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Sixtieth session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,  
on Thursday, 17 March 2004, at 10 a.m.

Chairperson: Mr. SMITH (Australia)

later: Mr. MARKOTIC (Croatia)

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The meeting was called to order at 10 a.m.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF BELARUS

1. Mr. SYCHOV (Belarus) said his Government was steadfast in its belief that protecting human rights was one of the most important functions of a State. Regrettably, no country could boast an ideal human rights situation. In addition to increased intolerance, unequal implementation of economic and social rights and manifestation of discrimination and racism, there had been an increase in human rights violations resulting from terrorism, which was in itself a violation of human rights. The time had come for States to set aside their differences and work together to develop effective mechanisms to protect the most fundamental of all human rights, namely the right to life. Nonetheless, he wished to emphasize that counter-terrorism measures must be taken in strict accordance with international human rights standards.

2. The contemporary slave trade was another source of grave human rights violations. As both a country of origin and a transit country for human trafficking, Belarus had made considerable efforts to prevent the practice. At the international level, those endeavours had entailed direct cooperation between law enforcement bodies as well as ratification of the relevant legal instruments. Given the highly organized nature of human trafficking, it could be combated only if all international actors played a role. In the first instance, destination countries must take measures to eliminate demand. Action by the international community to combat the trade in human beings could substantially contribute to improving respect for human rights, both nationally and globally.

3. Belarus opposed any attempt to politicize human rights issues. Human rights concerns must not be used as a pretext for interfering in the domestic affairs of States, but must be handled in a manner consistent with respect for national sovereignty and territorial integrity. There could be no double standards. Actions undertaken against sovereign States unilaterally or by groups of countries could compromise the authority of the international community.

4. In accordance with its Constitution, Belarus was a democratic State whose ultimate goal was to secure the rights and freedoms of its citizens. He was pleased to report that there were no tensions between ethnic or religious groups in Belarus. The Human Development Report 2003 of the United Nations Development Programme (UNDP) had ranked Belarus fifty-third out of 175 countries, ahead of other countries in the Commonwealth of Independent States. Belarus was party to all the basic international human rights instruments and cooperated fully with international treaty-monitoring bodies in that regard: it believed that mutual understanding came not from alienation, but from constructive dialogue.

5. Like other countries, Belarus wished to eliminate the excessive politicization of the Commission's work, and supported the suggestion that the Commission should stop considering country draft resolutions that were politically motivated and often counter-productive. The Commission must not give in to pressure from certain States which hoped to divert its attention from its aim of achieving consensus on global issues that were of vital importance for the development of a civilization that was genuinely based on a right to an adequate standard of living, and not merely on a right to exist. The global community major objective of creating a safer, more stable and fairer world could only be achieved by joint and cohesive action by the entire community of nations.

STATEMENT BY THE VICE-MINISTER FOR FOREIGN AFFAIRS OF VENEZUELA

6. Mr. MÉNDEZ ROMERO (Venezuela) said that his Government accorded the utmost importance to respect for human rights and democratic freedoms. The process that had been embarked upon with the promulgation of the Venezuelan Constitution in 1999 had been founded on a political will to implement profound change in order to eradicate poverty and facilitate development.

7. Reforms in the area of the administration of justice had been achieved by measures to strengthen relevant institutions and disarm the population. He wished to draw attention to Venezuela's implementation of the decision handed down by the Inter-American Court of Human Rights, which had recognized the State's responsibility for the events of 27 February 1989 and acknowledged the rights of victims and their relatives. In accordance with that decision, the Venezuelan State had awarded financial compensation to the victims and their families and had brought to trial senior Government officials implicated in the events; such steps were in contrast with the persistent policy of previous Governments to ignore such genocidal acts.

8. His Government had broken with a long political tradition of suppression of individuals' rights to freedom and personal integrity. For the first time in 40 years there were no political prisoners in Venezuela; enormous efforts were being made to put an end to the practices that previous Governments had employed against their opponents.

9. Steps had also been taken to ensure the existence of an independent professional judiciary. Since 1998, there had been no official restrictions on freedom of speech or on the mass media. The right to freedom of expression was enshrined in the Venezuelan Constitution, and even during the 2002 coup d'état there had been no recourse to censorship, detentions or pressure on journalists. The Government had taken particular care to avoid any action that might be interpreted as a sign of State repression of the mass media.

10. The Executive had introduced a plan for national economic and social development which incorporated the concept of health as a fundamental human right. Tangible results of that plan included a reduction in infant mortality, a fivefold increase in immunization coverage and increased access to safe drinking water. The Venezuelan Government believed education to be a crucial factor in defeating poverty and social exclusion, and a number of policies had focused on increasing access to education. A large-scale literacy programme had been introduced, while, at the other end of the scale, universities' budgets had been tripled.

