic Review Mechanism, which remains the hallmark of the Council's work. Its universality must be preserved and strengthened, particularly with respect to the uniform standard questionnaire, which must be developed as a tool to assess all States. The role of the special procedures must remain ever so relevant, particularly with respect to the examination of all situations in an equal manner. It is our firm view that no State is immune from human rights violations, hence the need for regional mandates remains a necessity.

The remaining process of review will commence soon in New York. Our view is clear, that here in New York our discourse should relate to the issues on the status of the Council as stipulated in resolution 60/251.

Another area of realignment that remains key to my delegation is the question of the relationship between the Human Rights Council and the General Assembly in general, and with the Third Committee in particular. In that regard, we should address the question of how the Committee is supposed to deal with the report of the Council. These issues, in our view, fall within the purview of the review of the status of the Council. My delegation stands ready to work closely and in a constructive manner on the matter of the review of the Human Rights Council. We look forward to fostering such cooperation during this process.

**Mr. Weisleder** (Costa Rica) (*spoke in Spanish*): We are grateful for the report (A/65/53 and A/65/53/Add.1) that has been introduced to us on the work of the Human Rights Council. We particularly appreciate the opportunity to discuss it in plenary meeting of the General Assembly. My delegation believes that it is necessary to coordinate the work of the Third Committee and the full Assembly, in order to

facilitate an in-depth consideration of this important document.

Historically, Costa Rica has had a profound commitment to respect, protect, observe and promote human rights. In that connection, the full implementation and effect of human rights constitute the main pillar of our domestic and foreign policies.

Costa Rica's national development plan for the period 2006 to 2010, which is still being implemented, establishes human rights as a cross-cutting aspect of State activities and objectives. Despite the difficulties that Costa Rica faces as a middle-income developing country that receives very little international assistance in carrying out social, cultural and economic projects, by devoting public resources we have been able to continue to improve our people's living standards and to build a strong institutional structure for the protection of human rights. Such protection is equally afforded to immigrants, who comprise around 10 per cent of our total population.

With regard to the most recent session of the Human Rights Council, we would like to highlight once more the adoption of resolution 15/11, entitled "World Programme for Human Rights Education: adoption of the plan of action for the second phase". The resolution was introduced by the Platform for Human Rights Education and Training, which comprises the delegations of Costa Rica, Italy, Morocco, the Philippines, Slovenia, Senegal and Switzerland.

Human rights education and training is a lifelong process that contributes to the establishment and strengthening of societies that are more tolerant and peaceful, in which all human beings and their inherent and indivisible human rights are valued, respected and protected. It also promotes mutual understanding, helps to prevent conflicts and violations of human rights and fundamental freedoms on the ground and enhances participation and democratic processes.

Costa Rica attaches high priority to the review process of the work of the Human Rights Council. From our standpoint as an observer State to date, we have been deeply involved in the discussions that have been taking place in that regard. We have presented to the Third Committee some general ideas on the process, but I would also like to share with Member States two of my country's specific proposals, namely,

with regard to the Universal Periodic Review and special procedures.

Based on our own experience in the Universal Periodic Review, we believe that it requires some fine-tuning. Currently, recommendations for each country examined are treated unequally and in a disjointed manner. This situation has an impact on the way in which the examined country can implement the recommendations. We propose improving the operation of the troika and improving the support provided by the Office of the United Nations High Commissioner for Human Rights by way of a guide for clustering and filtering recommendations.

We have proposed improving the classification of recommendations, as well as consolidating them so they appear only once in a catalogue that, once it has been accepted by a State, genuinely reflects a country's progress and the challenges it faces in the area of human rights. The content of each recommendation should be sufficiently clear to allow the relevant State and the other stakeholders concerned to implement it.

We believe that special procedures are crucial for improving the situation on the ground. In addition to underlining the need for a standing invitation from all Member States, Costa Rica has therefore proposed to the Council the establishment of region-specific special procedures as an option to ensure, through broad and equitable monitoring, an integral approach to human rights in all countries and regions. This proposal would not only help to strengthen the principles of non-selectivity, objectivity and impartiality; it would allow for better oversight of actual conditions from the perspective of the universality, interdependence and indivisibility of human rights. It could also serve as a formula for enhancing States' willingness to cooperate in the process.

We would like to recall that Costa Rica has presented its candidacy for the Human Rights Council for the period 2011-2014. We are a country that respects peace, tolerance, pluralism, diversity, international law and the multilateral system. We are committed to work in a responsible, systematic, transparent and constructive manner in the Council. If we achieve our aspiration, we will maintain a dedicated position on human rights while also being receptive to information, arguments and positions from all sides, in a transparent and equitable manner.

