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Statement

by

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to the United Nations**

on

**Agenda Item 71: Human Rights Questions
Third Committee of the UN General Assembly**

**New York
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Mr. Chairman,

High Commissioner Louise Arbour, in her Report to the General Assembly (A/60/36) states that the two goals of the OHCHR's Plan of Action- protection and empowerment- reflect a recognition that the protection of human rights and the empowerment of individual rights holders and duty bearers are decisive for bridging the gap between human rights rhetoric and reality. The credibility of the human rights machinery is critical to achieving these objectives.

2. UN human rights mechanisms must always operate in a non-discriminatory and objective manner to have credibility with those who suffer and seek redress. Unfortunately, the current human rights machinery has not yet been able to fully establish its non-partisan credentials. Selectivity and politically motivated actions remain its Achilles heel.

3. We have always held that the UN human rights special procedure system is the best innovation adopted in the Vienna Declaration and Programme of Action. This innovation has great potential, if only it is used equitably and fairly to address all areas and issues of concern to all peoples.

Mr. Chairman,

4. We have benefited from the debate in the Third Committee on the reports submitted by special procedures. We would like, however, to highlight some points of concern to us in the written and oral reports presented to our Committee:

- (i) There was an apparent absence of sensitivity to cultural diversity and respect for religious belief especially with regard to a recent crass incident of Islamophobia. The complete silence by all mandate holders on the most recent attacks against Holy Prophet Mohammad (PBUH), the most revered personality for 1.3 billion Muslims and many others, by media and prominent personalities in an EU Member state, was a glaring omission. The act not only seriously offended Muslims but also had the potential to negatively affect communal harmony. It cannot just be ignored and brushed aside. It appears that in the current onslaught against Islam and all that is sacred to our Faith, the UN special mechanisms have lost the urge and ability to speak out.
- (ii) Special Rapporteurs, at the same time, agitated several issues which are the subject of reservations expressed by several Islamic states, including under relevant conventions. Such an approach can only be provocative and contributes to the politicization of the human right issues.
- (iii) Some reports have been presented in the style of a charge-sheet against the countries visited or to whom communications of individual violations have been forwarded. A cooperative and problem solving approach is the best way to assure success as far as the victims are concerned.

- (iv) Some Special procedures go beyond their mandates. Reporting unsubstantiated allegations of political opponents does not constitute a service to the promotion of human rights. It heightens political tensions within and among countries.

Mr. Chairman,

5. Thematic mandate holders have the challenging task of trying to do justice to all aspects of their mandates. The responsibility of the Special Rapporteur on the protection of human rights while countering terrorism, is particularly difficult. We encourage him to continue to his work on the root causes of terrorism. We are convinced that a comprehensive long-term strategy is required. Mere legal and administrative measures to counter terrorism are not enough. Such a strategy would entail collective and individual action to address the underlying causes, such as poverty, denial of economic, social and political justice, resolution of conflicts - specially those involving denial of the right to self-determination -as well as promoting cooperation and dialogue among nations of the world. President General Pervez Musharraf has presented such a strategy in the concept of "Enlightened Moderation".

Mr. Chairman,

6. Human rights defenders play an important role in the protection of human rights in conflict and post-conflicts situations. We support steps to ensure legal protection to their role in situations of armed conflict and foreign occupation.

7. In times of peace, the effectiveness of human rights defenders largely depends on their credibility. Promoting a specific political or social agenda, at the behest of financial sponsors, especially external sponsors, cannot be justified. A code of conduct for the human right defenders is required to define their role.

Mr. Chairman,

8. Poverty and global inequalities, discrimination, armed conflict and violence, impunity, democracy deficit and weak institutions, represent the most pressing challenges of our times. The High Commissioner's Plan of Action should outline concrete goals and practical approaches to address poverty, discrimination and violence, especially in situations of armed conflict. We need to fill the knowledge, capacity, demand and security gaps as means to meet these challenges.

9. The proposal to strengthen the capacities of the OHCHR to achieve greater and more strategic country engagement needs to be dealt with caution. Many UN agencies have lost their focus when attempting to spread out in the field. Also, while operational deployment in some countries and regions may be a desired objective, this should take place only after prior agreement with concerned States. It should be used only for capacity building, promoting dialogue and partnership for the promotion and protection

of human rights. The temptation to use country engagement for monitoring would seriously undermine OHCHR's credibility as a partner in the promotion of human rights.

10. In this context, we believe that "country scrutiny" is not the objective or rationale of creating the new Human Rights Council. The Council should work for the promotion and protection of all rights in a cooperative manner. The Council, however, must adopt a pro-active role when addressing situations of armed conflict and foreign occupation. We support empowering the Council to dispatch fact-finding missions to scrutinize situations of armed conflict and foreign occupation. We are pleased to note that this notion also finds resonance in the High Commissioner's report.

11. We support the High Commissioner's view of promoting a thematic rights based approach. Human rights law, policy and institutions, human rights methodologies, anti-discrimination and special groups, rule of law and democracy can be a good basis for future work in this context. We hope that while promoting these concepts, OHCHR will also draw upon expertise available in developing and Islamic countries. Experts should be nominated through open and transparent processes. Seminars and activities should take place in all geographic regions and with balanced participation.

12. Justiciability of economic, social and cultural rights has been a problem, especially with regard to the Right to Development. The Right to Development constitutes the central pillar of the new paradigm for promotion of human rights. This right unfortunately has yet to evolve beyond a rudimentary normative status. The progress in the Working Group in Geneva seems to be stymied due to political difficulties. The Office needs to play a more proactive role towards evolving a legally binding instrument to give effect to the Right to Development. In a globalized world, development is no more a national obligation. The international trading system, debt sustainability, fluctuations in currency markets, declining commodity prices and official development assistance, and absence of financing for development, all have a direct and severe impact on the national development efforts of developing countries. The Office of the High Commission should offer its leadership for the full promotion of the Right to Development.

13. We take note of the High Commissioner resolve to make the Office more efficient and responsive to the needs of the international community. The following areas should top the agenda:

- (i) OHCHR should be accountable to the Human Rights Council for all budgetary and financial matters. Member States should have full and effective oversight.
- (ii) Equitable geographic representation, especially from developing and Islamic countries, should be ensured.
- (iii) Financing of the OHCHR largely determines its areas of focus. While core funding for human rights activities suffer from budgetary constraints, voluntary funding has significantly expanded. Voluntary funding, however, is

tied to specific programmes that are not necessarily approved in inter-governmental process. Regular budget should be enhanced through additional funding and voluntary funding phased out and replaced by regular budget.

Mr. Chairman,

14. The Government of Pakistan remains committed to the promotion and protection of human rights of all its citizens. We are committed to succeed in ensuring the implementation of the highest standards in accordance with tenets of our religion, and our proud humane tradition and centuries old cultural values of tolerance, assimilation and social responsibility.

I thank you Mr. Chairman.