11. Forty per cent of the Venezuelan fiscal budget was earmarked for socio-economic development. A microfinance scheme had been set up to encourage small businesses, while in poorer urban districts legal titles had been granted for land. The Government was committed to eradicating grave social injustices in the agricultural sector, which had originated in the practice of ownership of large estates. Various legislative measures had been introduced to protect vulnerable groups such as women, children, and indigenous communities. In short, great progress had been made towards ensuring that basic social rights were enjoyed by all, despite the endeavours of oligarchical minorities and antidemocratic groups supported by the United States Government to thwart his Government's constructive efforts.

12. His Government wished to reiterate its commitment to building a democratic society and its support for the aspirations of the developing world for human rights issues to be approached in a spirit of cooperation. Inappropriate pressure and ulterior motives did not add anything to the debate.

#### STATEMENT BY THE MINISTER FOR HUMAN RIGHTS OF THE DEMOCRATIC REPUBLIC OF THE CONGO

13. Ms. KALALA (Democratic Republic of the Congo) thanked the Secretary-General for his tireless efforts first to initiate the peace process in her country, and then to ensure that it succeeded. The inter-Congolese negotiations held in Sun City and Pretoria had culminated in the signature of an agreement that had allowed the new institutions of the Republic to be established. With a view to establishing a firm democratic bedrock, an independent electoral commission, a national human rights monitoring body, a high authority for the media, a truth and reconciliation commission and a commission on ethics and the fight against corruption had also been set up. The Government had set about achieving its objectives under the agreement - national reconstruction and reconciliation, a new national army, organization of free elections and creation of structures leading to a new political order. Despite the difficulties caused by the devastation of war, her Government was committed to holding transparent and democratic elections, within the deadline established under the agreement.

14. The furtherance and protection of human rights and the promotion of a culture of peace were central to the Government's programme of action. Its efforts to improve the human rights situation in the country took into account the priorities established under a national plan of action for human rights that had been adopted at the National Conference on Human Rights in June 2001; that plan was in the process of being updated to reflect the major changes in the country. In December 2003, her Government had launched a one-year national human rights education campaign that aimed to disseminate the culture of human rights and familiarize the population with the concepts of international humanitarian law in a post-conflict situation.

15. The human toll of the war had been catastrophic. Moreover, in areas of the country where the State authorities had not yet regained control, barbaric human rights abuses continued. In the District of Ituri, in the north-east of the country, security forces deployed by the United Nations had recently been unable to prevent the massacre of civilian populations. There, and in areas where uncontrolled armed groups were still on the rampage, women continued to be raped systematically. The rapes, and the violence that accompanied them, left victims with irreparable psychological and physical scars. The social consequences were immeasurable, and the spread of HIV/AIDS was exacerbated.

16. In response, the Government had begun to deploy its newly restructured army and national police force across the country, and to restore the judicial system. A joint initiative between the Government, United Nations agencies and non-governmental organizations (NGOs) aimed to put in place a cross-sectoral programme to prevent and counter sexual violence against women and children. In that context, she endorsed the initiative taken by Ms. Calmy-Rey with a view to combating violence against women.

17. The Government of the Democratic Republic of the Congo had embarked on a process of disarmament, demobilization and reintegration of vulnerable groups such as child soldiers, war invalids, and ex-combatants into society. In that context, an operational plan for voluntary disarmament and community reinsertion in Ituri had been launched, with donor support, on 2 March 2004.

18. Far-reaching judicial reforms were under way. Emergency military courts had been disbanded, and a new code of military justice guaranteed the right to a fair trial. A permanent commission for the reform of Congolese law had prepared draft legislation that would ensure the compatibility of domestic law with the Rome Statute of the International Criminal Court. Her Government had come to realize that the fight against impunity in the field of human rights was no longer the prerogative of a single State, but was an area in which the international community could provide support. In addition, the Democratic Republic of Congo was committed to the objective of establishing an international criminal tribunal for the Congo: the fight against impunity, in all its forms, should constitute the backbone of any State based on the rule of law.

19. In conclusion, she reaffirmed her country's determination to play an active role in the international conference on peace, security, democracy and development in the Great Lakes Region, which was scheduled for November 2004. Her Government hoped that the conference would reinforce stability and lead to lasting peace in the region, and she was grateful for the efforts of the Secretary-General's Special Representative for the Great Lakes Region, Mr. Ibrahim Fall, in making that conference possible.

#### STATEMENT BY THE VICE-MINISTER FOR EXTERNAL RELATIONS OF ANGOLA

20. Mr. CHIKOTI (Angola), after condemning terrorism and extending his sympathy to the people and Government of Spain for the recent bomb attacks, said that Angola was party to almost all major human rights treaties. At the current session, it would submit its report on implementation of the Convention on the Rights of the Child. Over the past decade, it had made the provision of assistance to children with special needs a matter of top priority. It had launched a number of programmes, dealing with matters such as free school enrolment, family reunification, combating commercial and sexual exploitation of children, vaccinations, HIV/AIDS, and reproductive health.

