



General Assembly

Distr.
GENERAL

A/HRC/7/31
12 February 2008

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Seventh session
Agenda item 2

**ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE
HIGH COMMISSIONER AND THE SECRETARY-GENERAL**

**Report of the United Nations High Commissioner for Human Rights on the
enhancement of international cooperation in the field of human rights***

Summary

The present report is submitted pursuant to Human Rights Council decision 4/104. The report summarizes replies received in response to a request for information sent to Member States, and intergovernmental and non-governmental organizations. Responses were received from the Governments of Belarus, Bosnia and Herzegovina, Cuba, Guatemala, the Islamic Republic of Iran, Japan, Oman, the Russian Federation and Switzerland, as well as from the human rights organizations, Asia Pacific Forum of National Human Rights Institutions and the Commonwealth Human Rights Initiative.

* The submission of the report was delayed to take into account the most recent information.

Introduction

1. The present report is submitted pursuant to Human Rights Council decision 4/104, which requested the United Nations High Commissioner for Human Rights “to consult States, and intergovernmental and non-governmental organizations on ways and means to enhance the international cooperation and dialogue in the United Nations human rights machinery, including the Human Rights Council as recognized in the ninth preambular paragraph of General Assembly resolution 60/251 of 15 March 2006”.
2. On 19 October 2007, the Secretariat of the Human Rights Council sent a note verbale to Member States, and intergovernmental and non-governmental organizations, seeking their views and information as requested in the above-mentioned decision. As of 7 January 2008, the Office of the High Commissioner for Human Rights had received responses, summarized below, from the Governments of Belarus, Bosnia and Herzegovina, Cuba, Guatemala, the Islamic Republic of Iran, Japan, Oman, the Russian Federation and Switzerland, as well as from the human rights organizations Asia Pacific Forum of National Human Rights Institutions and the Commonwealth Human Rights Initiative. The full texts of the submissions are available from the Secretariat.

Responses from Governments

3. Belarus

[Original: Russian]
[7 December 2007]

(a) In its response, the Government of Belarus stressed that international cooperation is of great importance for the effective promotion and protection of human rights and fundamental freedoms. It emphasized that international cooperation must be carried out in a manner fully in keeping with international law and the purposes and principles of the United Nations Charter. The Government expressed the view that international cooperation in the field of human rights will be effective if it is founded on the principles of universality, non-selectivity, impartiality and objectivity, as well as equitable and mutually respectful dialogue. Moreover, the Government stressed the importance of respect for the diversity of all States, as well as recognition of the right of countries and peoples to determine the paths of their political, economic, social and cultural development.

(b) The Government emphasized that the fundamental importance of these principles have been reaffirmed in many resolutions of the General Assembly, including resolution 61/166 on the promotion of equitable and mutually respectful dialogue on human rights, which was adopted upon the initiative of Belarus and Uzbekistan. The effective implementation of these resolutions by all United Nations Member States, without exception, would facilitate the enhancement of international cooperation and dialogue within the United Nations human rights machinery.

(c) The Government expressed the view that the enhancement of international cooperation and dialogue on human rights is hampered by the application of double standards and selectivity by certain countries. The Government stressed that politically motivated and prejudiced resolutions on the human rights situation in particular countries would seriously

undermine the principles of objectivity and non-selectivity in examining human rights issues, and hinder efforts to promote human rights. The assessments contained in country resolutions would be subjective in nature and would generally not be supported by reliable evidence from trustworthy sources of information or by comprehensive expert analysis carried out by competent institutions in the United Nations system. The Government regretted that the sponsors of country resolutions are not carrying out open and transparent consultations, and expressed support for the introduction of the requirement of approval by two thirds of the Member States of the United Nations for country resolutions, in order to exclude opportunities for manipulation and the use of country resolutions as instruments of political pressure.

(d) In its response, the Government stressed that the universal periodic review mechanism will help to eliminate subjectivism in examining the human rights situation in various countries. The universal periodic review should be conducted in an objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner.

