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### HUMAN RIGHTS COUNCIL

Second session

#### SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,  
on Monday, 18 September 2006, at 10 a.m.

President: Mr. DE ALBA (Mexico)

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The meeting was called to order at 10.15 a.m.

## OPENING OF THE SESSION

### Message from the Secretary-General of the United Nations

1. Ms. ARBOUR (United Nations High Commissioner for Human Rights), reading out a message from the Secretary-General of the United Nations, said that one year previously heads of State and Government had taken the remarkable step of deciding to create a new Human Rights Council to promote 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. They had agreed that the Council should address situations of violations of human rights, including gross and systematic violations. In other words, they had looked to the members of the Council to give voice to the voiceless victims of abuses throughout the world.

2. Following its historic inaugural session in June 2006, the Council was once again meeting to pursue its task of reforming and reinvigorating the United Nations human rights machinery. It had been established by a resolution of the General Assembly, but it was the Council's members who would lay its true foundations through the decisions taken during the coming crucial weeks. In particular, they would be discussing the new universal periodic review mechanism and the strengthening of the special procedures, two vital elements of the Council's work. To reach agreement on those matters would not be easy, but would require patience and determination. The Council would need to foster an atmosphere not of confrontation and distrust but of cooperation and mutual respect.

3. The world was watching the Council's deliberations with keen interest. Council members must not forget why they were there: with great effort the Organization's Member States had established the new Council to mark a new beginning. In the resolution establishing the Council they had explicitly recognized the importance of universality, objectivity and non-selectivity and of eliminating double standards and politicization.

4. At its inaugural session, and again at the special session in July 2006, the Council had been rightly concerned with the tragic events in the Middle East. It should focus the same vigilance on violations and abuses wherever they occurred. In that connection, the Secretary-General wished to draw the Council's attention in particular to the violations and abuses inflicted on the people of Darfur, which threatened to become even worse in the near future.

5. The Council must not disappoint the hopes of humanity. As it worked to build an effective and credible Human Rights Council during the next three weeks, it should let the founding resolution be its guide.

### Statement by the President of the Council

6. The PRESIDENT said that he was sure that the Secretary-General would play a vital role in supporting the Council's work; his message had expressed a clear commitment to the Council, and his contributions would always be most welcome.

7. Every State member of the Council had pledged to work to strengthen the human rights system and help the victims of human rights violations in all circumstances. It was important to bear the Council's purposes in mind as it began the second stage of its work, for there would be difficult moments and a collective spirit of compromise would always be needed. The programme of work for the session would enable the Council to deal adequately with all the matters inherited from the Commission on Human Rights. It would have to consider many of the reports passed on by the Commission as well as a number of updated reports with a sense of fairness.

8. There would also be opportunities to review the status of the consultations on the establishment of new mechanisms, and the Council would have to combine a substantive analysis of human rights issues with the work of institution-building. At the same time, the Council had to address specific situations on the ground. That meant proceeding within the framework of a transition process and would call for a high degree of discipline and moderation. Such discipline and moderation implied a refusal to prejudge ongoing exercises, such as the review of mandates, adherence to the decisions taken during the Council's first session, such as the extension of all mandates for one year, and, in particular, a willingness to address all situations where protection was needed.

9. The Council would need to encourage a more far-reaching debate and to innovate when its working methods so required, without abandoning practices and procedures of proven usefulness. In essence, it should work on the basis of the interactive dialogue that had produced satisfactory results in the past. He appealed for a spirit of objectivity and responsibility to enable the Council to reach consensus decisions representing not a lowest common denominator but the maximum possible degree of understanding. He was counting on the support of all members of the Council, the Bureau and the High Commissioner and her Office.

#### ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK (agenda item 1) (A/HRC/2/1 and A/HRC/2/CRP.1)

10. The PRESIDENT said that no changes were proposed in the working arrangements adopted at the Council's first session; however, he intended to continue his consultations for a day or two before finalizing the proposed timetable in the light of the concerns expressed by delegations. On that understanding he took it that the Council wished to adopt the provisional agenda contained in document A/HRC/2/1.

11. It was so decided.

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

##### Update by the United Nations High Commissioner for Human Rights followed by an interactive dialogue

12. Ms. ARBOUR (United Nations High Commissioner for Human Rights) said that she would report later in the session on the implementation of the tasks arising from previous meetings, including the Commission of Inquiry to Lebanon, and would inform the Council of

the progress made. She would also introduce the reports left unaddressed during the transitional period, which, together with the special procedures reports and the continuing work stemming from the reform agenda, would provide substantive continuity.