21. Over the past two years of implementation of the peace agreement signed in April 2002, considerable progress had been made with the process of national reconstruction. Unity and solidarity were the key components of the Government's recovery strategy. The consolidation of democracy went hand-in-hand with socio-economic development, and freedom of expression was vital in building a more tolerant, inclusive society.

22. Institutional capacity-building was taking place, with support from the Office of the United Nations High Commissioner for Human Rights (OHCHR). The police force had benefited from an intensive human rights training programme. Provincial human rights committees had been established in 15 out of 17 provinces, and work had begun on developing a national human rights plan.

23. Angola was committed to implementing the provisions of the International Covenant on Economic, Social and Cultural Rights progressively and to the maximum extent of available

resources. Its national poverty reduction strategy was designed, inter alia, to promote social reintegration, food security, rural development and improvements in basic infrastructure, governance and macroeconomic management. It planned to halve the number of people living on less than \$1 per day by 2015.

24. The Government's main priorities were: the social reintegration of demobilized, displaced and refugee populations; deactivation of landmines and other explosive devices; food security and rural development; the fight against AIDS and other endemic diseases; achieving universal basic education by 2015; and strengthening democratic institutions. To achieve those aims, it depended upon the support of civil society, on one hand, and the international community, on the other.

STATEMENT BY THE STATE SECRETARY FOR EUROPEAN AFFAIRS AND  
FOREIGN AFFAIRS, DEPUTY TO THE MINISTER FOR FOREIGN AFFAIRS OF  
BELGIUM

25. Ms. RIES (Belgium) said that the Commission was the essential forum for discussing human rights issues, setting international standards, and denouncing the worst abuses. It should act as guardian of a common heritage for all the world's peoples, fostering dialogue instead of confrontation. The Secretary-General's vision for the United Nations to replace a culture of reaction with a culture of prevention should be the starting point for a thorough reassessment of the Commission's role. It must enhance the quality of its debates, by drawing on a wider range of information sources, and engaging in a frank and open dialogue. It should aim to be more effective at prevention, by identifying human rights concerns before they degenerated into full-blown crises.

26. While it was always preferable to act by consensus, the Commission had a range of special mechanisms designed to monitor States' fulfilment of their obligations, and to alert the international community to serious abuses. Human rights had an essential role to play in the maintenance of international peace and security. Consequently, the Commission should not be seen in isolation from the rest of the United Nations system. Effective crisis prevention was dependent upon closer cooperation between the Commission and the Security Council, and the integration of human rights concerns into peacekeeping missions.

27. She supported the proposed establishment of a special mechanism for the prevention of genocide, charged with alerting the Security Council to imminent crises. The international community should remain vigilant to all forms of racism, discrimination, tyranny and oppression, which, if left unchecked, could lead to the most abominable crimes against humanity. In September 2004, Belgium would host a Conference on Racism, Discrimination and Xenophobia under the auspices of the Organization for Security and Cooperation in Europe (OSCE).

28. The war on terrorism should also be integrated into the wider framework for conflict prevention. While recent events in Madrid were yet another reminder of the pressing need for the international community to join forces in combating terrorism, it should attempt to deal with the root causes of terror, instead of focusing on repression. States were responsible for

preventing human rights abuses, and for cooperating fully with the special mechanisms of the Commission. They should receive the necessary assistance of OHCHR in taking their own human rights initiatives.

STATEMENT BY THE SECRETARY-GENERAL OF THE MINISTRY OF FOREIGN AFFAIRS OF ROMANIA

29. Mr. DIACONU (Romania) said that, through a number of constitutional amendments, the human rights protection framework had been strengthened in his country. At the same time, the Government had consolidated democracy and the rule of law, by restricting parliamentary immunity to the exercise of official duties, and ensuring a more coherent relationship between the two houses of parliament.

30. His Government was committed to fighting all forms of racial discrimination, xenophobia and related intolerance. The revised Constitution provided greater protection for minorities, such as the right to retain and express their ethnic, cultural, linguistic and religious identity. In provinces with a high proportion of inhabitants from a particular minority, that minority was entitled to use its mother tongue in dealings with local government or before the courts. There were also schools providing education, either entirely or partially, in minority languages, including Czech, German, Hungarian and Ukrainian. An agreement with the Government of Hungary had been particularly helpful in developing the provision of Hungarian-language education.

