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HUMAN RIGHTS COUNCIL

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SUMMARY RECORD OF THE 7th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 15 March 2007, at 10 a.m.

President: Mr. DE ALBA (Mexico)

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

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF
15 MARCH 2006 ENTITLED "HUMAN RIGHTS COUNCIL" (agenda item 2) (continued)

Interactive dialogue on the report of the High Commissioner for Human Rights (continued)
(A/HRC/4/49 and Add.1 and 2)

1. Ms. TALIWAKU (Observer for Uganda) drew attention to the report on the work of the Office of the High Commissioner for Human Rights in Uganda (A/HRC/4/49/Add.2) and said that Uganda had made tremendous progress in building the institutions essential for a democratic State. The powers of the executive, the judiciary and the legislature were separate, and citizens' civil and political liberties were guaranteed by the Constitution. The reforms implemented over the previous 20 years had produced a vibrant multiparty democracy with a free press and an independent judiciary. Uganda was at peace as a result of the ceasefire agreement that had been concluded, and communities that had been affected by the fighting had resumed their productive economic activities. The resettlement of displaced persons was proceeding slowly but surely.
2. Since States had a responsibility to protect their citizens from the dangers associated with the misuse of destructive, illicitly traded weapons, her Government was carrying out a disarmament exercise in the areas of the country where insecurity was greatest. It called on all States in the region to conduct disarmament throughout East Africa. The amnesty her Government had granted as a measure of transitional justice to those who laid down their arms had been well received.
3. Turning to the issue of the indictments issued by the International Criminal Court, she said that the Ugandan Government acknowledged the need to combat impunity and would continue to explore all possibilities for reconciling the often conflicting demands of justice, reconciliation and durable peace.
4. Lastly, she announced that Uganda had volunteered to undergo the scrutiny of the African Peer Review Mechanism.
5. Mr. VUKČEVIĆ (Observer for Serbia) said that his delegation endorsed the statement made on the agenda item by the representative of Germany on behalf of the European Union; he particularly welcomed the support that was to be provided for strengthening the human rights dimension of United Nations field missions. Such a move was of great importance to his delegation, given the grave situation obtaining in the Serbian Province of Kosovo and Metohija. The Office of the United Nations High Commissioner for Human Rights (OHCHR) must do more in practice to ensure that the Provisional Institutions of Self-Government implemented the recommendations issued by the Human Rights Committee in July 2006 (CCPR/C/UNK/CO/1).
6. He asked the High Commissioner to provide more detailed information on her plans for addressing the serious human rights concerns and upcoming challenges in Kosovo and Metohija to which she had referred in her report (A/HRC/4/49, para. 22) and on how she intended to strengthen the presence of her Office in the province in the light of the Strategic Management Plan.

7. Mr. BASNER (Observer for Nepal) said that there had been a substantial improvement in the human rights situation in his country. The peace process was going remarkably well: a series of landmark decisions had been taken and implemented with a view to creating a new Nepal that was just, democratic and prosperous and where human rights and fundamental freedoms were respected. Preparations for the election of the Constituent Assembly were almost complete.

8. His Government was striving to act on the advice it had been given. However, the High Commissioner's report on the activities of her Office in Nepal (A/HRC/4/97 and Add.1) would have been more up to date if it had reflected the Government's comments and the many positive developments which had taken place in the country. For example, serious efforts were being made to tackle discrimination against the Madhesi, various other ethnic groups and women, and to build an inclusive society. Just one week earlier Parliament had adopted a significant amendment to the Interim Constitution to accommodate the demands of all communities, including the Madhesi, and to give the State a federal structure with proportional representation.

9. Since impunity could not be condoned for any reason whatsoever, abuses of authority were under investigation. The perception that a concern for human rights should inform every step of the peace process had been reflected in all the agreements concluded between the Government and the Communist Party of Nepal (Maoist). The time was in fact ripe for laying solid foundations for a lasting human rights regime.

10. The procedures for extending the mandate of the OHCHR field office in Nepal had reached their final stages. He was confident of the international community's full backing for the comprehensive peacebuilding process taking place in Nepal, which should ensure the protection and promotion of human rights in a lasting manner in that country.

11. Mr. TICHENOR (Observer for the United States of America) commended the High Commissioner and her staff for the vital work they performed in the field. There had been hopes that the Sudanese Government would follow through on the commitment it had given when it had accepted Council decision S-4/101 to allow the High-Level Mission to visit the region. He called on the Sudanese Government to cooperate with the mission and asked the High Commissioner whether the Mission had been able to discuss the situation in Darfur with the United Nations human rights monitors deployed there.

12. The United States Government was also deeply concerned about recent events in Zimbabwe, where democratic opponents of the Mugabe regime who had gathered peacefully for a prayer meeting had been physically attacked by Government security forces. At least one person had been killed, others - including children - had been wounded and over 100 people had been arrested. Morgan Tsvangirai, the leader of the Movement for Democratic Change, had been severely beaten after being detained. The High Commissioner's statement regarding the situation in Zimbabwe was therefore welcome. Reports of continuing harassment and arrests of demonstrators were, however, a matter of concern, and any information that OHCHR could provide on developments in Zimbabwe would be gratefully received.

13. His Government believed that the Council should consider urgent situations such as the one he had just described, and it would appreciate updates on the situations in Burma, the Democratic People's Republic of Korea, the Islamic Republic of Iran and Cuba, as those were

countries where citizens were unable to exercise their basic civil and political rights, suffered from the repressive tactics of dictatorial regimes and waited in hope for the international community to respond to their pleas for support.

14. Mr. BENG (Observer for Sweden) welcomed the fact that OHCHR had decided to focus efforts on the fight against poverty and widespread violations of economic and social rights, for development, security and human rights were linked. All States had made a number of commitments relating to human rights within the framework of the Millennium Development Goals. The contribution of OHCHR to the efforts of Governments and the United Nations to attain those Goals were therefore most welcome. In fighting poverty, respect for individuals' economic and social rights was just as important as observance of their civil and political rights. Empowerment of the poor through participation in the political process, Government accountability and non-discrimination in the execution of economic and social policies were the keys to States' combined efforts. He asked the High Commissioner to elaborate on the steps being taken by her Office to support those efforts and how the Council could contribute to them.