**Mr. Mohamed (Maldives):** The Maldives would like to thank His Excellency Ambassador Sihasak Phuangketkeow for his work in presiding over the fifteenth session of the Human Rights Council and for his report presented to us here today (A/65/53 and A/65/53/Add.1). The Maldives is proud to have been elected to the Council in May of this year. We are cognizant of the trust and responsibility conferred upon us through the overwhelming support demonstrated by United Nations Members across all regions.

The decision by the Maldives to seek a seat on the Human Rights Council was a measured one that reflected our ambition to enable our fledgling democracy to mature and endure through the development of institutions that promote and protect the political, social and cultural rights of our citizens. It was also rooted in the notion that this increasingly globalized world calls for tolerance, understanding and respect for human dignity as we collectively strive to free ourselves from those burdens that have long deprived humankind of a world free from hunger, poverty, ignorance and insecurity.

We believe that these objectives can only be achieved through a process of positive engagement that comprehensively addresses the needs and sensitivities of the most vulnerable, whom we have pledged to protect. Moreover, this process must inspire the exchange and self-directed adoption of best practices that ensure the promotion and protection of human rights. The Maldives believes that the Human Rights Council and the Third Committee are the appropriate deliberative bodies for promoting such processes.

The Maldives became a subject of the Council as we undertook our own Universal Periodic Review in Geneva very early this morning. We consider this exercise an opportunity to enhance human rights protections at home. This recent experience only serves to strengthen our firm belief that the review process is one of the most successful tools in the Council's initial arsenal of human rights instruments. Furthermore, our experiences this morning reaffirmed the notion that the medium for these reviews is true dialogue. We assert that these presentations serve not only to inform, but to engage in a dialogue that allows for meaningful examination of and reflection upon one's challenges and their solutions.

Lastly on this point, we would like to emphasize, as we did this morning, that the Maldives has extended

standing invitations to all Special Rapporteurs. Our Government has made sweeping changes in the past two years, and we do not believe that these positive developments are produced by ephemeral flashes of insight in isolation. Rather, we maintain that the success of our ongoing efforts to evolve is the result of both internal pressures and the introduction of external observations and solutions that help us to produce new and improved ways of protecting and empowering our citizens.

As Ambassador Phuangketkeow stated yesterday, the Council undertook an ambitious agenda in pursuit of its mandate. The Maldives delegation in Geneva set out to contribute constructively to this work by pursuing our stated objective of promoting issues of particular national concern, namely, the rights of women and children, the prevention of torture, environmental rights, the rights of persons with disabilities and the independence of the judiciary.

The Maldives had the honour of jointly introducing, together with the United States of America, a draft resolution that endeavours to strengthen the enjoyment of civil and political rights by establishing a new United Nations Special Rapporteur to aid in further protecting the right of expression of political opinions, engage in literary and artistic pursuits, form trade unions and elect accountable leaders that represent those interests.

In pursuit of our priority to promote gender equality, the Maldives worked closely with Mexico and Colombia to establish a new United Nations human rights mechanism designed to monitor, modify and eliminate national laws that discriminate against women. We also endorsed the follow-up to the report of the Independent International Fact-Finding Mission on the Gaza flotilla attack, voted in favour of continued United Nations engagement with the human rights situation in the Sudan and co-sponsored various resolutions that we believe will bolster our own national efforts to strengthen institutions that protect the basic tenets of our democracy and the social rights of our people.

While we are proud of the achievements we have witnessed as an observer and then member of the Human Rights Council during these past four years, we readily acknowledge that the Council requires improvements that produce an international body whose form and function meet the challenges of its

stated mission. We maintain that although total overhaul is not necessary, much can be done to ensure a more engaging and positive process in Geneva that translates improvements on the ground into real human rights.

For example, we believe that any review of the Council should facilitate the active engagement of all small States with the work of the Council. The unique geopolitical circumstances of these entities produce unique needs and perspectives that must be reflected in deliberations that have implications for everyone. Moreover, we believe that improving our methods for dealing with country-specific human rights situations and reflecting on a more comprehensive picture of the status of human rights that includes success stories in ensuring the full enjoyment of human rights would result in a more constructive process. Lastly, on the matter of reform, we would like to assert our support for maintaining a minimum of three regular sessions throughout the year for the Council's work, as reducing the current number of sessions would constrain the Council's ability to respond to human rights issues as they emerge.

The Maldives believes that real security and sustainable and equitable development are predicated on the existence of a system anchored by human rights. We will therefore continue to pursue initiatives that protect and strengthen the rights of victims, improve preventive measures and encourage constructive dialogue. Moreover, we will continue to promote our positive experiences by encouraging countries to adopt a method of honest self-reflection when thinking about the human rights challenges they face, while making use of an open and honest dialogue in order to develop solutions that translate into real success at home.