13. However, the Council should first celebrate the forthcoming adoption of the draft Convention on the Rights of Persons with Disabilities, which would provide a proper framework for addressing the often neglected rights of an estimated 10 per cent of the world's population. The human rights community had every reason to rejoice in the explicit connection which the Convention made between needs and rights.

14. Migration was another pressing issue on which progress was urgently needed. She had just participated in the General Assembly's High-Level Dialogue on International Migration and Development, but the inextricable connection of migration to human rights had yet to permeate discussions and policy. The vulnerability of migrants to abuse should warrant a better understanding of their rights as well as more, rather than less, protection. Yet the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had a very low level of ratification. States members of the Council that had not already done so should ratify the Convention and encourage other Governments to follow their example.

15. Violence, deprivation and human rights abuses triggered migratory flows to real or imagined lands of plenty, but they played an even greater role in the forced flight of persons within countries devastated by conflict or in their desperate exodus to neighbouring States. Such phenomena often occurred because the international community's action was either not forthcoming or hamstrung.

16. The deteriorating situation in Darfur was a tragic reminder of such failures of protection. Since early 2004 many Governments and regional organizations and indeed the Security Council had been urging the belligerents to respect human rights, uphold international humanitarian law and protect civilians. In May 2006 the belligerents had finally accepted a peace agreement, but the situation had steadily deteriorated. Violations of human rights were being perpetrated on a large scale by Government forces and their associated militia, as well as by rebel groups, routinely making a mockery of international humanitarian law. Despite repeated assurances from the Government of the Sudan, the level of sexual violence in Darfur continued to rise. No one was being held accountable for those and other crimes.

17. The Secretary-General had reminded the Government of the Sudan that it could not escape accountability for atrocities perpetrated against the people of Darfur. The Government had refused the international assistance which the Security Council deemed essential to protect those people. Given the virtual collapse of the prevention and protection initiatives brought forward by the international community, there was a need for unflinching accountability.

18. The Security Council's referral of the situation in Darfur to the International Criminal Court had been a significant step towards ending the impunity enjoyed by the perpetrators of international crimes, and the Court must be enabled to exercise its mandate in full. The States Members of the United Nations must give their unequivocal support to the Court's work and remind the Government of the Sudan that its cooperation with the Court was an obligation under

Chapter VII of the Charter of the United Nations. It might also be necessary to complement the work of the International Commission of Inquiry, which had established that Government officials and associated militia were responsible for serious human rights violations constituting crimes under international law. All efforts must be deployed to support the Court's work and lay the foundations for the exercise of universal jurisdiction by Member States.

19. Violent ethnic strife affected many other countries. Iraq was a case in point. The new Government had expressed a willingness to address pressing human rights concerns and strengthen the rule of law. The national reconciliation plan presented to the Council of Representatives in June outlined measures to address past human rights violations and should contribute to the establishment of a lasting peace. Yet the human rights situation remained most alarming. The continuing cases of violence were often inadequately investigated, and the mechanisms of prevention and redress were insufficient owing to the abysmal security situation and lack of resources. The Government of Iraq, political parties, religious and tribal leaders and civil society must work together to bridge the sectarian divide and address the security of all civilians as a matter of priority.

20. Conflict had flared up again in Sri Lanka, where the rising death toll included an increasing number of civilians. Scores of extrajudicial, summary and arbitrary killings had allegedly been committed by Government security forces, the Liberation Tigers of Tamil Eelam (LTTE) and other armed elements. Since April 2006 some 240,000 persons had been displaced from their homes, in addition to the hundreds of thousands forced to flee during earlier stages of the conflict and by the tsunami. The persisting forced military recruitment by LTTE, including recruitment of children, was a major concern.

21. While LTTE abuses continued on a large scale, violations of human rights by State security forces and the Sri Lankan Government's failure to provide the protection of the rule of law also generated serious concerns. The Government's pledge to investigate such crimes, including the killing of 17 humanitarian workers of Action Contre la Faim, was welcome, but such investigations all too often failed to produce results. The international community must monitor what were not merely ceasefire violations but grave breaches of international human rights and humanitarian law.

22. The significant positive developments in Nepal, including the declaration of a ceasefire by the parties to the conflict and the start of a peace process, had brought hope to the whole Nepalese people that a decade of conflict might be ending and had significantly improved the human rights situation in that country. That improvement was fragile, however, and all stakeholders must remain committed to the peace process and to respect for human rights.

23. In all instances of unresolved conflict and fragile transition to peace it was apparent that an array of factors undermined hopes for security, stability and development. The Council must satisfy the expectation that it would address those challenges through its own efforts and with the support of all the States Members of the United Nations.

