

## COMMISSION ON HUMAN RIGHTS, INFORMAL ONE-DAY MEETING (Geneva, 28 September 2004)

*The informal one-day meeting took place in advance of the 59<sup>th</sup> session of General Assembly in New York being held from 1 October until 14 December 2004. The purpose of the meeting was to facilitate the exchange of information on human rights issues on the agenda of the Third Committee. The meeting finished at midday.*

### **Address by the Chairperson**

In his opening speech, the Australian Ambassador and Chairperson, Mr **Mike Smith**, noted that since the meeting was informal there would be no formal outcome and no summary records. He further recognised the importance of the meeting in maintaining transparency in the working process of the Commission on Human Rights. Ambassador Smith proceeded to introduce the items to be dealt with at the meeting. The main human rights items were the elimination of racism and racial discrimination, rights of people to self-determination, and human rights questions.

### **Address of the High Commissioner for Human Rights**

In her speech, Ms **Louise Arbour** focused on the role of Commission as a "*central pillar of the United Nation system*". While Ms Arbour recognised the controversies and the difficulties that have surrounded the work of the Commission, she also highlighted the critical role the Commission has played in defining the legal basis for the human rights machinery. She pointed to the Commission's work in developing the universal framework embedded in the Universal Declaration of Human Rights, the two Covenants and other core human rights treaties which have inspired provisions in many national constitutions and laws and have led to the creation of national and international infrastructure for the promotion and protection of human rights. She called on the Commission to continue to be a driving force for the further development of human rights norms and the principal defender of the universality and indivisibility of human rights.

Given the fact that human rights violations are one of the greatest sources of insecurity in the world, the High Commissioner reiterated her intention to provide appropriate information to UN bodies "*and to call for proper and urgent remedial action by competent bodies when circumstances so require*". She specifically stated "*It is my intention, if and when necessary, to continue this practice to draw urgent attention to situations and to invite those concerned to take the necessary measures to remedy gross and massive human rights violations*". Within this context, the High Commissioner further reported on her mission to Darfur with the Secretary-General's Special Adviser on the Prevention of Genocide.

The High Commissioner proceeded to highlight particular issues, namely: human trafficking as one of the most serious challenges facing human rights today; the indivisibility of civil, political, economic, social and cultural rights; the right to development and the creation of the high level task force on this issue; the Intergovernmental working group established to make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action; the work of the Office of the High Commissioner for Human Rights (OHCHR) in strengthening the rule of law and administration of justice; the International Decade of the World's Indigenous People; human rights education and the OHCHR's field activities. With particular regard to the latter, the High Commissioner noted the importance of identifying ways and means to improve the OHCHR's performance at the country level. She emphasised that the OHCHR is supporting the Secretary-General's Reform Programme in particular within the framework of Action 2. The OHCHR is thus actively pursuing activities in the fields of human rights promotion, capacity and infrastructure building and is working with and guiding UN country teams.

## **Programme of activities of the International Decade of the World's Indigenous People**

The **Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people**, Mr **Rodolfo Stavenhagen** pointed to the major challenges and problems for the indigenous peoples concerning topics such as lack of administration, self-determination, land rights, rights of women and children, health and the right to food. He has received a number of invitations to do country visits from the Governments of **Canada, Chile, Colombia, Finland, Japan** and the **Philippines**.

### **Elimination of racism and racial discrimination**

The Secretariat announced its plans to convene thematic seminars on prevention of genocide and multiculturalism.

In his presentation, the **Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**, Mr **Doudou Diène**, noted that the increased focus on terrorism has decreased the efforts made for combating racism. The Special Rapporteur was especially concerned over the racism in the internet. He also pointed to the major role played by many political parties in promoting racism and anti-Semitism. In the area of sports, he also detected the presence of racist ideas.

### **Torture**

The **Special Rapporteur on torture**, Mr **Theo van Boven**, continued to submit communications to the various States. He explained that his mission to China had been postponed upon China's request. The Special Rapporteur stated that he had received invitations to visit, among others, Bolivia and Paraguay. In his report, Mr van Boven draws attention to the consequences of torture not only on the direct victim, but also the social network of the person in question, an approach he describes as a "*holistic understanding*" of the damages of torture.