**Mr. Gutiérrez** (Peru) (*spoke in Spanish*): My delegation thanks the President of the Human Rights Council, Ambassador Sihasak Phuangketkeow, for the presentation of his report to the General Assembly (A/65/53 and A/65/53/Add.1). Peru is pleased to note that the outcome of the work of the Human Rights Council makes a major contribution to the promotion and protection of human rights. Although there are many important topics for my delegation flowing from the report of the Human Rights Council, I should like to refer to a few of them specifically.

Peru deeply deplores the passage of legislation that criminalizes irregular migration, the



implementation of which affects the human rights and the dignity of migrants. We express our profound concern at the arbitrary arrests and detentions that are taking place. We reiterate that all migrants, regardless of their migratory status, should be treated in accordance with the standards of international human rights law. We call on States to eliminate these measures, which without a doubt will exacerbate the problem of migration, thus encouraging trafficking and slavery and increasing even more the level of poverty of migrants and their families.

The elimination of discrimination against women is an issue to which Peru also attaches special importance. We continue to be concerned at the lack of equality before the law that women suffer from in some parts of the world, which only limits their development and the opportunities open to them. For this reason, we call on States to comply with their international obligations. In accordance with the commitments made within the framework of the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Declaration and Platform for Action and the Millennium Development Goals, we call upon them to set aside laws that discriminate against women and increase their social, economic and political vulnerability.

Violence against women also limits their progress. It should therefore be condemned, no matter what the forms and circumstances might be, and effective measures should be taken to eliminate and prevent it.

Another topic closely related to women is the renewed commitment of States to eliminate preventable mortality and morbidity associated with childbearing. This issue is also dealt with in the Council, and Peru has already supported the ensuing resolution.

We highlight the handling of the human rights situation after the earthquake in Haiti and the renewal of the mandate of the independent expert on that topic. As part of the group of friends, Peru supports the mandate, which is focused on technical assistance and capacity-building and respects the decisions adopted by the Haitian Government on that process.

Furthermore, in spite of the progress achieved at the global level in eradicating extreme poverty, it continues to be a very serious problem and undermines the human dignity of millions of people. The

eradication of extreme poverty is closely linked to the promotion and protection of the full enjoyment of human rights. In that sense, it is the responsibility of States and the international community to contribute to the eradication of extreme poverty.

Given the importance of this subject, Peru will, as in previous years, once again present to the Third Committee during this session a draft resolution on human rights and extreme poverty, which will be linked to and support the work of the Human Rights Council.

Peru is part of the group of friends on human rights and extreme poverty, in Geneva, and is committed to supporting the efforts of the High Commissioner for Human Rights. We support her consultations on the report on the draft principles and guidelines on extreme poverty and human rights in accordance with the mandate of the Council, and we call for States and other prominent international actors to join in that task.

My delegation welcomes the establishment of the two special procedures mandates, the post of special rapporteur on the right of freedom of association and of assembly and the working group on the elimination of discrimination against women in law and in practice. Peru reiterates its commitment to support their respective areas of work and the rest of the special procedures and working groups mandated by the Council. My country also highlights the importance of that work being completed in a fully independent fashion.

As a founding member of the Human Rights Council, Peru has actively participated in the Council's institution-building process, with the basic objective of promoting universal respect for and protection of fundamental human rights in full accordance with the principles of legitimacy, without discrimination or political selectivity.

With the experience garnered at the time as well as that gained from our current status as observer, Peru has presented its candidature to the Human Rights Council for the 2011 to 2014 term. Whether as member or observer, as we are currently, my country will continuously cooperate with the Council and is convinced that, if elected, we will be able to contribute even further to the Council's work.

My country has been participating in the review process of the Human Rights Council in Geneva. We have supported the programme of work and its modalities, as presented by the President of the Council. Although that process is led by States, my delegation attaches great importance to its inclusive nature, which enables civil society and national human rights institutions and regional organizations to participate.

In that context, we appreciate the results of the first session of the intergovernmental working group on the review of the Council, which recently took place in Geneva. We believe duplication of efforts among the Council, the General Assembly and the Third Committee should be avoided. Instead, a complementary aspect should be promoted, which would make it easier to promote and protect human rights on the ground and to strengthen the mechanisms of the Council.

In that respect, my delegation shares the view that the review process should be practical and realistic and should primarily focus on considering to what degree the Council has complied with the mandate entrusted to it. We also believe that the review should be a long-term process. It should not conclude at this stage, but rather a new review should take place five years after the conclusion of the current one.