15. Mr. CHIPAZIWA (Observer for Zimbabwe) expressed concern that the tone of statements in the Council had changed for the worse. Nevertheless, his Government would work cooperatively with the Human Rights Adviser who was to be appointed to Zimbabwe by OHCHR, provided that person displayed a professional attitude.

16. Some members of the Council had taken it upon themselves to pass judgement on events associated with the attempt to hold an illegal political rally in Harare a few days earlier. The facts were that the leaders of the main opposition group, the Movement for Democratic Change, had led rioters in a march to disturb the peace and prove to their foreign sponsors that they were a force to be reckoned with. The mob had overpowered a small police outpost, and reinforcements had been called in. Violent exchanges had ensued and many people, including some police officers, had been injured and hospitalized. The opposition leaders Arthur Mutambara and Morgan Tsvangirai had been among those hurt. Regrettably, one demonstrator had lost his life. The matter was currently sub judice.

17. Zimbabwe was witnessing the re-emergence of "undertaker diplomacy" whereby some Western envoys paid Africans to turn on one another so that they could shout: "See how savage these Africans are". The people of Zimbabwe would not allow paid mobs to replace the ballot box, and no one would be allowed to be above the law. While the opposition had carried out their sponsored street thuggery, a real prayer meeting had taken place in Harare without incident.

18. His Government looked forward to engaging fully in the work of the Human Rights Council. He did, however, find it extraordinary that the representative of the United Kingdom, who had characterized a statement by the Minister of Justice of Zimbabwe as "extraordinary", appeared to be unaware of the "extraordinary" deeds of his Government's agents in Zimbabwe; perhaps he was being disingenuous.

19. Mr. OSMAN (Observer for the Sudan) said that the High Commissioner's annual report (A/HRC/4/49) ought to have devoted equal space to each of the various human rights issues considered in it. In paragraph 42 of the report the High Commissioner had called for an

international presence to defend victims in Darfur. He wondered whether that recommendation was in keeping with the provisions of the Charter of the United Nations, which emphasized the role of regional organizations in preserving international peace and security, and why the High Commissioner had submitted observations to the International Criminal Court without consulting the country concerned or trying to obtain objective information. In view of the current understanding between the Sudanese Government, the African Union and the United Nations to consolidate the Darfur Peace Agreement, his Government had reason to question the soundness of that recommendation.

20. The Sudan had never rejected the principle of international cooperation to settle conflicts. It did, however, have reservations about using the international legitimacy conferred by a Security Council resolution or a recommendation from the High Commissioner to distort the notion of the responsibility to protect, a notion that was still controversial. Such legitimacy was sometimes used as a pretext for interfering in the internal affairs of countries or for trying to restructure a country's police forces or judiciary, as was being done in the Sudan.

21. The adverse consequences of non-consensual foreign intervention, which could lead only to human suffering, could be seen on television daily. Such misguided intervention was not a magic wand that could resolve such conflicts, but was rather a political tool for realizing the agenda of certain States.

22. Mr. KIM Moon-Hwan (Republic of Korea) said that his delegation strongly supported the plan to strengthen country engagement at all levels, as an OHCHR presence was crucial to building partnerships with Governments and civil society, promoting genuine dialogue, obtaining objective information and addressing human rights emergencies in an effective and timely manner.

23. It was essential that independent experts should have a greater say in the future work of the Council. To that end, OHCHR should play a more active role in identifying expertise. A stronger special procedures mechanism would also be vital. The special procedures should be given professional assistance to enable them to accomplish their mandate. Their findings and recommendations should be given greater visibility and their effectiveness enhanced through more interaction between OHCHR, the special procedures and other United Nations bodies.

24. He commended the High Commissioner's efforts to place women's rights and gender issues at the centre of the Office's work. His delegation also supported the transfer of the Committee on the Elimination of Discrimination against Women (CEDAW) to Geneva. Lastly, he wished to stress the importance of providing human rights education in primary and secondary schools and drew attention to the need for an in-depth study of the impact of globalization and multilateral cooperation on human rights.

25. Ms. ESCOBAR (Observer for Spain) said that the assistance given by OHCHR to the Council's protective mechanisms and to the treaty bodies helped to ensure that the system for promoting and protecting human rights functioned properly. She commended the efforts of OHCHR to foster the rights of women and children to freedom, physical integrity and a life free from violence. While the promotion of those rights required determined efforts on the part of the international community, the Council must likewise play a fundamental role in that respect. As women were the ones who suffered most in armed conflicts, her Government was strongly in

favour of encouraging women's participation in conflict resolution, in accordance with the relevant resolutions of the Security Council. Spain was also greatly concerned about trafficking in women.

26. The establishment of new field offices in Latin America and the Middle East was particularly important. Cooperation between Governments and OHCHR should help to identify best practices and provide food for thought. Dialogue and cooperation were indeed vital components of efforts to fully guarantee the human dignity of all persons.

27. Mr. LY (Senegal) said that the decision to create a Women's Rights and Gender Unit would lend fresh impetus to efforts to combat violence against women and end the discrimination from which they all too frequently suffered.

28. He also welcomed the decision to accord high priority to the fight against poverty in the context of measures to realize the right to development. Such action would meet an urgent need to strengthen the promotion of economic, social and cultural rights in accordance with the principle of the universality and indivisibility of human rights. It was, however, surprising to note that the right to food was not mentioned anywhere on the Council's agenda.

29. It was imperative that the principle of multilingualism should be respected in the Council for the sake of cultural diversity and in order to facilitate the widest possible participation in its deliberations. His Government would follow with interest work on developing a rule of law index, and it looked forward to hosting the Office's Regional Office in West Africa.