31. The Government had adopted a national strategy for enhancing the status of Roma, including a four-year plan for its implementation. The Roma community had played an active role in developing that strategy, and was equally active in its implementation. An increasing number of mayors and other public officials came from the Roma community. Substantial progress had already been made in improving access to education, employment and medical services, and developing better relations between Roma and the police. Romania had set up an anti-discrimination council with powers to receive complaints and apply sanctions. It supported international efforts to improve the status of Roma, such as those being made by OSCE and the Council of Europe.

32. Romania had pledged to develop a national plan of action for the promotion and protection of children's rights. A draft bill concerning the prevention of child abuse was under consideration, covering amendments to the legislative framework, minimum standards, training, awareness-raising and monitoring. The Government aimed to reduce the number of children living in institutions, by promoting foster care and improving the legal framework for adoption.

33. The consolidation of democracy was an essential element in the protection of human rights. Consequently, Romania had submitted draft resolutions to the Commission in previous years calling for the strengthening of democracy all over the world. It was also committed to strengthening regional and international organizations, with a view to promoting the link between democracy and human rights.



STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS AND  
COOPERATION OF MOZAMBIQUE

34. Ms. RODRIGUES (Mozambique) said that her country strongly condemned the horrendous acts of terrorism in Madrid and extended heartfelt sympathy to the people and Government of Spain. She also paid tribute to the late High Commissioner for Human Rights, Mr. Vieira de Mello, who had rendered invaluable humanitarian services to the people of Mozambique.

35. Many of the internationally agreed commitments in the Agenda for Development had not been fulfilled and the efforts of the developing countries to create the conditions for full enjoyment of human rights were thwarted by many handicaps. The realization of economic, social and cultural rights, including the right to development, required determination and commitment and a common perspective on the solution to global problems.

36. In 2003 Mozambique had hosted the Second Assembly of Heads of State and Government of the African Union, at which a number of important human rights instruments had been adopted: the Protocol of the Court of Justice of the African Union, the Protocol to the African Charter on Human and Peoples' Rights establishing an African Court on Human and Peoples' Rights, and the African Union Convention on Preventing and Combating Corruption. The Union was finalizing the process of establishing machinery for the implementation of both regional human rights instruments and those agreed internationally. At the Second Assembly, it had elected the members of the new African Commission on Human and Peoples' Rights and of the African Committee of Experts on the Rights and Welfare of the Child.

37. Despite serious challenges, progress was being made in promoting democracy and good governance in Africa. Democracy was not just a matter of holding elections but also required respect for the rule of law and human rights, and effective participation of civil society in the development process. Many African countries had established multiparty systems and enhanced the protection of human rights, including political rights, even in conflict situations. The increasing number of countries acceding to the peer review mechanism in the framework of the New Partnership for Africa's Development (NEPAD) reflected the continent's commitment to the principle of transparency in the management of public business.

38. Absolute poverty was still the main challenge facing Africa. Under NEPAD, African countries had assumed primary responsibility for alleviating poverty and promoting sustainable development and were mobilizing resources, both internally and externally, to that end. International cooperation and partnerships were of crucial importance and she commended the United Nations for supporting the NEPAD initiative and setting up an office to deal with Africa's development agenda.

39. Men and women in Mozambique were equal before the law and the Government was committed to the principle of non-discrimination. Women participated in the decision-making process, accounting for 38.9 per cent of Members of Parliament and 15 per cent of Ministers, including the Prime Minister. At the lower end of the scale, the Government promoted the access of girls to education.

40. She commended the initiative by the Minister for Foreign Affairs of Switzerland that had resulted in a joint declaration on violence against women. Her Government associated itself with the letter and spirit of the declaration and hoped it would lead to heightened vigilance so as to alleviate the suffering of women and girls.

41. Mozambique had embarked on far-reaching reforms of its public sector to improve public services and hence political, economic and social rights for society as a whole. A new prison policy and implementation strategy and a strategy for legal reform had been adopted to improve prison conditions and secure speedy and fair trials. The reforms would operationalize the constitutional right to life, physical integrity and protection against torture and cruel or inhuman treatment. In addition, more judges, lawyers, magistrates, police officers and other law enforcement personnel were being trained. It was an ambitious programme that would call for a change of mindset, but the reforms would promote stability in society and support the fight against corruption.

42. The Government, in close partnership with civil society, development partners and international human rights organizations, was reviewing national legislation with a view to incorporating the main provisions of international and regional human rights instruments such as the Convention on the Elimination of All Forms of Discrimination against Women. In that context, the National Assembly had approved a new Family Law, in which family rights were equitably balanced between men and women.

43. The Government was deeply concerned about recent reports in the national and international press of alleged trafficking in children's organs in Mozambique's northern province of Nampula. A multisectoral team led by the Attorney-General's Office was investigating the allegations. According to the preliminary findings, there was no evidence to support the allegations, but the investigations were continuing.