24. Turning to the reform agenda, she said that the Council had several options for action on the universal periodic review mechanism, with the overall aim of fleshing out its inherent characteristics: universality of coverage and equal treatment of all Member States. The Council

would undoubtedly find a working consensus on the issue, but ultimately the mechanism's effectiveness would be determined by the willingness of countries under review to accept general scrutiny. To ensure universality of coverage the Council could immediately tap the resources of the treaty bodies and the special procedures; what was important was to create synergy rather than duplicate the work of existing entities.

25. A good starting point would be the Council's consideration of the reports of the special procedures mandate-holders, which would highlight the need for urgent responses by the Council in the form of preventive measures as well as remedies. Indeed, expanding the Council's scope to include "prior protection" should complement its "crisis-responsiveness" posture. The Council should be equipped to address perilous and long-neglected situations and to intervene before they escalated into full-scale brutality or irreparable damage. The factors fuelling disempowerment and vulnerability demanded preventive vigilance and remedial initiatives from the Council. Such factors included poverty, discrimination, impunity and lack of accountability as well as torture, curtailment of freedom of expression and incitement to hatred and terrorism, not to mention weak, corrupt and unresponsive institutions of governance. She had no doubt that the Council would face that reality with the necessary determination and fairness.

26. Mr. KHAN (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), said that the Council must create a collegial and constructive atmosphere to avoid sliding back into the practices of double standards and politicization that had characterized the Commission. Accordingly, the reports and recommendations of the special procedures must be handled very carefully to avoid prejudicing the review of mandates and mechanisms. While the President had suggested that omnibus texts should be used to deal with the subjects covered by the special procedures, such resolutions were notorious for being deficient in operational follow-up. Any recommendations made would have to be of an ad hoc nature until it was determined which procedures would be retained by the Council.

27. Since the first session the Council had already encountered two problems. First, some of its resolutions were not being faithfully implemented, and secondly, some of its members were publicly calling resolutions adopted by the majority "one-sided". A resolution or decision adopted by the Council should be operational, notwithstanding the reservations of a minority.

28. OIC welcomed the work begun by the Open-ended Intergovernmental Working Group on the Universal Periodic Review Mechanism. It believed that an elected expert body should succeed the Sub-Commission on the Promotion and Protection of Human Rights, and that the complaint system should be made more effective. Most importantly, all reform processes should move in tandem.

29. While OIC was not keen to table resolutions at the current session, which should focus on the reports of the special procedures, it was prepared to submit drafts on two issues that were pending from the first session: substantive consideration of the human rights situation in Palestine and other occupied Arab territories, and reports by the relevant special rapporteurs and the High Commissioner on the defamation of religions and incitement to religious hatred. The recent reference by Pope Benedict XVI to the Prophet Muhammad had hurt the sensibilities of Muslims. While it was reassuring that the Pope had expressed regret and distanced himself

from the text that had caused offence, the statement associating Islam with violence had been unfortunate and had reflected a lack of understanding, albeit inadvertent, of Islam, which called for peace, love and tolerance. The Council should therefore set aside some time to discuss religious tolerance and related issues.

30. Mr. TOMASI (Observer for the Holy See) said that the remarks by Pope Benedict XVI should be placed in proper perspective. The Pope had spoken in an academic context with one clear objective: while recognizing the positive aspects of modernity, he had wanted to broaden the horizon of reason to embrace religion in order to defend the value of humanity's religious cultures, including Islam. Quoting a Byzantine emperor, the Pope himself had expressed surprise at the startling brusqueness of the language of the quotation, thus signalling that he was not endorsing those words. He had cited the quotation, which referred to violence as "something unreasonable ... incompatible with the nature of God and the nature of the soul", because he had felt that it was applicable to believers of any faith. On the previous day the Pope had reaffirmed that the portion of the cited text referring to the founder of Islam did not reflect his personal thought, and that the true meaning of his statement was an invitation to a frank and sincere dialogue in a context of mutual respect. Demonstrations had begun even before the speech had been translated, on the basis of media headlines misrepresenting the Pope's words. The complete speech had now been circulated to all permanent missions in Geneva, along with the relevant documentation.

31. Much progress had been made in recent years in fostering mutual understanding among religions. The road ahead called for an even deeper knowledge of faiths and cultures and for religious literacy, and an effort must be made to understand and address the social phenomena that prompted the misuse of religion, for the deep aspiration of all religions was a sense of solidarity as a human family.

32. Mr. RODRÍGUEZ CUADROS (Peru) said that at the current session the Council should not only define its structures but also reflect on its position in history. The Council would strengthen the capacity of the United Nations to prevent human rights abuses and protect people while ensuring that no one responsible for human rights violations enjoyed impunity. It was a forum not for relations between States, but for relations between States and people - people who enjoyed inalienable rights and States that bore a responsibility to protect those rights.