30. Mr. VELLANO (Observer for Italy) said that his Government had always sought to protect the rights of the most vulnerable groups, especially children, and had given new impetus to efforts to combat all forms of discrimination. It welcomed the emphasis to be placed by OHCHR on women's rights, both in protecting women from discrimination and in ensuring their equality in political and social life.

31. The Italian Government hoped to be able to increase its voluntary contribution to the general budget of OHCHR and to the United Nations Voluntary Fund for Victims of Torture in 2007. It also welcomed the High Commissioner's commitment to abolition of the death penalty and hoped that an open and constructive dialogue based on mutual respect could be forged on that topic.

32. Mr. FERNANDO (Forum-Asia), speaking also on behalf of Pax Romana, the International Movement Against All Forms of Discrimination and Racism (IMADR), INFORM, the Law and Society Trust and Rights Now, said that the focus in the High Commissioner's annual report on strengthening country engagement was most welcome because the practical help given by OHCHR to non-governmental organizations (NGOs) in Asia which did not have access to the Office's headquarters in Geneva had been most useful. He therefore urged the High Commissioner to set up subregional offices in Southern and North-Eastern Asia, in addition to those in Bangkok and Suva, with a view to providing better assistance and services, including the protection of human rights defenders working under difficult circumstances. He called on Asian Governments to cooperate with OHCHR and to expedite the setting up of a human rights protection mechanism in the Asia-Pacific region.

33. He agreed with the High Commissioner's assessment of the situation in Nepal (A/HRC/4/97) and urged the Government of that country to extend the mandate of the OHCHR office there for a further two years. The High Commissioner was correct in stating that the human rights situation in Sri Lanka was deteriorating and that there was thus a need to establish a robust human rights mechanism and an OHCHR office there. He wished to know whether the High Commissioner could visit that country to explore the possibility of such a course of action and what initiatives had been taken to help the Sri Lankan Government fulfil its responsibility to protect the civilian population from armed conflict. He also asked whether OHCHR would be in a position to support the Government's plan to establish a witness protection programme in Sri Lanka.

34. Ms. KARIMI (International Commission of Jurists) said that her organization was deeply concerned about the human rights and humanitarian situation in Sri Lanka. Civilians were caught in an escalating conflict in which the distinction between civilians and combatants was not being respected. At the second session of the Council, the High Commissioner had stressed the urgent need for the international community to monitor the situation, since there had not only been ceasefire violations but also grave breaches of international human rights and humanitarian law. Her warning was even more applicable to the current situation.

35. She urged the High Commissioner and the States members of the Council to establish an international human rights field operation to help protect civilians and to develop mechanisms through which Governments could collaborate with OHCHR. With that end in view, she encouraged the Government of Sri Lanka to invite the High Commissioner to visit Sri Lanka.

36. In 2006 the Colombian population had continued to suffer from the persistent human rights and humanitarian crisis in the country. More than 11,000 people had been killed between July 2002 and June 2006, the vast majority by paramilitary groups; however, the number of crimes involving State actors had increased. Despite the demobilization process, paramilitary structures continued to exist, and paramilitary groups had infiltrated State institutions and consolidated their political, economic and social control. Moreover, the legal framework for demobilization granted a de facto amnesty to more than 90 per cent of paramilitaries.

37. She urged the Council to monitor and debate the human rights situation in Colombia regularly and to make recommendations to the State regarding its compliance with international human rights law as well as to armed actors regarding their compliance with international humanitarian law.

38. Mr. CASTRO (International Indian Treaty Council), speaking also on behalf of the International Organization of Indigenous Resource Development, said that although the Working Group on Indigenous Populations of the former Sub-Commission for the Promotion and Protection of Human Rights had not been without failings, the Council should build on its successes. Indigenous peoples without consultative status with the Economic and Social Council had been able to participate in its proceedings and offer advice to the United Nations human rights system.

39. The Indigenous Peoples' Caucus had recommended that the Council should establish a permanent group of experts on indigenous peoples' human rights composed of two experts from States members of the Council, two special rapporteurs and two indigenous members nominated

by indigenous peoples and selected in a process to be determined by the Council. The group would be coordinated by the Council in collaboration with OHCHR. Indigenous peoples would participate on the same basis as in the Working Group on Indigenous Populations and the Permanent Forum on Indigenous Issues.

40. His organization understood that the mandate of the Permanent Forum did not include human rights studies or standard-setting and that its capacity to respond to critical human rights situations was limited. Accordingly, efforts to address the human rights of indigenous peoples must be coordinated by the Human Rights Council.

41. Mr. BROWN (International Humanist and Ethical Union) welcomed the High Commissioner's statement that civil society, NGOs and national human rights institutions must be involved in the universal periodic review mechanism, since they were best placed to expose human rights violations, assess progress and propose corrective measures.

42. If a State had something to hide, it would always find reasons not to cooperate with the Council, whether on a periodic review or with the special rapporteurs or a commission of inquiry. As the Minister for Foreign Affairs of Germany had noted earlier in the session, the States members of the Council should not fall back on their affiliation with regional blocs and interest groups, but should display solidarity with the cause of human rights.

43. The Council's credibility would be determined by its response to the crisis in Darfur. If it failed to consider the report of the High-Level Mission, there should be no more compromise resolutions congratulating the Government of the Sudan on its "efforts" but a clear condemnation of its failure to cooperate with the Council. If a recorded vote was taken on such a resolution, it would expose to the eyes of the world those States who continued to support the Sudanese Government over Darfur.

44. Mr. SCHÖNKNECHT (Lesbian and Gay Federation in Germany), speaking also on behalf of the European Region of the International Lesbian and Gay Association and the Danish National Association for Gays and Lesbians, thanked those countries that had supported his organization's bid to obtain consultative status with the Economic and Social Council and OHCHR for its support in addressing sexual orientation and gender identity issues.