The implementation of the Universal Periodic Review Mechanism is one of the elements that have contributed to strengthening the universal system of human rights. Although we believe that that Mechanism can be improved, one cannot deny that it is one of the achievements brought about by the creation of the Council. However, its true dimensions should be evaluated in the light of States heeding the comments made to them during the periodic review.

In line with our ongoing commitment to the universal, indivisible and interdependent nature of human rights, Peru will continue to direct its efforts towards greater and better consolidation of the work of the Human Rights Council and towards making that body complementary to the work of the Third Committee. We will do so without, of course, ignoring the political principle of the unswerving promotion and protection of human rights and fundamental freedoms and respect for democracy and the rule of law that Peru has always had.

**Mr. Sial (Pakistan):** We would like to welcome the President of the Human Rights Council and thank him for the presentation of the report of the Council for the 2009-2010 period (A/65/53) and its addendum (A/65/53/Add.1). We would also like to express our appreciation for the cooperative approach and professionalism of the officials of the Office of the High Commissioner for Human Rights.

We avail ourselves of this opportunity to congratulate Ambassador Phuangketkeow on his election as the President of the Human Rights Council. In a short time, he has established his credentials as an able leader who can facilitate consensus in difficult situations to carry the process forward in a non-controversial manner. Pakistan will continue to support his constructive approach and sincere efforts in taking the agenda of human rights forward in a consensual and impartial manner.

The Human Rights Council is in its fifth year. With all its perceived shortcomings, the Council has made tremendous progress both in terms of progressive development of human rights standards and in dealing with human rights situations around the globe. We are aware of the views concerning the need for measures to enable the Council to address various complex situations. However, in our view, the Council is well equipped with all the necessary tools. What is lacking is their transparent, impartial and non-selective use in different situations.

During the recent interactive dialogue with the High Commissioner for Human Rights in the Third Committee we welcomed her pledge and efforts to improve the relationship between her Office and the Council. We believe an enhanced and institutionalized relationship benefits all. Accordingly, we welcome the presidential statement on the subject during the fifteenth session of the Council (A/HRC/PRST/15/2).

This is also a year in which the Council has to undergo a major review exercise, concerning both its work and functioning and its status. While acknowledging the importance of the ongoing work on that issue, we agree with the views expressed this morning by the President that it is only a review and not a reform exercise (see A/65/PV.42). Accordingly, we would caution against taking adventurous approaches that may compromise the very balanced and well-crafted package contained in Council resolution 5/1. The first session of the working group

on the review has brought forward a diversity of views on this important subject, and we look forward to the role of the facilitators in sifting through that diversity in a manner that serves to improve the work and functioning of the Council in a way that is consistent with the package.

As for the review process to be conducted in New York, we support streamlining and taking appropriate steps that can help the Council to have enough resources at its disposal without delays to effectively carry out its mandated tasks.

The crown jewel of the Human Rights Council's work is the Universal Periodic Review. That mechanism has proved that meaningful progress can be achieved on all human rights in a cooperative, respectful and non-accusatory manner. While addressing some of the procedural difficulties concerning time management, adoption of reports and so forth, we must preserve the cooperative and peer-review approach of the Review. Due attention must also be given to effective follow-up to agreed-on recommendations.

Special procedures contribute to and complement the Council's important work. Accordingly, they must work within the agreed framework of their mandates and the code of conduct. While fully acknowledging the independent nature of their work, we must also avoid duplication of mandates and urge impartial assessment of various human rights situations. Country-specific resolutions remain the bane of the Commission era. We must learn from the positive examples of the Universal Periodic Review that the true promotion and protection of human rights are better achieved through a non-politicized and cooperative approach.

Again, meaningful promotion and protection of human rights can be achieved only if all human rights are given equal importance, as they are interlinked, interdependent and mutually reinforcing. Economic, social and cultural rights must be addressed concomitantly with civil and political rights. We commend the work done by the Council on the right to development, and we call for a cooperative approach to achieve that important right as a priority.

The Council must also pay more attention to combating the growing trend of racial and religious intolerance. Increased instances of xenophobic discourse and policies have resulted in lowering the

safeguards for the promotion and protection of the rights of migrants and minorities and undermining secular and multicultural values.

An important facet of the Council's work is the space provided to non-governmental organizations and their meaningful contribution in almost all areas of the work of the Human Rights Council. We recognize their valuable input and hope they will continue to participate and contribute in accordance with the well-established criteria laid down in Economic and Social Council resolution 1996/31.

In conclusion, we would like to express our support for the adoption of this year's report by consensus and hope that both the resolutions and recommendations contained therein will be implemented.