44. The authorities acknowledged that there was a problem of missing children in Mozambique. Its solution called for a joint effort by Mozambican society, the countries of the region and the international community in view of the detailed and prolonged investigations that would be necessary.

45. Her Government was giving top priority to the elimination of violence against children. A number of measures had been adopted to protect and empower children as a particularly vulnerable group. Mozambique played an active role in the African Committee of Experts on the Rights and Welfare of the Child. It had ratified the International Convention on the Rights of the Child and was creating legal and operational mechanisms for its implementation.

46. Her Government had recently established a Constitutional Council to monitor the legality of acts by State bodies. The Council would further strengthen democracy, good governance and the rule of law.

47. Multiparty municipal elections had recently been held in Mozambique. They were a major step forward in the consolidation of grass-roots democracy. Improvements in the Electoral Law would ensure greater transparency in the third multiparty general elections, to be held later in the year.

STATEMENT BY THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY  
AFFAIRS OF ZIMBABWE

48. Mr. CHINAMASA (Zimbabwe) said that Zimbabweans would shortly be celebrating the twenty-fourth anniversary of independence. They would have occasion to remember that their most precious possessions - the sovereignty of their country and the human rights they now enjoyed - had been won through the bloodshed by Zimbabweans in a protracted armed struggle against British colonialism and a local white settler regime. That regime had been armed to the teeth and financed by the British and their allies.

49. At the Lancaster House conference in 1979, the British and United States Governments had undertaken to finance the acquisition of land for redistribution to the indigenous black people in order to induce the liberation forces to lay down their arms. Subsequent Governments had, however, reneged on those undertakings with impunity. When Zimbabwe had embarked on a land reform programme five years previously to acquire land compulsorily from the white minority for redistribution to the landless black majority, the same forces had launched a demonization campaign against the Zimbabwean Government.

50. The United Kingdom and its Western allies displayed the same hypocrisy and double standards in the area of human rights, portraying themselves as paragons of virtue while committing gross violations against people of colour. While preaching democracy, they allowed their intelligence services to instigate political assassinations and mercenary coups against democratically elected Governments, especially in Africa. They claimed to be fighting terrorism and yet pursued policies that spawned terrorism instead of addressing the root causes.

51. Zimbabweans would not succumb to the machinations of those who were planning regime change in their country through political assassinations and donor-funded civil strife. When Western countries referred to the land question, it was to highlight the plight of the former white landowners and to blame local food shortages and economic difficulties on the land redistribution programme. They failed to mention that Zimbabwe's once vibrant economy had been destroyed by illegal economic sanctions imposed by the United Kingdom, the United States and their Western allies and that the West had forced the International Monetary Fund and the World Bank to withhold vital financial support to Zimbabwe.

52. Developed countries refused to participate meaningfully in the Working Group on the Right to Development, shirking their duty to assist the developing world in realizing that right. Zimbabwe was familiar with that approach. The United Kingdom had declined to pay for the acquisition of land from white farmers, although their forebears had emigrated from the United Kingdom, killed the indigenous owners and obtained title to the land by squatting on it. Zimbabwe paid no heed to hypocritical expressions of concern for the rights of those farmers. The Government had given priority to the black people's right to development and had successfully redistributed land to more than 350,000 households.

53. Developed countries also refused to participate meaningfully in discussions aimed at eliminating racist practices. When they did participate, they sought to prevent the adoption of meaningful recommendations. As they still rejected some of the wording of the Durban Declaration, the resolution on racism tabled by the Africa Group in the Commission had been adopted by a vote instead of by consensus.

54. The British and other Western Governments were sponsoring self-proclaimed human rights organizations and defenders who were engaged in demonizing the Government of Zimbabwe, defying the law and working for regime change. When arrested for lawbreaking, they complained to OHCHR. Some of the Commission's Special Rapporteurs dispatched communications on every arrest and detention although Zimbabwe's courts of law were functioning and due process was always observed. On one occasion a Special Rapporteur had been unaware that OHCHR had sent a communication to the Zimbabwean authorities bearing his signature. Such methods of work must be stopped if the Office was to continue to command respect.

55. A Minister from a developed country had recently referred in a statement to the Commission to false allegations that the Zimbabwean Government was training children to torture, rape and kill. The journalist who was the source of the allegations now admitted that her "facts" could not be substantiated, but the damage had already been done.

56. Sweden had again taken issue with Zimbabwe in the Commission. Following its abandonment of slavery outposts on the West African coast in the early eighteenth century, as well as giving up on colonialism in the eastern United States, Sweden had collaborated with the Nazis a few decades previously. Now it chose to scold some and bribe others with development aid to silence them.