33. The Council's first task should be to maintain and increase the international community's ability to prevent human rights violations by States and when such violations did occur, to investigate them and find remedies for them. It was of the utmost importance to introduce equality of treatment into the Council's deliberations and decisions and to ensure that the Council acted promptly when faced with urgent crises.

34. Mr. MEYER (Canada) said that his Government supported the plan of action and strategic management plan implemented by the Office of the High Commissioner for Human Rights (OHCHR), in particular the focus on support for national efforts to defend and promote human rights as the most effective way for OHCHR to carry out technical cooperation projects and assist States in fulfilling their international human rights obligations. That would be crucial if the strategy of prior protection was to work. Canada had recently increased its unearmarked core contribution to support OHCHR in that effort.

35. Cooperation also required a genuine commitment by States to permit access to United Nations human rights mechanisms and to respect their obligations. Canada had extended a standing invitation to the special procedures and had recently welcomed a number of special rapporteurs, who had accepted that invitation. It encouraged other States to follow suit.

36. The situations in Darfur and Sri Lanka, as the High Commissioner had noted, raised serious concerns about respect for the rule of law, impunity and the protection of human rights defenders, humanitarian workers and others. He wondered whether the initiation or expansion of human rights assistance and the establishment of a monitoring presence in such places by OHCHR or with the Office's support might increase accountability or afford greater security and protection. He asked whether the High Commissioner had approached any of the Governments in question and, if so, whether they had indicated a willingness to move in that direction. He also wished to know what the Council could do to assist in that respect.

37. Mr. MOHAMED (Sudan) said that the Government of the Sudan had undertaken the difficult task of implementing the Darfur Peace Agreement, which had been signed at Abuja by certain armed groups active in Darfur and the Government of the Sudan in May 2006, with the assistance of the African Union, the League of Arab States and the United Nations. That agreement had been welcomed by the Human Rights Council at its first session and by the Security Council, which had issued a warning to those armed groups that had refused to sign the agreement, threatening sanctions against them. Unfortunately, it had not kept its promise in that regard.

38. Certain members of the Security Council had called for the United Nations to send troops to Darfur to replace those already stationed there, but they were ignoring the fact that the tensions in the region were attributable to the activity of the armed groups, which were responsible for the acts mentioned by the High Commissioner. Support was indeed necessary to bolster the peace process, chiefly in the form of financial support for the African Union contingents already deployed there.

39. Mr. HIMANEN (Finland), speaking on behalf of the European Union, asked how OHCHR could assist States in the ratification of the Convention on the Rights of Persons with Disabilities once it was adopted. The persistent reports from special procedures and treaty bodies of discrimination on the basis of sexual orientation were a source of concern, and he asked how understanding of that issue might be increased in the context of human rights.

40. The European Union supported the sustained country engagement strategy of OHCHR. For example, the OHCHR office in Colombia had made an important contribution to the human rights situation in that country. The mandate of that office should be extended for several years to ensure the continuity and predictability of its activities. He welcomed the conclusion of a memorandum of understanding between OHCHR and the Government of Uganda and asked what plans OHCHR had for facilitating reconciliation to bring about sustainable peace and justice in northern Uganda. He also invited the High Commissioner to outline her Office's plans for further assistance to the Government of Afghanistan in the implementation of the Afghan National Development Strategy and to describe the activities of the Independent Special Commission of Inquiry for Timor-Leste, which was reviewing the violent incidents that had



taken place in that country earlier in the year. The involvement of OHCHR in the establishment of an international commission to inquire into recent killings, disappearances and abductions in Sri Lanka would ensure the legitimacy of the commission's findings; the European Union wished to know what international standards should guide the establishment of such a body.

41. Expressing alarm at the renewed fighting in Darfur and the violence directed against civilians there, in particular the systematic bombing of villages, he noted that the Secretary-General had drawn attention to the responsibility of the Government of the Sudan to protect its citizens and had reminded all parties that they would be held accountable for their actions. Now was not the time for half measures.

42. Mr. GODET (Switzerland) expressed concern at the deterioration of the human rights situation in Darfur and called for all parties to respect international humanitarian law, protect the civilian population, guarantee the safety of humanitarian workers and resume negotiations to find a political solution to the conflict. The Swiss Government welcomed the positive developments in the negotiations between the Government of the Sudan and the Eastern Front.

43. His Government was also concerned about the tragic consequences for civilians of the resumption of armed conflict between the Government of Sri Lanka and LTTE. While calling on both sides to stop the fighting and resume negotiations, he welcomed the step taken by the Government of Sri Lanka to fight impunity, in particular in the case of the 17 Action against Hunger workers recently killed there. It was crucial to strengthen the monitoring of human rights and humanitarian law in Sri Lanka, and he asked the High Commissioner to outline the steps OHCHR could take to improve the situation in that country.