### **Human rights questions**

Several other special procedures of the Commission also addressed the plenary under the entitled "*Human rights questions*".

A member of the **Working Group on Enforced or Involuntary Disappearances** recognised the complexity of the nature of disappearances today. The Working Group has expressed interests in visiting **Algeria** and **Mexico**, both countries have however not yet responded.

The **Independent expert to assist the High Commissioner in the fulfilment of the mandate described in the Commission's resolution 2004/87** entitled "*Protection of human rights and fundamental freedoms while countering terrorism*" stressed the commitment to advocate the respect for human rights and fundamental freedoms as well as the rule of law while hunting terrorists.

The **Special Rapporteur on the human rights of migrants** has submitted a report on the situation of migrant workers in the following countries: **Italy, Peru**, and **Burkina Faso**.

The **Special Rapporteur on the situation of human rights in Myanmar** requested a visit to the country, but has so far not been granted the authorisation to do so.

The **Independent Expert on the human rights in the Sudan** stated that he had met with both local NGOs, other representatives from civil society as well as representatives from the Government of Sudan.

The **Independent Expert on the situation of human rights in Burundi** notified that his first visit to the country would be in October 2004.

## Debate

On behalf of the **European Union** (EU), the **Netherlands** particularly took up the situation in Darfur. The delegate argued the current UN activities in this region "*provide a clear case for the further development of Action 2, in line with the Secretary-General's 'Agenda for Further Change', which focuses on supporting human rights protection at the country level*". According to him, the EU fully supports the approach adopted by the OHCHR in focusing less on the direct delivery of services and is beginning to concentrate on creating and developing the capacities of partners to undertake human rights work in partnership with the OHCHR. However, he called on the OHCHR to also maintain its capacity for independent programming and the implementation of technical co-operation programmes, without which the implementation of Commission resolutions may be jeopardised. The EU further believed it is time for the OHCHR to make best use of its resources by: a) identifying its added value within the UN system and developing its won priorities and strategies; b) making better use of UN synergies through the Common Country Assessment (CCA) and United Nations Development Assistance Framework (UNDAF) Guidelines; and c) concentrating its efforts on developing methodologies and tools rather than direct implementation. The EU recognised that such important policy changes require long-term thinking and once again stressed that the OHCHR should receive adequate funding from the UN regular budget.

The EU proceeded to attach high importance to the treaty-monitoring bodies but noticed that their effective functioning is being hindered by several challenges. It highlighted the clear need for reform to their working methods, and emphasised that the efforts in this direction should be undertaken by the treaty-monitoring bodies themselves and by the UN system. According to the delegate, "*the State Parties can only play a modest and supportive role, and in our (the EU's) view they should not engage in discussions that can lead to the reopening of Conventions or to the loss of integrity of the treaty bodies*". The EU encouraged the treaty-monitoring bodies to examine further the use of core documents in improving the coherence and effectiveness of monitoring activities.

The EU further expressed appreciation for the work done by the special procedures and welcomed their briefings to the Commission and the Third Committee of the General Assembly. In order to further support the special procedures, the EU called for the full implementation of the recommendations contained in Commission Resolution 2004/76. It further reiterated that all governments should co-operate with the special procedures in accepting, receiving and facilitating visiting missions.

**Norway** expressed its concern over the harassment faced by many human rights defenders all over the world, especially in the countries of conflict. The representative encouraged the governments present to take action.

**Human Rights Watch** expressed concerns about the reluctance of the Commission to seriously fulfil its mandate to protect human rights through its failure to publicly examine serious country situations. The NGO referred to the governments' failure to forcefully condemn massive and systemic human rights violations in Darfur committed by the Government of Sudan and its militias. It further condemned the Commission for having set aside other countries and situations of insecurity such as Chechnya, China, Iraq and Nepal, and in the Great Lakes region of Africa. *Human Rights Watch* believes that this represents an abrogation of the Commission's responsibility under its mandate to impartially protect human rights around the world.

The **Association for the Prevention of Torture** encouraged States to ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.