**Mr. Balé (Congo)** (*spoke in French*): I would like to thank the President for organizing this debate on the report of a body whose importance has reinforced the correctness of resolution 60/251. Since its establishment in 2006, the Human Rights Council has shown itself to be a useful tool for the effective promotion and protection of human rights. Today's debate, which is part of the 2011 review process of the status, activities and functioning of the Council, is of the highest interest to the Congo, in the light of the important responsibilities that that organ shoulders in promoting and protecting human rights around the world.

My delegation would like to take this opportunity to congratulate the Office of the High Commissioner for Human Rights, as well as all mandate holders, rapporteurs, special representatives and independent experts whose reports allow us to improve and pursue our efforts to promote human rights — all human rights.

My delegation takes note of the Council's report A/65/53 and the addendum (A/65/53/Add.1) and corrigendum (A/65/53/Corr.1) and would like to express its appreciation of the efforts the Council has made towards fulfilling the mission established for it in resolution 60/251. We also thank the President of the Council for his introductory statement this morning (see A/65/PV.42). The report is a compilation of the Council's resolutions, decisions and conclusions from the Universal Periodic Reviews. It can, however, serve to give a complete picture of the range and number of activities undertaken by the Council.

The various contributions from States — members and non-members of the Council — United Nations institutions and civil society allow us to glimpse a world in which the universality of human rights and their interdependence will grow day by day. That trend should be a factor for progress in the understanding and analysis of human rights situations in a world faced with numerous challenges, above all by crises that constitute serious threats to international peace and security and that impede development efforts, particularly the achievement of the Millennium Development Goals. In that context, my delegation pays tribute to the efforts of the Human Rights Council to strengthen, through a multilateral approach, cooperation in every aspect of the area of human rights.

After the review of its national report in the Universal Periodic Review in May 2009, the Republic of the Congo threw itself into the implementation of the resulting recommendations. The Council's decision to complete the review of the human rights situation in my country during its confidential session in September 2009 reflects, in our opinion, its recognition of the Congolese Government's commitment to promoting and protecting human rights. At the same time, that endorsement by the international community was also seen by the authorities in my country as the irreversible impulse of a process aimed at building a modern State founded on respect for law and democratic rules. The Congolese Government is committed to that and knows it can rely on assistance from both its national and international partners.

Beyond the guarantee of civil and political rights that it has undertaken to assure to all its citizens, my Government is determined to promote and protect their economic, social and cultural rights. The recent socio-economic measures taken on the occasion of the fiftieth anniversary of the independence of the Republic of the Congo are part of that commitment to ensure the right to well-being of the people of Congo, particularly in regard to achieving the Millennium Development Goals.

With regard to protecting children's rights, my country has just ratified the Optional Protocol to the Convention on the Rights of the Child concerning the involvement of children in armed conflict. That follows our ratification last year of the Optional Protocol concerning the sale of children, child prostitution and child pornography.

This year the Congo will introduce a law concerning the promotion and protection of the rights of indigenous peoples. The current visit to my country by the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people, Mr. James Anaya, which began on 2 November, will give him the opportunity to discuss the human rights of indigenous peoples with representatives of the Government, indigenous communities and civil society groups. His report will eventually clarify for us ways and means of committing to further promote and protect the rights of my indigenous countrymen.

Congo would like to reaffirm once more its willingness to hold to all its international commitments in the area of the promotion and protection of human rights and to support the international community's efforts to that end. That is why my country has decided to submit its candidature for the Human Rights Council for the 2011 to 2014 period, and to that end would like to request the support of all the States represented here in the elections, which will be held in May 2011.

The year 2011 is crucial for the Human Rights Council. We will undertake two review processes of that important body, here in New York and in Geneva. Those two processes will, we hope, mutually reinforce and complement each other in a coordinated way to ensure that there are tangible and effective results in terms of improving the work and functioning of the Council and its monitoring mechanisms. My delegation will support any measure in line with that perspective. And we must also ensure that during that exercise we review in depth the relationship between the Human Rights Council and other United Nations bodies with a view to streamlining and improving the effectiveness of our institution.

My delegation continues to believe strongly that those two processes will lead to enhancing the Human Rights Council and will demonstrate its relevance in terms of protecting and promoting human rights more than ever.

**Ms. Tvedt** (Norway): Let me start by thanking the President of the Human Rights Council for presenting the Council's report (A/65/53 and A/65/53/Add.1). The promotion and protection of human rights is one of the principal aims of the United Nations. Together with the promotion of peace and security, it constitutes one of the pillars upon which the United Nations was founded. Norway is therefore

honoured to be a member of the Human Rights Council.