(e) Moreover, the Government stressed that the process of reviewing the existing system of special procedures and making them more effective would contribute to enhancing international cooperation and dialogue in the field of human rights. The Government also stressed the importance of objectivity and respect for the code of conduct by mandate holders, as this would enhance their authority and the degree of trust that States place in them.

(f) The Government also emphasized that the enhancement of international cooperation and dialogue in the field of human rights is undermined by the practice of applying unilateral coercive measures. The Government urged States to completely refrain from adopting or implementing any such measures, as they are not in keeping with international law or the Charter of the United Nations.

4. **Bosnia and Herzegovina**

[Original: English]
[22 November 2007]

(a) In its response, the Government of Bosnia and Herzegovina referred to various organizations at the national level which contribute to the promotion of human rights and compliance with regional and international human rights instruments, such as the Gender Centre of the Federation of Bosnia and Herzegovina, the Roma Committee and the Council of Children of Bosnia-Herzegovina. In particular, the Government mentioned efforts undertaken to comply with its international obligations regarding the prohibition of discrimination. In this context, it referred *inter alia* to the preparation of action plans on housing and social protection of the Roma national minority by the Government, in cooperation with the non-governmental sector and with the support of SIDA-Sweden, the United Nations Children's Fund and the United Nations High Commissioner for Refugees.

(b) The Government highlighted the importance of strengthening human rights protection mechanisms and preventing human rights violations, *inter alia* by providing the relevant legislative framework, by allowing visits of United Nations Special Rapporteurs and

Council of Europe monitoring teams, by analysing State reports on the implementation of international and European instruments, by monitoring the work of the European Court of Human Rights and by developing case law through analysis of court decisions.

(c) The Government of Bosnia and Herzegovina provided information on the cooperation of the Government with the relevant authorities, international organizations and non-governmental organizations in the context of submission of reports to the United Nations treaty bodies. In particular, the Government highlighted the cooperation of the Ministry for Human Rights and Refugees of Bosnia and Herzegovina with the United Nations Children's Fund in preparation of reports on the implementation of the Convention on the Rights of the Child and its Optional Protocols. The Government stressed that the consultation of competent authorities at all levels, as well as of the non-governmental sector, would contribute to more realistic reporting and to the improvement of cooperation between all relevant actors.

5. Cuba

[Original: Spanish]
[7 January 2008]

(a) In its response, the Government of Cuba stressed that international cooperation forms part of the purposes of the United Nations as contained in the Charter of the United Nations, in particular Article 1, paragraph 3, which lays down the duty of States to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all. In the same manner, the Vienna Declaration and Programme of Action stated that enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations.

(b) The Government of Cuba considers that genuine international cooperation constitutes the only viable means for the effective protection and promotion of all human rights for all. It is therefore essential to fully respect the sovereign equality of all States, as well as the principles of universality, objectivity and non-selectivity. An impartial and fair approach to human rights questions and the absence of politicization or application of double standards constitute fundamental pillars of the enhancement of international cooperation. Moreover, it is necessary to have a profound understanding of the different problems in each society and of the unequal levels of development, and to respect the national, historical, religious and cultural diversity and specificities of each country. Recognition of and respect for the plurality of political, economic, social, legal and philosophical systems is essential to promote genuine international cooperation, based on mutual understanding, dialogue, trust and transparency.

(c) The Government expressed great concern about the practices applied by some developed countries from the North, including the use of condemnatory approaches and double standards, as well as the manipulation of human rights to serve geopolitical interests. The Government recalled that such measures had discredited the Commission on Human Rights, and had ultimately led to its demise.

(d) The Government noted that during the 60 years of its existence, the Commission on Human Rights had never been able to adopt any resolution condemning human rights violations

in western industrialized countries, even though abundant information had been provided by thematic Special Rapporteurs, treaty bodies and non-governmental organizations regarding the violation of human rights, in particular those of minorities, migrant workers and indigenous populations.