57. Human rights were not the preserve of developed countries. All countries were seeking to promote democracy, a free press, trade unions and political parties. Zimbabwe was committed to the goal of full enjoyment of human rights by all its people but it vigorously rejected the use of human rights to overthrow its Government and refashion the country in accordance with the wishes of others. Developed countries would no doubt seek to have the Zimbabwean Government and leadership condemned in the Commission. The purpose of such resolutions was not to encourage Zimbabweans to work together to meet economic or political challenges but to polarize the population and exacerbate the economic situation, thus perpetuating underdevelopment. The British Government would not be urged to honour its colonial obligation to pay for land restitution but the Zimbabwean people would be forced to abandon their dignity and submit to the dictates of neo-colonial forces. He called on all those who were truly concerned for the welfare of Zimbabweans to reject any such resolutions once again.

#### STATEMENT BY THE DEPUTY PRIME MINISTER FOR HUMAN AND MINORITY RIGHTS AND EUROPEAN INTEGRATION OF SLOVAKIA

58. Mr. CSÁKY (Slovakia), on behalf of the Slovak Government and people, extended deep sympathy to the Government and people of Spain in connection with the train bombings. The recent series of terrorist attacks throughout the world was a serious setback for the democratic forces that had decided in 1945 to end the scourge of war by creating the United Nations. International terrorism was undermining the Organization's fundamental aims of international security and friendly relations among nations, and its role as a forum for addressing major political, economic, social and cultural problems. It was weakening support for the protection and enjoyment of human rights and fundamental freedoms. The fight against terrorism was therefore a matter of principle but should not, of course, entail other violations of human rights and fundamental freedoms.

59. Slovakia had existed as a sovereign State for only 11 years but had for centuries been a crossroads for different cultures, traditions and religions. As a multi-ethnic State, it had a great understanding of the concept of tolerance and knew why racism, racial discrimination, xenophobia and all forms of religious or other intolerance must be vigorously condemned. It was currently implementing the country's third Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Manifestations of Intolerance for 2004-2005 and the Slovak Parliament was debating a bill on equal treatment and protection from discrimination adopted by the Government in February 2004.

60. Slovakia, which had indemnified Jewish victims of Nazism, was concerned about the resurgence of anti-Semitism. It had proclaimed 9 September each year as the Day of Victims of the Holocaust and Racial Violence, commemorating also the thousands of innocent Roma who had been exterminated in Nazi concentration camps. At the same time, Slovakia supported all efforts by the international community to eliminate religious intolerance, including Islamophobia.

61. Addressing the situation of the Roma was a policy priority. The forcible assimilation of Roma during the Communist period had led to the disintegration of their social structure, undermining relations between the mainstream and minority communities. Fighting deep-seated prejudice was no easy task. It called for a sensitive and comprehensive long-term approach, with intensive cooperation, following Slovakia's accession to the European Union (EU) in May 2004, with other member States and EU bodies. The Roma problem was complex and multifaceted with political, economic, social and cultural aspects and national and international dimensions.

62. Slovakia's forthcoming entry into the EU and the North Atlantic Treaty Organization (NATO) would lead to further emphasis on the human rights dimension of its foreign policy. Although a country's distinctive features and traditions should be taken into account in assessing its human rights situation, it should also be borne in mind that human rights were universal, indivisible, interdependent and interrelated.

63. Slovakia was exposed to the problems and related human rights issues stemming from growing numbers of asylum-seekers and migrants. Strengthening the democratic process and respect for human rights in regions adjacent to the EU, such as the Balkans and the Middle East, was therefore a priority concern and objective.

#### STATEMENT BY THE DEPUTY FOREIGN MINISTER FOR LEGAL AND INTERNATIONAL AFFAIRS OF THE ISLAMIC REPUBLIC OF IRAN

64. Mr. KHOSHROO (Islamic Republic of Iran) said that many tragic events had taken place in the previous year, including the attacks against the United Nations headquarters in Baghdad - resulting in the death of Mr. Vieira de Mello - and numerous terrorist attacks from Madrid to Karbala and Najaf. A balanced and comprehensive approach was required to combat such a menace, which resulted in a lack of security and anxiety for all. Closer cooperation was the only way to control and prevent terrorism, working together to deal with the root causes, thus safeguarding the right to life, the most important human right of all. It was widely accepted that the observance of human rights was closely connected to a lack of social and economic development, extreme poverty, political instability and insecurity. Those elements posed a serious threat to human rights in the regions they affected.

65. Human rights were at the crossroads of diverse civilizations; no one country had the right to monopolize them in the interests of a particular culture. Rather, all peoples and all States were entitled to pursue and preserve their own cultures within the confines of the universality of human rights. The United Nations Educational, Scientific and Cultural Organization (UNESCO) deserved praise for its continued efforts to develop the notion of cultural diversity, including the adoption of the Universal Declaration on Cultural Diversity. All interested governments should assist UNESCO and contribute to the current elaboration of a new convention in that domain.