45. The special procedures had a crucial role to play in highlighting the human rights violations experienced by vulnerable groups on grounds of sexual orientation and gender identity, including arbitrary detention, violence, denial of the right to peaceful assembly and freedom of expression, sexual abuse, torture and even murder. At the third session of the Council a joint statement had been delivered on behalf of 54 countries from four of the five United Nations regions calling on the Council to pay due attention to such issues. He would welcome suggestions from the High Commissioner as to how the Council, with OHCHR support, could ensure human rights protection without discrimination, including on the grounds of sexual orientation and gender identity.

46. Mr. PARY (Indian Movement "Tupaj Amaru") said that work on the universal periodic review mechanism and the review of special procedures mandates were again being vitiated by politicization, double standards and delaying tactics promoted by the Western Powers, who

sought to exploit human rights to protect their political and economic interests. In the view of indigenous peoples, the neo-liberal economic model, poverty and foreign debt were the main causes of serious and systematic human rights violations, including State terrorism.

47. Foreign debt had become a double-edged sword in the rich countries' strategy of neo-colonial domination. The Western Powers were in fact under an obligation to discharge their social, ecological and historical debt to colonized countries and peoples. Poverty was the result of unequal and chaotic development and the unfair distribution of wealth. It should not be viewed as an accident of history. The international financial institutions had failed: the World Bank spent its time counting the world's poor and its anti-poverty strategy had involved the sterilization of indigenous women in Bolivia and Peru, while the International Monetary Fund was responsible for failed structural adjustment programmes.

48. Mr. LITTMAN (Association for World Education) asked the High Commissioner to assess her staff's effectiveness in advancing human rights in Darfur and in promoting compliance by the Government of the Sudan with the 115 recommendations aimed at halting the tragedy. As early as May 2004, the Acting High Commissioner had described the situation in Darfur as a reign of terror characterized by a scorched-earth policy, war crimes and crimes against humanity. More recently, NGOs had repeatedly warned that the role of the Council would be tested by its action to stop the killings and displacement in Darfur.

49. The High-Level Mission appointed at the Council's fourth special session had confirmed in its report that gross and systematic violations of human rights, grave breaches of international humanitarian law, war crimes and crimes against humanity continued to be committed in Darfur. The Council must endorse the Mission's recommendations and, for the sake of its own survival, take action to address the ongoing genocidal tragedy without further delay.

50. Mr. TIAHJONO (Pax Romana) welcomed the action taken by OHCHR in support of women's rights and expressed the hope that the initiative to protect women against violence would be expanded and strengthened, particularly in terms of procedural and institutional mechanisms and coordination with treaty-monitoring bodies and other relevant procedures.

51. The Special Rapporteur on freedom of religion and belief had noted in her report (A/HRC/4/21) that religious minorities and new religious movements were confronted with various forms of discrimination and intolerance stemming from Governments and non-State actors. He asked the High Commissioner how she visualized her role and that of OHCHR in assisting States in discharging their positive obligations with regard to non-State actors.

52. There had been a shift in the demographic pyramid in recent decades characterized by an increase in the proportion of older persons in many countries. In India alone, almost 20 million people were over 60 years of age. Dealing with the discrimination faced by older persons, such as exclusion, restriction and preference, presented a major challenge. He asked whether OHCHR planned any specific action to address those problems.

53. Ms. YUNG (International Federation for Human Rights (FIDH)) took note of the commitment by OHCHR to greater country engagement and said she looked forward to increased cooperation between the Office's field offices and national human rights defenders.

54. She welcomed the impressive work done by the OHCHR Office in Colombia but noted that it still must deal with the challenges posed by the failure to demobilize the paramilitaries, attacks on and murders of human rights defenders, and the continued impunity of perpetrators of massive human rights violations. While welcoming the opening of the trial of 56 members of the military forces, she regretted the Colombian Government's reluctance to implement the recommendations of OHCHR and Inter-American human rights institutions.

55. She expressed support for the High Commissioner's call for an international investigation mission in the wake of the repression of trade-union demonstrations in Guinea as well as international condemnation of the summary executions and arbitrary detentions in that country. She urged the Council to echo the High Commissioner's call for a mission, to condemn the disproportionate use of force and to call for the release of those arbitrarily detained.

56. The future OHCHR office in the Russian Federation would have a difficult task to perform. Serious human rights violations continued in Chechnya, in particular extrajudicial killings, enforced disappearances, torture and looting. Human rights defenders were under threat, as evidenced by the murder of Anna Politkovskaya and the death threats made against well known human rights activists. It was regrettable that the OHCHR office would not have a monitoring component. She urged the Council to request the Russian Federation to issue an invitation to special procedures mandate-holders whose requests for visits had not been met.

57. Mr. FUJII (Soka Gakkai International), speaking also on behalf of the Organisation internationale pour le droit à l'éducation et la liberté d'enseignement (OIDE) and Pax Romana, welcomed the High Commissioner's emphasis on human rights education in the section of her annual report entitled "Strengthening thematic expertise" (A/HRC/4/49, paras. 35-55) and her statement in her report on the World Programme for Human Rights Education that the promotion of human rights education and learning would be one of the primary responsibilities of the Council (A/HRC/4/85, para. 3). He wished to know how the Council proposed to incorporate that responsibility in its institution-building and in that connection drew attention to the joint statement entitled "Human rights education and learning in the institution-building of the Human Rights Council" submitted by 23 NGOs to the Council at its current session and contained in document A/HRC/4/NGO/90. The first phase of the World Programme for Human Rights Education was due to end in 2007, yet a great deal of work remained to be done. He therefore wished to know whether the Council would consider either extending the first phase or identifying a sector or issue for the second phase at the current session or before the end of the year.

58. Ms. ARBOUR (United Nations High Commissioner for Human Rights), responding to the discussion at the current and previous meeting, stressed that her Office's presence in Nepal was not limited to Kathmandu. There were several field offices, and it was planned to open a new sub-office in Terai. She was convinced that the presence of representatives of OHCHR at recent protests had had a mitigating impact on the level of the violence that had ensued. The head of the office in Nepal had travelled to the troubled regions and was strongly engaged with all political parties, promoting an inclusive approach, in keeping with the spirit of the new legislation that should lead to broader participation, particularly of the Madhesi, in the Constituent Assembly. Work must now focus on addressing the deep-rooted marginalization of groups that aspired to be included in the new Nepal that was being built. OHCHR hoped to be in a position to extend its mandate with the Government within a few days.