44. Switzerland welcomed the recent agreement to extend the mandate of the OHCHR office in Colombia. OHCHR efforts to promote and protect human rights in Nepal had also had a positive impact and should continue. In that connection he asked the High Commissioner to comment on possible OHCHR activities in Nepal in the period after April 2007 and to explain how they might complement the work of the Personal Representative of the Secretary-General in Nepal for Support to the Peace Process.

45. Ms. FERNANDO (Sri Lanka) expressed regret that OHCHR had not engaged the Permanent Mission of Sri Lanka earlier to convey its concerns about the situation in her country. The Government of Sri Lanka had always been ready to foster a dialogue of cooperation and mutual respect. Sri Lanka faced special challenges, as it had been affected by both conflict and the tsunami of December 2004. Women and children had been particularly severely affected by those situations. The Government was thus prepared to support any initiative to bring the issues of violence against women and the rights of children into focus in the Council. It was especially sensitive to the problem of child soldiers, as LTTE had for years engaged in the forced conscription of children.

46. The Sri Lankan Government had responded to the upsurge of violence by LTTE by keeping its military response clearly and specifically defensive. Such a response was necessary because of the clear and present danger to strategic infrastructure such as Palaly airport in the country's north and Trincomalee harbour in the east. The Government had always been committed to the protection of human rights while combating terrorism. The President had

announced the establishment, with assistance from Amnesty International and OHCHR, of an international independent group of eminent persons to act as observers of investigations into alleged human rights violations. While still committed to taking part in peace talks, the Government urged the international community to establish a practical mechanism to prevent the illegal procurement of arms as an essential step toward a political settlement.

47. Mr. FERNÁNDEZ PALACIOS (Cuba) said that just two days earlier the summit meeting of the Movement of Non-Aligned Countries had concluded in Havana and had adopted a declaration that included a section on the initiation of the work of the Human Rights Council. In that text, the Movement had welcomed the establishment of the Council and had said that civil and political rights must be treated equally with economic, social and cultural rights and the right to development. The Council must not allow confrontation, exploitation of human rights for political ends, selectiveness or double standards to undermine its work, but should base its work on a constructive approach to dialogue and cooperation, technical assistance and capacity-building to ensure the realization of human rights and fundamental freedoms. The Movement of Non-Aligned Countries would closely coordinate the positions of its members on the review and streamlining of all existing mandates, special procedures, expert bodies, confidential procedures and means of consultation with non-governmental organizations (NGOs).

48. The universal periodic review mechanism should be based on the reports and information submitted by the States under review and should serve as an interactive tool for cooperation, complementing rather than duplicating the work of the treaty bodies. Its aim should be to build the capacities of the States concerned to meet their human rights obligations. The Council should adopt a standard agenda for its sessions with fair and balanced items that promoted the effective participation of developing countries and NGOs. The programme of work should promote sustainable development, the eradication of extreme poverty and hunger and the achievement of the Millennium Development Goals, including through the promotion of the right to development.

49. The Movement of Non-Aligned Countries also called for a comprehensive and coherent reform of the treaty bodies to ensure the periodicity of reports, taking into consideration the specific nature of each body, and for the Council to develop its relations with other United Nations bodies, in accordance with General Assembly resolution 48/141.

50. Mr. AL-SHIBIB (Observer for Iraq) welcomed the realistic, objective comments made by the High Commissioner regarding Iraq. While his Government was making every effort to combat human rights violations, he wished to draw the international community's attention to the constant killing and wounding of civilians and police, particularly through suicide attacks perpetrated by terrorists infiltrating his country. Religion was being used to incite hatred and racial discrimination by means of radio and satellite broadcasts from neighbouring countries, thereby undermining all the Government's efforts to achieve national reconciliation and bring stability to the country. He urged the international community to bring pressure to bear on those regimes that allowed terrorists to enter Iraq and provided them with financial and media support. Such regimes not only harmed the interests of Iraq but promoted terrorism that would affect the international community itself.

51. Mr. ACHARYA (Observer for Nepal) commended the High Commissioner for her update on the global human rights situation. He took due note of her observations concerning the peace process in Nepal and expressed his delegation's optimism regarding progress in that area. Following the unprecedented popular uprising in April 2006, multiparty democracy had been restored in Nepal, with the reinstatement of Parliament and the return of sovereignty to the people. A new Government had been formed, a political agreement promoting respect for human rights had been signed between the Government and the Maoists, and a ceasefire was in place. There was ongoing dialogue aimed at resolving the conflict. The people of Nepal eagerly awaited an early resolution of the conflict and consolidation of the peace process. The Government expected to hold constituent assembly elections shortly and was committed to ensuring full respect for human rights. Human rights violations in Nepal stemmed largely from the conflict, but recent peacebuilding initiatives would have a significant long-term impact on the human rights situation. His delegation hoped to count on the continuing support of the international community in order to end the conflict and further promote and protect human rights.