66. The work of the Commission would be successful only if governmental organizations and NGOs engaged in constructive dialogue, cooperation and interaction in order to promote and protect human rights. Confrontational approaches that served political ends had frequently proved counterproductive and futile. The Commission's past record had clearly demonstrated that the politicization of human rights led to polarization, of which the ultimate victims were human rights themselves.

67. Of equal concern were situations in which the human rights of a people were violated by forces of aggression and occupation, as in the Palestinian occupied territories. The international community had a duty to take resolute action in the interests of the victims of those violations, particularly of the right to life and self-determination.

68. His Government had taken numerous measures to promote and protect human rights during the previous year, including an open invitation to all special procedures mandate-holders. The Working Group on Arbitrary Detention, the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on the human rights of migrants had visited Iran and their recommendations were being seriously considered by the authorities there. A programme for technical cooperation with OHCHR in the area of human rights education in schools had been launched, and several rounds of talks on human rights had been held with the EU and particular countries, resulting in better understanding between nations and other concrete achievements. A human rights committee had been established in accordance with the aims of article 90 of the Constitution, and a committee on minorities had been set up to tackle problems reported by religious minorities. A bill guaranteeing greater equality for minorities had been adopted, and increased funding had been directed to the empowerment and increased participation of women. A national action plan had also been drafted and a committee established to eliminate violence against women. A moratorium on stoning had been announced, and the substitution of other forms of corporal punishment was under consideration. A bill to ban torture was under consideration and the Islamic Republic of Iran had acceded to the International Labour Organization convention on the worst forms of child labour. In addition, the Government was encouraging the creation and strengthening of a vibrant and dynamic civil society, and reviewing legislation.

69. Mr. Markotic (Croatia) took the Chair.

STATEMENT BY THE MINISTER OF JUSTICE AND RELIGIOUS AFFAIRS OF  
EQUATORIAL GUINEA

70. Mr. MAYE NSUE MANGUE (Equatorial Guinea) said that the President of Equatorial Guinea, prior to the parliamentary and municipal elections to be held in April 2004, had reiterated his country's commitment to democratic and peaceful development. The Government was one of national unity, incorporating almost all the country's political parties.

71. During the previous year, the Government had financed the first national conference on justice to discuss strengthening the rule of law, resulting in recommendations for a fair and independent justice system. The first national conference on the economy had taken place five years previously, and had brought together the Government, all political parties, civil society, religious organizations, NGOs and the international community in order to develop social and economic plans for the use of the country's oil revenue. The resulting five-year plan had been adopted by the Government and had guided policy over that period. A final appraisal of the plan had been made at a meeting that year, which had also involved the International Monetary Fund (IMF) and several United Nations agencies. New priorities had recently been established for the responsible management of oil revenue in order to benefit the whole population and future generations.

72. Other measures taken on a domestic level included programmes involving the United Nations Children's Fund (UNICEF) and the United Nations Development Programme (UNDP) to provide education to all children and to eradicate the diseases that plagued the population. Dialogue had been maintained with the EU and help had been received from the International Committee of the Red Cross (ICRC). The Government had invited representatives of the international community and NGOs to observe the forthcoming elections, and printing facilities had been provided with the aim of encouraging freedom of expression. The national pact agreements had been reviewed to improve the political system.

73. While the Government and other political parties had achieved significant political consensus and internal development, the recent attempted coup had cast a shadow over those advances. Several countries and multinational companies had engineered a plot to overthrow the constitutional order. Severo Moto, a terrorist who had been arrested in Angola in 1997 for planning mercenary attacks on the Government of Equatorial Guinea and then fled to Spain claiming refugee status, had masterminded the plot. Despite the clear breach of international law, the Spanish authorities had taken no action. The Government had therefore called for Mr. Moto to be extradited from Spain in order to stand trial in Equatorial Guinea.

74. The plot had involved plans to assassinate government officials and citizens alike, in return for which the foreign mercenaries would be given money and land in Equatorial Guinea as private property. Investigations had revealed that non-African intelligence services and multinational companies had been implicated in the plot, which constituted a new form of colonialism. It had been the most serious threat to national security and independence since 1979. The participants included mercenaries from Angola, South Africa, Namibia, Zimbabwe, the United Kingdom, the United States, Armenia, Germany and Kazakhstan, who had previously been involved in illegal arms and diamond trafficking in the region. Some of those arrested had been former soldiers in the South African apartheid-era army and were veterans of similar efforts to destabilize countries such as Zimbabwe and Namibia. Given that

none of those involved in the plot was a national of Equatorial Guinea, it had clearly not been a case of internal political conflict and there was no justification for overthrowing the Government of an independent and democratic State. The United Nations and the Commission had expressed condemnation for similar actions in the past and should do so in the current crisis.