59. She shared the concerns expressed in General Assembly resolution 61/174 regarding the human rights situation in the Democratic People's Republic of Korea and she continued to believe that engagement with the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea would be an important step in the right direction.

60. With regard to allegations of racism in Japan, she noted that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had visited the country in 2005 and submitted a report (E/CN.4/2006/16/Add.2) that had been the subject of an interactive dialogue in the Commission on Human Rights.

61. With regard to witness protection in Sri Lanka in the context of the Government's Commission of Inquiry, she stressed that there could be no serious effort to combat impunity without an appropriate framework to protect victims and witnesses. Her Office had discussed the issue with the Sri Lankan Government, which understood the importance of establishing a framework based on guidelines and principles that OHCHR had been elaborating for many years. Many of those guidelines had been set forth in a brief submitted to the International Criminal Court, at its request, regarding witness and victim protection in the Sudan.

62. Turning to the situation in Kosovo, she said that OHCHR had been active for more than 20 years in Bosnia and Herzegovina and would close its office there in June 2007. However, it would retain a presence in the region and would strengthen its office in Kosovo in response to the serious human rights concerns there, particularly intolerance of minorities. OHCHR would also continue to have human rights advisers in Belgrade, Sarajevo and Skopje.

63. In Iraq OHCHR was subject to severe constraints because of the security situation; nevertheless it was working closely with the Minister for Human Rights of Iraq, who had addressed the Council the previous day, to improve the rule of law and enable Iraq to address the problem of impunity, which was a major contributory factor to the ongoing violence.

64. She believed that in the Sudan it was essential to focus on the protection of victims of human rights violations and to support the efforts of the International Criminal Court to address the responsibility of perpetrators. The question of jurisdiction - in other words, whether primacy lay with the national courts or with the International Criminal Court - was a question to be decided by the latter. Increased humanitarian access to civilians was imperative. On 17 January 2007, 14 United Nations agencies operating in Darfur had issued a joint statement on the urgency of the humanitarian situation, noting that 12 aid workers had been killed in the past six months, that 30 NGOs and United Nations compounds had been directly attacked by armed groups, and that over 400 aid workers had been forced to relocate 31 times from both Government- and rebel-controlled areas of Darfur. The Government had always welcomed international humanitarian assistance from NGOs who worked closely with national actors, including humanitarian workers. In another unprecedented move, six humanitarian NGOs had reported in January 2007 that aid workers were facing violence on an unprecedented scale in Darfur, so that access to people in need was more difficult than ever at a time when humanitarian needs were greatest.

65. On the subject of Islamophobia, she said that freedom of belief and non-discrimination were among the strongest pillars of human dignity and must be guaranteed to all. Incitement and religious intolerance were more than mere legal problems. It was essential to promote tolerance

at the policy and at the political level. An important example of such an effort was the Dialogue among Civilizations initiative. The Council must remain firm in its stand that all countries had a responsibility to curb discrimination based on faith or religion.

66. In response to questions raised by gay, lesbian, bisexual and transgender groups, she stressed that all rights-holders were entitled to demand that their Governments afford protection against violence, especially State-sponsored violence. The principle of the protection of human life brooked no exception and must be applied regardless of personal characteristics. All Governments were required to provide protection against violence based in large part on prejudice. It was likewise incumbent on States to exercise restraint in imposing criminal sanctions so as not to invade the right to privacy.

67. The issues of gender discrimination, women's rights, poverty eradication, discrimination and intolerance were all addressed in the Strategic Management Plan. Major efforts were under way to mobilize office capacity in order to work with special rapporteurs, the treaty-body system and the Council to address those issues strategically. It was hoped to advance the underlying principles through research and advocacy, field work and partnerships with Governments, NGOs and United Nations country teams on the ground. A special effort would be made to focus on the alleviation of poverty, a non-discriminatory approach to the Millennium Development Goals and a country-specific approach to issues of discrimination and intolerance and the promotion of women's rights.

68. The absence of a reference in her report to the right to food did not indicate a lack of interest. OHCHR had worked closely with the Food and Agriculture Organization of the United Nations (FAO) in developing guidelines on the right to food, and it was continually engaged in promoting the implementation of that right in practice.

Statements in exercise of the right of reply

69. Mr. REYES RODRÍGUEZ (Cuba) said that while United States diplomats were intimately familiar with dictatorships, they should desist from imposing their convictions on others. The origins of the United States imperialistic dictatorship dated back to the ethnic cleansing and subsequent repression of indigenous peoples. Subsequently, hundreds of thousands of Africans had been taken away from their homes and subjected to slavery. For centuries, successive United States Governments had violently imposed their rule on the peoples of Latin America and the Caribbean, a rule that had been accompanied by disappearances, torture and politically motivated killings. Their imperialist adventures had also led to the killing of thousands of people in South-East Asia. The current Administration had used the tragic events of 11 September 2001 as a pretext to expand its military activities, establish an international torture centre at Guantánamo Bay and subject its own population to tight control and surveillance. When addressing the problem of dictatorships, the High Commissioner should award particular attention to the one headquartered in Washington.

70. Mr. CHOE Myong Nam (Observer for the Democratic Peoples' Republic of Korea) said that it was deeply regrettable that the High Commissioner had made no reference to his Government's position and concerns with regard to General Assembly resolution 60/173 concerning the situation of human rights in the Democratic Peoples' Republic of Korea. His

delegation categorically rejected the allegations made by the observer for the United States of America and the representative of Japan. Given the appalling human rights record of the United States both at home and abroad, including the killing of Iraqi civilians, the instability resulting from its invasion of that country and the inhuman treatment of prisoners in the Guantánamo detention centre, the country was not qualified to comment on the situation in other States. The above-mentioned resolution was the product of a conspiracy between a few countries acting in pursuit of their own political ends. His Government therefore firmly rejected that text.