A reinvigorated vision for human rights was at the heart of the Secretary-General's agenda for United Nations reform, which the World Summit endorsed in 2005. The Human Rights Council was created to strengthen the United Nations human rights machinery. Norway took an active part in the negotiation of resolution 60/251, establishing the Council and in the negotiation of the institution-building package. We are also actively participating in the ongoing review of the Council.

In the day-to-day work of the Council we have aimed at working constructively with partners from all regions and groups to raise the credibility, effectiveness and visibility of the Council. We have done so through making full use of the existing system.

In assessing the Council, we would like to highlight both important achievements — some of which can be further improved — and shortcomings.

Among the key achievements is, in our view, the almost standing nature of the Council. By meeting regularly throughout the year in three regular sessions, the Council has the ability to address human rights situations in a timely and effective manner. We also view the Universal Periodic Review as a success. If used to its full potential, it can close the implementation gap. It can bring the work of the United Nations and the Council to the field — to rights holders and victims — in partnership with Governments.

The system of special procedures continues to be the jewel in the crown. The Council's review, rationalization and improvement process has worked well. The visibility, relevance and impact of the system of special procedures have been improved through the Universal Periodic Review as well as through the almost standing nature of the Council.

Promoting the mainstreaming of human rights within the United Nations system is an essential part of the Council's mandate and is fundamental to achieving the goals of United Nations reform. The Council should devote more time to its mainstreaming mandate.

A key shortcoming is the selectivity in dealing with urgent situations. Human rights violations in some parts of the world trigger immediate reaction by the Council; violations in other parts of the world are met

with complete silence. That remains a fundamental shortcoming and affects the credibility of the Council in all issues. We need objectivity and clearly defined thresholds for action.

We look forward to a continued inclusive and transparent review process in the Council as well as in the General Assembly.

**Mr. Lukiyantsev** (Russian Federation) (*spoke in Russian*): The Russian Federation is grateful to the President of the Human Rights Council, Ambassador Phuangketkeow, for the detailed presentation of the report on the work of the Council (A/65/53 and A/65/53/Add.1). For our part, we are ready to provide the President with the greatest assistance possible in carrying out his important mandate. The responsibility of his mandate is particularly high, given the review process of the work of the Council and also decisions on its status.

Last week in Geneva the review process officially started, and the open-ended intergovernmental working group, established on the initiative of the Russian Federation, began its work. Much remains to be done in the intersessional consultations, which, with the assistance of the coordinators, should help us to reach mutually acceptable decisions during the second session of the working group.

Nevertheless, informal discussions on this issue have been taking place in various formats for more than a year already, and we would like to express how we view some of the elements of that process.

It can now confidently be said that the Council has demonstrated its ability to carry out the task given to it. It has justified the trust of the international community and does not need any far-reaching reform. The reviews should serve as an instrument for fine-tuning and should focus on removing specific shortcomings that have come to light during the first years of its work.

The main challenge is to remove any remaining elements of politicization, selectiveness and double standards. In that regard, we believe that the central theme of the review should be enhancing the spirit of cooperation and dialogue both in the work of the Council and in the area of human rights as a whole. That should lead to the depoliticization of the United Nations international human rights agenda.

For that it is important to preserve the positive experience and balance achieved by the Human Rights Council in 2007 during its institution-building, including in terms of establishing new human rights standards and also in the work of the main specialized procedures, including the code of conduct. One of the Council's undeniable achievements has been the unique mechanism of the Universal Periodic Review by peers. It has become an effective instrument for identifying human rights problems in specific countries through constructive dialogue and jointly identifying the means to remedy them with the direct participation of the concerned States.

We believe that the review of the Human Rights Council should be based on the principles of transparency, openness, objectivity and pragmatism. We must try to ensure that the outcome of the review enjoys the greatest possible support. We must avoid revisiting the institution-building package of the Human Rights Council, which would only lead to confrontation. We believe that the future outcome document of the working group should be supplemental to that package, based only on specific proposals by States and following the structure of the Council's institution-building document.

The provisions of resolution 60/251 define the arrangements and bodies responsible for conducting the review of the functioning and status of the Human Rights Council. The issue of the status of the Council comes under the purview of the General Assembly. Nevertheless, we believe it would be logical that it should be reviewed in the Assembly only after the review of the Council's functioning has been completed. We welcome the understanding reached between the President of the Council and the General Assembly on that issue. Furthermore, the Council itself has the procedural capacity and expertise to allow it to draw up its own recommendations for the Assembly on the question of its status.

While recognizing the division of powers between the Council and the General Assembly in terms of the review, we would like to stress that cooperation and coordination between Geneva and New York is both useful and necessary. We welcome the attention given by the coordinators in New York, the Permanent Representatives of Morocco and Liechtenstein, to the Geneva process.