52. Mr. FRANCO (Observer for Colombia) said he wished to make some clarifications in the light of the comments made by the representative of Finland with regard to the OHCHR office in Colombia. That office had been established 10 years earlier, at the invitation of the Colombian Government. His delegation believed that the office should continue to operate, but that it was necessary to draw on the experience it had gained thus far to enhance its work and implement the Council's decisions more effectively. His Government had suggested that a joint review of the matter should be conducted in cooperation with OHCHR, and he hoped that OHCHR would respond favourably to that proposal.

53. Mr. CHANG Dong-Hee (Republic of Korea) said he was confident that the current interactive dialogue would provide the Council with a balanced and objective analysis that would help to shape the human rights agenda. His delegation had expressed serious concerns about the human rights situation in the countries referred to by the High Commissioner in her update. He supported the plan to increase the presence of OHCHR in the field, which would enhance its impact and institutional credibility. In addition, stronger relationships and partnerships would be fostered between Governments and civil society. He congratulated the recently established OHCHR office in Nepal for its achievements thus far, particularly in preventing the escalation of conflict.

54. OHCHR should also have the capacity to respond to urgent challenges, especially where personal safety and property were threatened. He welcomed the deployment of human rights officials to areas of need and requested the High Commissioner to provide the Council with an update on the status of implementation of the related action plan, including implementation of the rapid response unit. His delegation also hoped that the role of OHCHR vis-à-vis the new Human Rights Council would be significantly strengthened in order to ensure the effective promotion and protection of human rights worldwide.

55. The Council should have a more functional role to play in connection with the universal periodic review mechanism. Key principles of the mechanism should include universality of coverage and equal treatment of all States. The mechanism should be a cooperative one that

extended beyond mere review and criticism, and it should focus on assessing capacity in Member States and identifying areas that required support from the international community. It should complement rather than duplicate existing human rights mechanisms such as the treaty bodies and special procedures. Accordingly, its scope, role and outcomes must be clearly defined.

56. Mr. ABU-KOASH (Observer for Palestine) noted that the High Commissioner had devoted a lengthy section of her update, which included criticism, to a particular developing country. In fact, all the countries referred to in the update were in the South. It was unfortunate that the update contained no reference to the Israeli occupation of Palestine. His Government considered itself to be the victim of one of the most vicious types of human rights violations and believed that it was the responsibility of Council members and observers and OHCHR to address that issue by calling for an end to the Israeli occupation. Palestine, which was also the cradle of Christianity, attached considerable importance to interfaith harmony, and he commended the observer for the Holy See on his statement.

57. Mr. PUJA (Indonesia) acknowledged the significant role of OHCHR and said he hoped that the Office would be gradually strengthened and made more transparent and efficient in order to meet the major challenges facing the Council. He associated himself with the statement made by the representative of Pakistan on behalf of the Organization of the Islamic Conference. The adoption of the draft Convention on the Rights of Persons with Disabilities, which would form part of the body of core international human rights instruments, would be most welcome.

58. The participation of NGOs as observers in the work of the Council was crucial to the promotion and protection of human rights. While States would always have a primary role in setting the necessary conditions for the active implementation of human rights, they could usefully draw on the positive role played by civil society and national human rights NGOs. The Indonesian Government pledged to strengthen its partnerships with civil-society and national human rights institutions. It particularly valued the opportunity to engage in dialogue with the High Commissioner and to assist OHCHR, through constructive inputs, in advancing human rights causes.

59. Mr. BURAYZAT (Jordan) pledged his Government's full support for the work of the Council and the High Commissioner for Human Rights. All of the High Commissioner's comments would be duly taken into account. Jordan was seriously concerned about the situation of civilians in Darfur and welcomed the agreement concluded between the Government and armed groups in the Sudan, which had been endorsed by the League of Arab States. The Council should support those efforts in the light of the deteriorating situation in the country.

60. The situation in Sri Lanka was also alarming, and the introduction of a ceasefire in that country was therefore commendable. Jordan believed that the situation of civilians in conflict zones must be given priority.