71. The only case of abduction of Japanese citizens by the Democratic People's Republic of Korea had been resolved. Japan had yet to address its own past and present human rights violations, including the mass abduction and killing of Korean nationals, the sexual exploitation of Korean women by the Japanese military and the continuing systematic repression of Korean residents in Japan. The Japanese Government attempted to deny those facts, as illustrated by the Prime Minister's vehement refusal to accept or apologize for the military sexual slavery. Japan would be better advised to deal with all its past and present crimes against humanity rather than play political games with the abduction case.

72. Ms. FERNANDO (Sri Lanka), recalling the references that had been made to the "deteriorating situation" in her country, said that protection measures and law enforcement had reduced the incidence of abductions, disappearances and killings in Sri Lanka. Investigations into alleged disappearances had clarified some of the cases and a report had been published on the website of the Permanent Mission of Sri Lanka to the United Nations Office at Geneva. According to the report, the allegedly disappeared Sivarasa Devendran was currently domiciled in France; Krishnapillai Kamalanadan had not been abducted but was currently working as the director of the Tamil Rehabilitation Organization in the eastern part of Sri Lanka controlled by the Liberation Tigers of Tamil Eelam (LTTE); and United Nations staff member Moorthy Pradeep had been found in Colombo and relocated to another area by the United Nations office. The veracity of that information had been confirmed by credible sources.

73. Sri Lanka was a densely populated country prone to natural disasters and mass internal displacements were therefore a recurrent problem. In addition to releasing public funds to meet displaced persons' need for shelter and food, the Government made small financial contributions to the reconstruction of their homes upon their return. Efforts were also being made to find permanent solutions to situations of displacement. A recent World Bank project contemplated the permanent resettlement in Puttalam district of some 60,000 persons who had been displaced by rebel activities 16 years earlier. Yet despite the tremendous challenges posed by terrorism and natural disasters, Sri Lanka's sustained economic growth had enabled the Government to release additional funds to address the health and education needs of the displaced in 2007. Moreover, owing primarily to free public education and health care, Sri Lanka had maintained its high regional ranking in the human development index. The Government had sustained funding for education and health throughout the country even though the rebels appropriated a substantial portion of those resources in the areas under their control.

74. Civil and political rights and economic, social and cultural rights were two sides of the same coin. The fact that some States continued to give precedence to one set of rights was thus unhelpful. Accordingly, when addressing country situations, a more balanced approach was required.

75. Mr. REZVANI (Observer for the Islamic Republic of Iran), replying to the comments made by the observer for the United States of America, said it was ironic that a country that was widely recognized and condemned for being among the worst dictatorial empires and human rights violators should pass judgement on others. The unlawful, unilateral invasion and occupation of Iraq in 2003 had resulted in the killing of over 600,000 Iraqi civilians and wreaked havoc and destruction. That arrogant adventure was a slap in the face of the Security Council and had discredited the entire United Nations system. The inhumane treatment and torture of prisoners in the Guantánamo Bay detention centre and the Abu Ghraib prison in Iraq were blatant violations of international norms and had caused an international outcry. The United States Government had neither heeded the calls to end such practices nor compensated the victims.

76. Mr. FUJISAKI (Japan) said that the statement made by the observer for the Democratic People's Republic of Korea concerning so-called "racial discrimination in Japan" was baseless. Consistent with its commitment to combating racial discrimination, the Japanese Government had acceded to the International Convention on the Elimination of All Forms of Racial Discrimination and had cooperated fully with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance during his visit to Japan. In his report on that visit (E/CN.4/2006/16/Add.2) the Special Rapporteur had welcomed recent developments in Japan. The Democratic People's Republic of Korea would be well advised to accede to that Convention and to cooperate with United Nations special rapporteurs. Rather than raising other issues to divert attention, it should focus on finding a solution to the abduction issue.

77. Mr. CHOE Myong Nam (Observer for the Democratic People's Republic of Korea) reiterated his delegation's rejection of the allegations made by the representative of Japan. The aforementioned General Assembly resolution served no other purpose than to name and shame his country; moreover, the abduction case required no further clarification. The only pending issue in relations between the two countries was Japan's persistent refusal to assume its moral and legal responsibility to acknowledge all past and present crimes.

78. Mr. FUJISAKI (Japan) reminded the observer for the Democratic People's Republic of Korea that the current Prime Minister of Japan had repeatedly associated himself with the statement made by the former Prime Minister, Tomiichi Murayama, in 1995, in which the latter had expressed feelings of deep remorse and heartfelt apology.

79. As an international human rights body, the Human Rights Council should call for an end to the serious human right violations committed by the Democratic People's Republic of Korea and urge the Government of that country to cooperate with Council mechanisms.

80. The PRESIDENT said that the Council had thus concluded its interactive dialogue on the report of the United Nations High Commissioner for Human Rights and thanked the High Commissioner for her willingness to engage in an open exchange with member States.

The meeting was suspended at 11.50 a.m. and resumed at noon.

Introduction of progress reports by the institution-building working groups (A/HRC/4/117-122; A/HRC/4/CRP.2-6; A/HRC/4/NGO/6, 40, 80, 86, 89, 90, 93, 126, 131, 133, 134, 137 and 144)

81. The PRESIDENT invited the facilitators of the three institution-building working groups to introduce their respective progress reports.

82. Mr. LOULICHKI (Morocco), introducing the progress report of the open-ended intergovernmental Working Group established pursuant to Human Rights Council decision 1/103 to develop the modalities of the universal periodic review mechanism (A/HRC/4/117), said that the report was a revised version of the informal paper that the Working Group had considered at its second session which had been held from 12 to 15 February 2007.