Still on the theme of the review status, it should be stressed that we are opposed to considering, in that context, membership criteria for the Council. By long-standing United Nations practice, elections to limited membership United Nations bodies are by a simple majority in the regional groups. To attempt to introduce any additional criteria is not only unrealistic but is in conflict with accepted practice. We are against the leading human rights body of the United Nations system becoming a club of the chosen few.

There are elements that could be used to improve the electoral procedures for the Council. For example, there is an interesting proposal to establish a time limit for submitting candidates to elections, which could make the pre-election process more transparent.

In conclusion I would like to express the Russian Federation's readiness to work actively and constructively with all interested parties for the successful review of the functioning and status of the Human Rights Council.

**Mr. Dabbashi** (Libyan Arab Jamahiriya) (*spoke in Arabic*): First of all, I would like to welcome the President of the Human Rights Council and to thank him for his statement (see A/65/PV.42) and for his administration of the Council. I would also like to pay tribute to the work of the Human Rights Council during the last year and to the High Commissioner for Human Rights for her work in promoting and protecting human rights.

Five years after the creation of the Human Rights Council we hope, like other Member States, for a Council that is strong, that demonstrates integrity, that deals with human rights issues in an impartial and constructive way and that works in a spirit of cooperation. Priority should be given to the fundamental rights of people as established under international law and to the elimination of foreign occupation, since that is the worst violation of human rights. We hope that the Universal Periodic Review that began in Geneva will become a mechanism that can indeed promote and protect human rights and enhance the role of the Human Rights Council.

The creation of the Human Rights Council led to a new phase of international efforts to promote and protect human rights and to establish justice and equality through objective, neutral action devoid of double standards or selectivity or politicization —

which has, unfortunately, shackled joint international efforts in various forums.

In conducting a review of the Human Rights Council over the course of this year, in conformity with resolution 60/251, we must recognize and commend the work carried out by the Council since it was established, in terms of decisions and consultations and of the procedures it has adopted, as well as the support given to Member States and the positive outcomes that have been achieved thanks to the mechanism of the Universal Periodic Review. I must also mention the remarkable role being played by that mechanism in the examination of complaints, and by the Special Rapporteurs, which all help to promote and consolidate the principles of human rights.

Over the past five years, the Council has conducted its work and has established its institutions and the Universal Periodic Review Mechanism, which seeks to deal with human rights issues in all States in an equal and impartial way, without any politicization and avoiding political disputes. We hope that all States will take account of that principle and will not abrogate the defence of human rights under any pretext, particularly the daily violations that occur in the occupied Palestinian territories because of the Israeli occupation.

Libya had the honour of being elected last May to the Human Rights Council. We highly appreciate the honour and confidence that the international community has placed in us, which lays on us the responsibility to promote and protect human rights, both nationally and internationally. The Libyan Arab Jamahiriya has supported international peace and security as a member of the Security Council during the past two years and will now, as a member of the Human Rights Council, work hard to promote and protect human rights at the international level, in cooperation with other Member States.

The international community is encountering enormous challenges in on the area of human rights, particularly in areas of conflict. However, the violations of human rights that the Palestinian people are suffering under the Zionist occupation are unique and require constant monitoring by the Human Rights Council, in order that an end can be put to the killing of Palestinian civilians, to detentions, even of women and children, to the destruction of houses and the

razing of agricultural land and to the expulsion of Palestinians from their own land.

More important, an end should be put to the war crimes and crimes against humanity that are being perpetrated in the Gaza Strip and the other Palestinian occupied territories. Those responsible for such acts should be brought to justice so that similar acts can no longer be repeated. There should also be constant monitoring of the implementation of the recommendations contained in the Goldstone report (A/HRC/12/48) and other reports dealing with investigations into Zionist crimes committed against the Palestinian people. We also look forward to the implementation of the Council's decisions and recommendations, which are included in the report of the Human Rights Council before us (A/65/53 and A/65/53/Add.1) and in previous reports.

**The Acting President:** I now give the floor to the observer of the Holy See.

**Archbishop Chullikatt (Holy See):** As the General Assembly takes up this agenda item, on the report of the Human Rights Council, my delegation once again affirms the importance of the Council for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind, and in a fair and equal manner.

Recognition of the dignity of each and every person — which the Human Rights Council was formed to protect and promote — entails full respect for the inner and transcendent dimension of the human person, which is an integral part of what it means to be a human being. Through the free exercise of conscience and moral decision-making, human beings are able to transform themselves into living members of social life, whose goodwill, charity and hope promote the dignity and well-being of every member of the human family.