(e) The Government noted that establishment of the Human Rights Council to replace the Commission provides the opportunity to enter a new stage in the promotion and protection of all human rights for all on the basis of international cooperation and constructive dialogue. The resolution establishing this new body states that the mechanism shall be based on the principles of cooperation, universal application and equal treatment, in order to assess the situation of human rights in all countries, with the aim of strengthening the capacity of Member States, facilitating the exchange of best practices and providing technical assistance to those Governments who request it.

(f) In its response the Government stressed that Cuba, both in its national capacity and as Chair of the Non-Aligned Movement, had worked hard and constructively during the negotiations on the establishment and institution-building of the new Council. The importance of a constructive approach in the context of the promotion and protection of human rights and fundamental freedoms was reaffirmed by the Non-Aligned Movement in the framework of the 14th summit of Heads of State or Government (Havana 2006).

(g) In spite of its reservations regarding various elements contained in the institution-building package presented by the President of the Council in June 2007, Cuba had joined the consensus to demonstrate its firm commitment to the promotion and protection of all human rights for all. Also, Cuba had hoped that the new body would be void of the selectivity and politicization, which had prevented the Commission from fulfilling its mandate as the main human rights body. Cuba expressed great concern about the attitude of some countries, in particular the United States of America, which have exerted strong pressure to reopen the institution-building package of the Council, thereby seeking to reinstate selectivity, politicization and double standards, which would force the same fate as the Commission on the Council. The Government reiterated its rejection of the application of such practices, in particular in the context of the Third Committee of the General Assembly.

(h) Such harmful practices and approaches erode any possibility of establishing a genuine system of international cooperation, which would contribute to the promotion and protection of human rights for all. It is therefore essential to eliminate these vices from the United Nations human rights machinery. The new universal periodic review mechanism, if implemented as a genuine system of cooperation as stated in its principles, would offer the opportunity to encourage international cooperation in the field of human rights.

(i) The Government emphasized that international cooperation in the field of human rights would also require real representation and geographic rotation of special procedure mandate holders and experts of treaty bodies, as well as a fair balance in the composition of staff of the Office of the High Commissioner for Human Rights. Moreover, it would also be necessary for the required resources to be available, in particular in relation to technical cooperation, human rights education and education in general. The Government stressed that understanding and respect for the diversity of cultures, civilizations and religions, as well as legal, political and philosophical systems is necessary for the objective and impartial fulfilment of the

responsibilities assigned to experts and to the secretariat. The Government stressed that cooperation cannot be imposed, but must take into account the specificities and realities of each country and refrain from condemnatory approaches.

(j) In conclusion, the Government stressed that it considers it its duty to draw the attention of all Member States and non-governmental organizations to the urgent need to effectively implement genuine cooperation and uphold dialogue as proclaimed by the Charter of the United Nations.

6. Guatemala

[Original: Spanish]

[7 December 2007]

(a) In its response, the Government of Guatemala provided information on the formulation of national policy concerning international cooperation under the guidance of the Planning and Programming Secretariat of the Presidency (SEGEPLAN). This institution regards international cooperation as the provision of technical, financial and political support by partner countries and specialized multilateral organizations, in order to promote sustainable economic, social, financial, commercial, administrative and environmental development, in the framework of participatory democracy. The cooperation should be consistent with the policies of the Government, its international relations, and its financial and fiscal policies. The Government outlined the conditions required for ensuring the effectiveness of international cooperation, such as the quality of development projects and the administration thereof.

(b) Concerning human rights, the Government stated that a series of programmes, projects and strategies have been put in place to ensure respect and implementation of the obligations undertaken in the peace accords of 1996. In this regard, international cooperation has played a fundamental role in terms of strengthening the rule of law and the institutional structures of the State, and also with regard to the promotion and protection of human rights in Guatemala. The Government noted, notwithstanding the coordinated efforts and the progress made since the signing of the peace accords, that the “Agenda of Peace” has yet to be fully implemented. The cooperation policy of the State should therefore encompass the remaining aspects of the Agenda, and should strengthen efforts to comply with it. The Government noted that many of these aspects are linked to the promotion of economic, social and cultural rights, and correspond to the objectives of the Millennium Development Goals.