83. The informal paper considered by the Working Group had addressed the following elements of the review mechanism: basis; principles and objectives; periodicity and order; process and modalities; outcome; and follow-up. It had identified emerging areas of convergence, issues requiring further discussion and concrete options for possible review modalities. In its discussion of those options, the Working Group had heard from various stakeholders, and after the February session he had held further bilateral consultations to identify possible areas of compromise. The informal report before the Council had been drafted on the basis of that work.

84. He wished to draw attention to a few key changes that had been made to the original paper considered by the Working Group. The two options for periodicity (four or five years) had been retained, since they required further discussion. Three sources of information for the review had been proposed: a report to be prepared by the State concerned; a compilation by OHCHR of information contained in reports to treaty bodies, documentation from the special procedures and other relevant official United Nations documents; and credible information provided by other relevant stakeholders.

85. The two options for modalities for the review had been revised, taking into account concerns expressed in the Working Group relating to information management and time management. Accordingly, one or several rapporteurs would be selected to prepare the review outcome for consideration, either from among Council members or from the working groups, depending on the modality chosen; the outcome document would then be submitted for consideration, either directly to the plenary or to a working group and subsequently to the plenary. It had been proposed that an additional 45 to 60 minutes of plenary meeting time would be required to consider the outcome, depending on the modality and periodicity chosen.

86. As the deadline for establishing the review mechanism was looming, he urged members to focus on reaching consensus on outstanding issues. Further consideration must be given to: the modality options just described; the role of the State under review in the deliberations; the role of such stakeholders as NGOs and national human rights institutions; and the scope, nature and stage of possible participation by governmental or independent experts.

87. Efforts should focus on developing the general architecture, rather than the details, of the review mechanism, since it would naturally evolve over time. It might be advisable to consider undertaking a review of the mechanism in five years' time, when the status of the Council was to

be reviewed by the General Assembly pursuant to resolution 60/251. For the time being, all stakeholders were in agreement that the new mechanism should be a universal, cooperative, non-confrontational and evolving mechanism that would genuinely serve the promotion and protection of human rights.

88. Mr. HUSÁK (Czech Republic), introducing the progress report of the open-ended intergovernmental Working Group on the implementation of paragraph 6 of General Assembly resolution 60/251 (A/HRC/4/118), said that the Working Group had held two rounds of consultations on a variety of issues with contributions from a number of mandate-holders. Some initial misunderstandings and differences in position had been overcome. It had been agreed that the special procedures were a unique human rights instrument for monitoring and remedying identified shortcomings. With their independence and expertise, they had contributed to improving the lives of victims of human rights violations.

89. It had been agreed that the harmonization and transparency of special procedures working methods must be improved. The three major areas on which future discussions should focus were: the selection of mandate-holders; the accountability of both mandate-holders and Governments; and the scope of thematic and country procedures. The Working Group was also expected to comment on the draft Manual of the United Nations Human Rights Special Procedures.

90. With regard to the selection of mandate-holders, there was a prospect of compromise between those who favoured appointment and those who favoured election, on the basis of improved pre-screening, to be followed by appointment with eventual endorsement by the Council. As for accountability, the concept was twofold: mandate-holders should be accountable to their peers, while Governments should be accountable to the protection and promotion of human rights. With regard to the scope of mandates, his feeling was that the thematic part of the system required only minor adjustment. However, in the case of country mandates, which were at the core of the review, a distinction had been drawn between those mandates that emerged by consensus and those established by vote; the latter had sometimes suffered from politicization and a lack of cooperation, and there was therefore a need to set predictable criteria for country mandates established by vote.

91. Regardless of the nature of the mandate in question, cooperation with and by Governments was crucial to the effectiveness of special procedures. The need for adequate attention to the implementation of recommendations made by the special procedures had also been highlighted, as had been the link between the special procedures and other United Nations activities.

92. The system had developed spontaneously but must be streamlined by giving equal attention to all human rights, since they were universal, interdependent and indivisible. There was also a growing demand for equal and effective support for all mandate-holders. It had been stressed that during the transition period any proposal to establish new mandates should be carefully assessed. The Working Group had set about identifying substantive gaps and overlaps, with the aim of improving individual mandates. The issue of the conduct of mandate-holders had also been considered, and some relevant core principles had been proposed.

93. Mr. BURAYZAT (Jordan), introducing the progress report of the Working Group on expert advice (A/HRC/4/119), said that, following a series of informal and transparent consultations, 14 elements of expert advice had been established, which had been discussed extensively. He had set out the preferred options of various delegations and groups of delegations in an informal paper discussed at the Working Group's first meeting in September 2006.

94. Significant progress had been achieved, thanks to a compromise by one group on the selection process, which had made it possible to identify a possible area of consensus on a two-phased approach. On that basis, he had prepared another paper, on which over 70 delegations had provided comments. There had been general support for the proposals contained in the paper, but delegations were clearly not yet ready for compromise solutions. Indeed, to his disappointment, compromises agreed earlier had been reconsidered. Such a development was, however, understandable, since real negotiations on a specific text had not yet begun. He had been persuaded to slow down the pace of negotiations and asked either to revise his paper or to come up with new proposals. He had opted for the former, and a one-page paper had therefore been distributed which summarized the positions of the various groups.

95. Some progress had been made. Grey areas had been minimized. Much, however, remained to be done on a small number of fundamental points: the nature of the envisaged institution, the number of experts required and the selection process. He invited delegations to consider his revised informal paper.

96. Mr. GODET (Switzerland), introducing the progress report of the Working Group on the complaint procedure (A/HRC/4/120), said that as a result of the extensive consultations that had been held over the past six months, he was in a position to submit a revised informal paper containing proposals with compromise solutions that he hoped would prove acceptable to the majority of delegations.

97. The objective and scope of the complaint procedure were covered together in order to avoid redundancy. There was broad agreement on both, so he would simply say that delegations considered that the reformed procedure should enable it to be impartial, objective, efficient, victim-oriented and conducted in a timely manner. It was also universally agreed that the procedure related to all human rights and fundamental freedoms occurring in any part of the world and under any circumstances, including international or internal armed conflict. The revised proposals omitted the words "emerging" or "existing" that had previously appeared before the word "violations".