Intrinsically linked to the freedom of conscience is the freedom of religion, by which human beings are able to pursue the most important relationship of their life, that is, their relationship with God. Freedom of religion necessarily entails the freedom to subscribe to a set of beliefs, to adopt or change one's religion, to profess one's faith and to practise that faith fully, openly and publicly.

Governments have a solemn responsibility to safeguard rather than ridicule that inalienable right. Since the State is not the author of any fundamental human right, it must respect that intimate and fundamental sanctuary of human freedom, the conscience, and to allow each conscience its fullest and highest expression in the free exercise of religious faith.

International instruments and declarations have affirmed the responsibility of States in that regard. One need only to call to mind, for example, the Universal Declaration of Human Rights, which affirms the right to freedom of thought, conscience and religion, which includes freedom to change one's religion or belief, and freedom — either alone or in community with others, in public or private — to manifest one's religion or belief in teaching, practise, worship and observance.

Like every other freedom, the freedom of religion must fit harmoniously into the context of all legitimate and authentic human freedoms. This vital freedom must also develop harmoniously, with attentive respect for the freedom of religion of others in the context of just laws that apply to all. Governments have a responsibility to promote and guarantee this general atmosphere of responsible freedom.

Today there remain instances of religious intolerance, discrimination and violence directed against members of many religious minorities, including Christians, in various parts of the world, in the form of attacks on religious sites in violation of international law and suppression of individuals' public expression of their beliefs.

In that regard, my delegation recalls with profound sorrow the recent siege of the Church of Our Lady of Deliverance, the Syrian Catholic cathedral in Baghdad, which caused the violent death of so many Christian faithful — some of whom I knew personally, including the two priests who were murdered, Tha'ir Saad and Boutros Wasim.

The response to that latest example of brutal attacks against Christians, in total contempt for their lives and their dignity, needs to be complete respect for the human rights and fundamental freedoms of every individual. Constitutional and legislative systems are unjust when they fail to provide adequate and effective guarantees of freedom of thought, conscience and religion to all. Each and every Government needs to

work all the more to guarantee fully the right to life, freedom of thought, conscience, religion or belief for each and every person.

Not only do Governments bear responsibility, but individuals and communities likewise need to promote tolerance, mutual understanding and respect among the followers of the various faith traditions.

Education, especially of young people, is important in promoting such a culture of peaceful coexistence, with parents having the primary responsibility for the upbringing and development of their child. Their right to do so is secured by international instruments, but this right is often compromised by the will of the State. In that regard, parents must be fully respected in their freedom to ensure the religious and moral education of their children, in conformity with their own convictions.

The importance of education, especially of young people, in promoting values and mutual respect among persons brings to mind the important role of those engaged in educational efforts, especially the primary role of parents. In that regard, my delegation cannot but be dismayed by the most recent report of the former Special Rapporteur on the right to education (see A/65/162) and his thoughts on comprehensive sexual education, especially in the context of the family and the community. That is contrary to long-established and internationally acclaimed juridical norms that protect fundamental and universal human rights.

We know that a man and a woman united in marriage, together with their children, form a family, which is the natural and fundamental unit of society. The institution of marriage is prior to any recognition by public authority, which has an obligation to recognize and protect it. In the family the child is able to learn moral values, begin to honour God and make good use of freedom. Family life is thus an initiation into life in society.

International instruments consistently affirm the right and responsibility of parents in the education of their children. Such instruments rightly affirm that the decision regarding the education of the child rests with the parents. In that regard, it is important that those who hold mandates to report on certain aspects of human rights be faithful to the principles of the United Nations Charter and the applicable human rights



instruments. To do otherwise is to imperil all fundamental human rights.

The best interests of the child are the basic concern of the parents, who have the primary responsibility for the upbringing and development of their children. Any attempt to create a division between the primary responsibility of parents and the best interests of their children, as the report of the Special Rapporteur appears to do, does a disservice to the child, the parents, marriage and the family, as well as to the future generation overall.

What is needed instead is respect for the child by the support of the family, which for the child is the healthiest environment in which to be raised. It is not the State but parents who have primary responsibility for the education of their children. My delegation takes this opportunity to restate the intergenerational importance of this responsibility.

Human rights are based on the inherent dignity of the human person. Those inalienable rights are founded in the natural moral order, and they are discernible through right reason, which is universal. My delegation must be candid: human rights do not change any more than human nature can change.

A fundamental respect for human rights is enshrined in the United Nations Charter and other international instruments. States are called to fully respect these rights, and the Human Rights Council exists to assist them in that regard. The more the Human Rights Council is faithful to its purpose, the more it will be able to be of service to all, rather than to just some.

**The Acting President:** We have heard the last speaker in the debate on this item. The Assembly has thus concluded this stage of its consideration of agenda item 63.

*The meeting rose at 4.45 p.m.*