61. He looked forward to the High Commissioner's presentation of the outcome of the visit of the Commission of Inquiry to Lebanon and expected that the Commission's report would be realistic. His delegation also wished to request an update on the situation of the civilian populations in Lebanon, Palestine and Iraq. It specifically wished to know whether the

situation of civilians had improved or deteriorated and what actions were contemplated if the situation had not improved. He would also welcome the High Commissioner's views on issues related to religious intolerance and discrimination against Muslims throughout the world.

62. Mr. MANALO (Philippines) said he hoped that a constructive approach would be observed at the current session so that the Council could build on the achievements of the first session. In considering the reports of the special procedures mechanisms, it was to be hoped that the Council would arrive at outcomes that would fully support the continuing work of the two Working Groups on the universal periodic review mechanism and on the review of mechanisms and mandates, and be consistent with other related reform activities mandated by General Assembly resolution 60/251.

63. His delegation looked forward to the adoption of the draft Convention on the Rights of Persons with Disabilities. While many issues had been discussed at the High-Level Dialogue on International Migration and Development, he agreed with the High Commissioner's assessment that more attention should be given to the inextricable connection between human rights and migration, an area in which the Council had a key role to play. The Philippines thus endorsed the High Commissioner's call for all Member States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

64. With regard to the reform agenda, his delegation agreed that the universal periodic review mechanism should be universal in character and that all States should be treated equally. While preventive action to promote and protect human rights should be encouraged, the cooperative aspects of the concept should also be examined. Lastly, in strengthening national human rights mechanisms, capacity-building to address such problems as disempowerment and vulnerability was essential.

65. Mr. CERDA (Argentina) said that the Council's evaluation activities should draw on the experience of the secretariat and the High Commissioner. In particular, OHCHR should play a more active role in the review of mandates, with a view to avoiding duplication of work.

66. He wished to know what steps OHCHR was taking to ensure that the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment would begin to carry out its functions in the near future.

67. Mr. TICHENOR (Observer for the United States of America) said that the deteriorating situation in the Darfur region of the Sudan was of great concern to his Government, which also watched with great regret the growing violence in Sri Lanka. Those two instances of widespread human rights abuses called for urgent and constructive action by the Human Rights Council. He asked the High Commissioner what steps the Council could take to support the efforts of OHCHR in the Sudan, Sri Lanka and other countries where the Office had programmes.

68. The United States would continue to be actively involved in building structures of the Council, particularly the universal periodic review mechanism, and in the review of mandates, and his delegation welcomed the High Commissioner's interest in those important efforts.

69. Mr. RAHMAN (Bangladesh) welcomed in particular the High Commissioner's views on enhancing the effectiveness of human rights missions in ensuring the promotion and protection

of human rights. OHCHR could be a useful tool in furthering the Council's work to that end. Universal respect for human rights could also be achieved through constructive dialogue, close cooperation and the active involvement of the countries concerned. It was essential to help States build their capacity to implement universal human rights standards, but the key to success in that area was assistance rather than finger-pointing. The dialogue between Council members and the High Commissioner was a welcome development that should be continued in the future.

70. Mr. AMIRBAYOV (Azerbaijan) said that his delegation wished to associate itself with the statement made by the representative of Pakistan on behalf of the Organization of the Islamic Conference. He asked the High Commissioner how the Council could ensure the effective implementation of its resolutions and decisions, and foster a sense of ownership among the entire membership.

71. Ms. ABEYESEKERA (Pax Romana), speaking also on behalf of Forum Asia and the Centre for Policy Alternatives, said that she appreciated the High Commissioner's concern at the grave breaches of international human rights and humanitarian law in Sri Lanka, one of the most dangerous places in the world for civilians in armed conflict. Indeed, from April to July 2006 more than 700 civilians had been killed in targeted killings and indiscriminate attacks by security forces and LTTE, or used as human shields by both parties to the conflict; more than 200,000 persons had been displaced and 10,000 Sri Lankans had fled to India as refugees. Thousands of persons in conflict zones were being deprived of adequate food and other basic needs, a situation compounded by the restriction of NGO access to those areas. Serious allegations continued to be made against the Government and LTTE with regard to ongoing violations, while stalled investigations into human rights abuses reflected the prevailing culture of impunity and the climate of fear and insecurity.

72. There were no avenues for justice and redress for victims of human rights abuses in Sri Lanka. Therefore, the creation of an independent international human rights monitoring mechanism, with full backing from the United Nations system, especially the Council and OHCHR, was fundamental to the establishment of a sustainable agenda for peace in Sri Lanka. She welcomed the Sri Lankan Government's plans to establish a national commission of inquiry. Such a commission could be a first step towards ending the culture of impunity in Sri Lanka, provided it had clear terms of reference and could win the confidence of all the national and international actors concerned. That would require sustained efforts aimed at institutionalizing mechanisms for monitoring and investigating human rights. To that end, a cogent and comprehensive response from the Council was needed.