98. With regard to inadmissibility criteria for communications, his proposal was closely modelled on the criteria set out in resolution 1 (XXIV) of the Sub-Commission on the Promotion and Protection of Human Rights. Delegations should, however, consider whether a reference to international human rights institutions should be included.

99. Most delegations considered that the 1503 procedure, with its two distinct working groups, should serve as the basis of the new procedure. Under the current method of appointing experts to the first working group, the Chairman of the Sub-Commission named five experts from five

regional groups. The new procedure, however, would clearly have to take into account the conclusions of the Working Group on expert advice. If the current system, with its permanent expert body, was maintained, the first working group could continue to be constituted in the same way. If, however, a roster system was adopted, one possibility would be that the President of the Council, after consultation with the Bureau, which considered procedural matters, would appoint the experts of the first working group. He had left the question open.

100. As for the second working group, delegations seemed to favour appointment by the President, after consultation with the regional groups, in line with the current system. There must be greater accountability of the President and the chairpersons of the working groups, who should provide detailed reasons for the inadmissibility or abandonment of a case. Thus the chairperson of the first working group should answer to the working group, the first working group should answer to the second and the latter should answer to the Council.

101. The question of the duration of the complaint process remained open, since it partly depended on the agenda and the programme of work. It was therefore difficult to state how often situations might be considered by the Council or how often the working groups would meet. He had made some proposals aimed at enhancing the effectiveness of the complaint procedure and ensuring that it was victim-oriented.

102. There had been wide agreement concerning the involvement of the complainant and the State concerned. Virtually all delegations considered that the complaint procedure should be made more transparent. The complainant and the State concerned should thus have access to the same level of information. The complainant, who currently received no more than an acknowledgement of receipt, should be kept informed by the secretariat at every stage. A further advantage of that approach was that the human rights mechanisms would not duplicate their work.

103. The Council should be able to take any action that it deemed appropriate. He had, however, put forward a non-exhaustive list of measures that might be taken. The list came from Commission on Human Rights resolution 2000/3, with the addition of a fifth measure relating to technical assistance.

104. Mr. MARTÍNEZ ALVARADO (Guatemala), introducing the progress report of the Working Group on the agenda of the Human Rights Council (A/HRC/4/121), said that he had seen his task as helping the Council's institution-building process and bringing together the positions of the various countries and groups of countries, on the basis of which proposals could be made for discussion, while ensuring that the agenda did not reflect the views of any one country or group of countries. The suggested form of the agenda was the result of many proposals and suggestions received. Two of the agenda's main objectives were to follow up, where appropriate, the work of the Commission on Human Rights and to implement General Assembly resolution 60/251.

105. The Council should bear in mind that the aim of the draft text was to focus the Working Group's discussions; that a balance must be struck between the various rights (economic, social, cultural, civil and political) and between the positions of developed and

developing countries; that the Council represented all States Members of the United Nations; and that the Working Group should proceed from a position of inclusion rather than exclusion and try to include all concerns, albeit in a broader context. Additional aspects of the agenda could be considered, but he felt that the basics had been covered and would not require further consideration. His proposals contained various options relating to the various human rights, human rights bodies and mechanisms and the universal periodic review. Towards the end of the agenda there appeared an item entitled “Technical assistance and capacity-building”, which was of great importance. Lastly, he envisaged “Other issues” as being an item that encompassed non-substantive issues. As for the draft agenda as a whole, it would clearly not satisfy everybody. As time went on, however, its form would evolve into what was needed.

106. Mr. MANALO (Philippines), introducing the progress report of the Working Group on methods of work and rules of procedure of the Council (A/HRC/4/122), said that the scope of the topic “working methods” was fairly broad, and certain items would naturally intersect with topics considered by the other working groups. He had produced an informal paper that took that into account. In addition to proposals made during the actual Working Group session, written proposals had been submitted by the Group of Asian States, on working methods of the Council; by the Movement of Non-Aligned States and Japan, the United States of America, Canada, Australia and New Zealand (JUSCANZ), on ground rules for special sessions; and by the Philippines, on rules of procedure.

107. The Council’s methods of work should be impartial, equitable and pragmatic and should lead to enhanced transparency and predictability. They could, however, be updated and adjusted. Within the Working Group, the discussion had focused on the institutional structure of the Council and the various types of consultations and meetings that the Council, the President or individual delegations could convene. There had been a convergence of views on such issues as the President’s open-ended informative consultations on resolutions; on open-ended organizational meetings to consider the Council’s agenda, set the annual programme of work and decide on other procedural issues; on organizational meetings convened by the President during Council sessions, if necessary; and on information meetings or consultations on prospective resolutions or decisions. There was also agreement on the need for early notification of proposals, early submission of draft resolutions or decisions and early distribution of reports of the special procedures.

108. Since, unlike the Commission, the Council met all year round, different ways of working and types of outcome documents had been suggested. Further discussion was needed, however. Specific issues to be clarified included the role of the Bureau; the spacing of meetings with special procedures and consideration of other reports; the time for submission of the Council’s annual report; the number of sessions per year; the high-level segment; the Council’s relationship with the General Assembly; and outcome documents other than resolutions.

109. An initial discussion had also been held on rules of procedure. As mandated by General Assembly resolution 60/251, the rules of procedure of the General Assembly’s Main Committees should serve as the basis for the Council’s. He therefore proposed, at the next

meeting of the Working Group, to consolidate the applicable rules of procedure, adapted to the Council's work, into a single document. He would suggest that the rules should reflect the current practice of the Council.

110. The two written proposals on the ground rules for special sessions were not as far apart as they had seemed at the outset, and he was seeking to combine the two in a single text.

111. He was optimistic that agreement was possible on most if not all the issues before the Working Group. That would depend on its continuing the flexibility and spirit of compromise exhibited at Working Group meetings thus far. He encouraged delegations to resolve outstanding issues amongst themselves, taking into account the need for inclusiveness and transparency.

The meeting rose at 1 p.m.