75. The Government was grateful for the solidarity of the Governments of South Africa, Zimbabwe and Angola, which had alerted the authorities to the plot and had taken an active role in the ensuing investigations. The captured mercenaries would be tried in Malabo in accordance with international law in public, transparent proceedings, with international cooperation. Tighter controls were needed to prohibit the use of illegal armed forces and the Commission should re-examine the question of mercenaries. The intelligence agencies named in the defendants' statements should disclose the details of the plot and all persons involved, and the relevant governments should take the necessary legal action against their own nationals who had taken part in the plot.

76. The President of Equatorial Guinea and several ministers had been in Washington D.C. on 11 September 2001 and had immediately expressed their horror at the events and their sympathy for the victims' families. They had condemned those terrorist acts and held commemorative events in Malabo to mark the occasion for the entire international community. The Government had also expressed its outrage at the recent terrorist attacks in Madrid and had sent its condolences to the families of the victims there. All States that condemned terrorism and mercenary actions should guard against double standards. The plot against Equatorial Guinea also amounted to terrorism and should be sanctioned accordingly. The Government had clearly stated its commitment to peaceful conflict resolution and democratic change and called on the international community to help prevent others from disrupting new democracies. The Government had been grateful to the Commission for its assistance over recent years and assured it of its willingness to continue playing a constructive role. It had also appreciated the solidarity other African countries had demonstrated, and the support that it had received from the African Group at the Commission.

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

77. Mr. TOKAEV (Kazakhstan), expressing sympathy for the victims of the recent terrorist attacks in Spain, said that terrorism had become an ideology of predominantly young people who were marginalized and frustrated by the injustice, inequality, poverty and hypocrisy that unfortunately existed in the contemporary world. Violations of human rights had become one of the most dangerous sources of instability in the world and the whole international community, including the major powers, should realize that creating a comprehensive, global system resistant to terrorism was as important as efforts to strengthen security. Very little had been done to eradicate the ideological and material framework of terrorism or to reduce poverty and disease worldwide. The international community's efforts to curb illegal drug trafficking had been ineffective and people trafficking and slavery were still common practices in many regions, including developed countries. In addressing human rights, therefore, a more comprehensive assessment of the current challenges and threats to security and safety was needed. Terrorism clearly posed a threat to human rights, but unless radical, effective measures were taken to improve people's standard of living, to boost economies, to develop a fair and equal relationship between rich and poor, to curb illegal revenue from drug trafficking and to promote fundamental



political freedoms and human rights, the situation would remain dangerous. While the struggle to preserve human rights involved combating violence and conflicts, it was also about securing civil, cultural, economic and social rights for all citizens.

78. Since its recent independence, Kazakhstan had declared its commitment to establishing a civil society and securing human rights. Despite major challenges, it had brought together over 100 ethnic groups and nationalities, including 40 different religions and confessions, and had built a civil society that was pursuing democracy. It had avoided conflicts between ethnic groups and had created a favourable climate for economic and political reform. Kazakhstan had been internationally recognized as a market economy on its way to sustainability and the political objective was to create a more transparent society open to the international community. The parliament had recently approved a new election law ensuring the right of members of all ethnic groups to vote and to be elected. There were nine political parties standing in the forthcoming parliamentary elections, which the Government intended to make an open and transparent process.

79. Kazakhstan had acceded to the International Covenants on Human Rights in December 2003, in line with its policy of building a civil society and promoting fundamental freedoms irrespective of gender, ethnicity or religious belief. A moratorium on the death penalty had been issued by presidential decree, which had been commended by OSCE and the EU, among others. A special commission had been set up on the implementation of international humanitarian law and human rights agreements as a first step towards an independent and effective judicial system. Kazakhstan would welcome a visit by Mr. Despouy, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in order that he should learn about the legal system there. The rights of women were a priority for the Government; appropriate guidelines on gender policy were being implemented in all spheres of political and social activity. Children's rights were equally important, and the latest report from Kazakhstan to the Committee on the Rights of the Child (CRC/C/41/Add.13) had been well received. Environmental protection and public health services were also being addressed in cooperation with United Nations agencies, and a national action plan had been set up to curb people trafficking. The numbers of NGOs operating in Kazakhstan had grown to 4,500 and it had become clear that protecting human rights had become a key feature of internal policy.

80. Despite the challenges involved, Kazakhstan had therefore firmly embarked on the path to promoting human rights. The Commission should assist by making responsible and realistic recommendations that reflected the historical background and current political reality of the country. It should be more comprehensive when assessing human rights abuses and not allow the interests or positions of one country or group to sway its judgement. As the representative of Japan had said, international dimensions should prevail over national objectives and States that were striving to improve their human rights record should be encouraged to continue those efforts, not condemned for their shortcomings. The Commission therefore had a vital role to play in assisting Governments to promote democracy and human rights.

The meeting rose at 1 p.m.