(c) Furthermore, the Government provided information on international cooperation in the context of the country’s political transition, such as through the Dialogue Group and other cooperation mechanisms, which had supported the Government’s Political Transition Plan 2007-2008. The Government also highlighted the important contribution made by the Inter-American Development Bank.

(d) In conclusion, the Government stated that international cooperation constitutes an indispensable element for the strengthening of a State’s efforts in implementing projects and programmes for the benefit of its people. In this regard, the Government stressed the importance of the formulation of a national policy to be able to prioritize international cooperation programmes and projects. All State structures, in particular those established to respond to the

needs of vulnerable groups, should participate in decision-making on the allocation of resources deriving from international cooperation. The Government also stressed that the sustainability of projects and programmes supported by international cooperation is fundamental to achieving the desired results and designated objectives, in particular when activities and strategies have been drawn up on a medium- and long-term basis.

7. Islamic Republic of Iran

[Original: English]
[19 December 2007]

(a) In its response, the Government of the Islamic Republic of Iran provided information on the Non-Aligned Movement Ministerial Meeting on Human Rights and Cultural Diversity, held in Teheran 3-4 September 2007, as an initiative to enhance international cooperation in the field of human rights. The Government emphasized that the relationship between human rights and cultural diversity is one of the fundamental issues of the twenty-first century. It expressed its conviction that all nations and societies with diverse culture, history and religions share in the universality of human rights, while standing up for their own cultural and religious values and traditions. The Government advised that the Non-Aligned Movement had decided to establish a Centre for Human Rights and Cultural Diversity in Teheran, which will serve as a focal point to enhance cooperation and dialogue among member States of the Non-Aligned Movement, as well as between these countries and other United Nations Member States.

(b) In its response, the Government provided information on bilateral human rights dialogues held with Switzerland and Japan, respectively, on a broad range of issues. Furthermore, the Government provided information about a course organized by the Ministry for Foreign Affairs on reporting to the United Nations treaty bodies for 14 experts from different ministries of Afghanistan held from 24 to 28 November 2007.

(c) The Government also provided information on efforts to promote communication and judicial cooperation among Islamic States, inter alia by organizing the first conference of prosecutors of the capitals of the Islamic countries, and the first summit of the judiciary chiefs of the Organization of Islamic States.

8. Japan

[Original: English]
[6 December 2007]

(a) In its response, the Government of Japan expressed its appreciation for the increased attention the Office of the United Nations High Commissioner for Human Rights (OHCHR) is placing on its field activities. The Government expressed hope that the annual report of OHCHR will include more detailed information about the activities of each field office, in order to promote further cooperation between the United Nations, Governments and non-governmental organizations.

(b) The Government also referred to its capacity-building support to various countries, including through the provision of legal development assistance by dispatching experts and

holding seminars. Given that OHCHR is providing similar assistance at both the bilateral and multilateral level, the Government considers that it would be useful if interested countries would share their knowledge and cooperate in a mutually complementary manner.

(c) The Government highlighted the increasing burden placed on Governments regarding the submission of reports to human rights treaty bodies. The Government encouraged the streamlining of this work, so that each organization could use its limited budget, and implement its work, more efficiently and effectively.

(d) The Government also referred to its efforts to eradicate discrimination against leprosy patients and their families, and stressed that it wishes to continue its cooperation with other Governments and the United Nations in this regard.

9. **Oman**

[Original: English]
[16 November 2007]

In its response, the Government of Oman stressed that the universality of human rights and their interconnectedness and interdependence makes it important that these be applied in an objective and transparent way, while taking into account the peculiarities and cultural diversity of States. This approach could promote international cooperation in the field of human rights and avoid using the issue of human rights to make unjustified, irresponsible and inaccurate judgements.