73. Mr. SPLINTER (Amnesty International) welcomed the attention that had been focused on the ongoing gross and systematic violations of human rights in the Darfur region of the Sudan. He hoped that the Council would fulfil its responsibility of helping to find effective measures to protect the civilian population of that region.

74. Recent Amnesty International research had clearly revealed that eastern Chad was experiencing the same kind of violence, ethnic targeting and forced displacement perpetrated by the Janjaweed militia that had characterized the situation in Darfur when it had broken out three years previously. He asked whether OHCHR could help to bring the situation in eastern Chad to the attention of the Council and the international community.

75. Amnesty International welcomed the Sri Lankan Government's readiness to examine recent human rights violations, bearing in mind that any commission of inquiry set up for that purpose should be international in nature. Amnesty International would share with the Government its views that such a commission should be independent, credible and effective.

76. Mr. SANCHEZ (Colombian Commission of Jurists) said that he greatly appreciated the importance that the European Union and others had attached to maintaining the OHCHR office in Colombia with its full mandate. An evaluation was needed of the operations of that office, given the crucial role it had to play in dealing with the worsening human rights situation in Colombia, the result of the Government's promotion of impunity: the country was being subjected on a massive scale to crimes of war, crimes against humanity and serious human rights violations committed by about 40,000 paramilitary troops who were exonerated from criminal responsibility. There had also been a 60 per cent increase in extrajudicial killings committed directly by State agents during the first four years of the current administration. The requested evaluation should help to strengthen the Colombia office's capacity for action and ensure that the Government carried out the recommendations made to it.

77. Mr. SIDOTI (International Service for Human Rights) said that he had been pleased to hear the High Commissioner urge the Council to examine country situations. He wondered what advice she might give the Council to help it to move beyond rhetorical statements of concern to practical contributions.

78. Ms. ARBOUR (United Nations High Commissioner for Human Rights), responding to some of the questions raised, said that the Commission of Inquiry to Lebanon was entirely independent and therefore the master of its own procedures and processes, including reporting. She was pleased to announce that the Commission had complied with its obligation to be operational by 1 September 2006. Three commissioners had been selected by the President of the Council and had accepted their mandate. OHCHR had already accomplished a number of tasks critical to the deployment of the commissioners, including the establishment of a secretariat, including a Secretary to the Commission, three human rights officers and one military analyst. Security, logistical, administrative staff had been recruited, the necessary equipment, vehicles and communications facilities had been obtained and working space had been secured both in Geneva and in Lebanon. OHCHR had facilitated the issuance of recruitment and travel documents for commissioners and staff members. The commissioners had already begun to arrive in Geneva and undertake their pre-briefing; they were scheduled to depart for Lebanon on 23 September for an initial period of two weeks. They planned to report to the Council within two months.

79. With regard to Sri Lanka, she said that discussions had been held with the relevant authorities both in Geneva and in Sri Lanka about her Office's concern at the worsening situation on the ground and the possibility of strengthening the OHCHR presence there. OHCHR currently had one senior adviser in Sri Lanka to advise the United Nations country team and hoped to deploy two staff members to assist the adviser in building national capacities. However, she recognized that that presence was insufficient; a larger, fully-fledged monitoring presence with the full support of the Government was needed to enable effective access and cooperation with LTTE. To be effective, any commission of inquiry needed to have unimpeded

access to all relevant information, the full confidence of all sides and an impartial membership. She hoped that the commission of inquiry to be deployed in Sri Lanka would have all those characteristics.

80. She was very optimistic that OHCHR would have a continued presence in Nepal beyond the expiry of its mandate there in the spring of 2007, including through close cooperation with the Secretary-General's Personal Representative for Support to the Peace Process. She was also confident that OHCHR would maintain its presence in Colombia.

81. She was likewise optimistic that the ongoing discussions on the universal periodic review mechanism and the review of mandates would soon provide the Council with a well-tailored mechanism for responding effectively to critical human rights situations as they unfolded.

82. Turning to the question of Darfur, she noted that OHCHR already had a presence in the Sudan. Monitoring of the situation there could be improved only by the deployment of a United Nations peacekeeping mission mandated by the Security Council and, pending that, by increased transitional support to the African Union mission there.

83. Much progress had been made with regard to the OHCHR rapid response unit, which had been instrumental in supporting the Commission of Inquiry to Lebanon, and had played an equally vital role in Timor-Leste. OHCHR was planning to establish a contingency fund for rapid deployment of its activities, and hoped that the fund would receive generous support from the international community.

The meeting rose at 12.45 p.m.