10. **Russian Federation**

[Original: Russian]
[31 December 2007]

(a) In its response, the Russian Federation stressed that it attaches great importance to international cooperation in the field of human rights, and emphasized that the main responsibility in this regard lies with States. International institutions and mechanisms play a supporting role by helping States to achieve such aims through an equitable and mutually respectful dialogue, taking account of the ethnic, religious, cultural and historical characteristics of States and their level of socio-economic development.

(b) The Government recognizes that the human rights situation in a particular country may be a legitimate concern of the international community, and stresses that the discussion of human rights issues should be based on fairness and respect. The Government considers it inadmissible to use human rights issues as a pretext for interference in the internal affairs of States, or to politicize human rights issues and apply double standards. The Government opposes the initiatives of individual countries, groups of countries and non-governmental organizations in imposing their own human rights standards on the international community as if they were universal. The Government emphasized that constructive dialogue is necessary for the establishment of cooperation on human rights between an individual State and the international community.

(c) The Government reiterated that the United Nations should be the main arena for international cooperation, including on human rights issues, and stressed that current challenges and threats in the field of human rights can only be addressed through joint efforts. The development of constructive interaction between States within the Human Rights Council has the potential to be a unifying factor in international relations. The Government expressed its intention to take an active part in the work of the Council by concentrating on finding mutually acceptable and constructive solutions to the most relevant international problems in the field of human rights, and to contribute to strengthening the authority of this organ. The Government expressed regret that a number of Member States, after only the first year of the Council, are already casting doubt on its importance and claiming that it is ineffective and unviable.

(d) The Government expressed the view that the work of the Council has demonstrated that international relations related to the field of human rights continue to be extremely tense and politicized. This is borne out by the confrontation that inevitably accompanies the discussion of contentious country issues.

(e) The Government considers that special sessions of the Council should make a genuine contribution to resolving critical and urgent human rights situations requiring an urgent response. Special sessions should however not be used as a means to introduce additional confrontation and politicization into the work of the Council.

(f) It is the understanding of the Government that the aim of the universal periodic review should be to reinforce and enhance the effectiveness of the United Nations human rights system and the international human rights regime, including by increasing the significance of voluntary cooperation between States. The review should be carried out in an impartial manner, with the ultimate aim of encouraging full respect for human rights, rather than marginalizing or condemning individual countries. The Government considers it necessary to take into account the level of development of the State in question as well as its social structure, moral values, religious and cultural traditions, judicial system and other characteristics.

(g) In its response, the Government stressed the importance of using objective and reliable information, and welcomed the adoption of broad general guidelines for the preparation of information by States under the universal periodic review (UPR). The UPR must be applied to all United Nations Member States, without exception, to avoid a potential geographical imbalance. In this regard, the adoption of a comprehensive timetable for all States at the sixth session of the Council constituted an important step.

(h) The Government expressed the view that peace and stability in inter-ethnic and interfaith relations is key to building a democratic and prosperous world order, in which all human rights are fully respected. The Government stressed that the universal nature of the United Nations makes it crucial to take into account the spiritual traditions and diversity of world cultures and religions. It referred to various initiatives, including the World Summit of Religious Leaders held in Moscow in July 2006. The Government expressed support for establishing a more systematic dialogue between the religious communities under United Nations auspices. An exchange of views among representatives of the main world faiths would strengthen international cooperation and facilitate the elaboration and adoption of adequate and informed decisions by the world community.

11. Switzerland

[Original: French]
[28 November 2007]

(a) In its response, the Government of Switzerland stressed that in the conduct of its foreign policy, it has always promoted dialogue and cooperation over confrontation. The establishment of the Human Rights Council and the adoption of new procedures offer Member States the opportunity to promote cooperation in the field of human rights in a spirit of dialogue and solidarity. When raising a particular issue during a Council session, States should seek to improve the fate of victims of human rights violations, and not aim at condemning a particular State. It is by engaging in dialogue with the authorities of a country that these can be made more responsive to their human rights obligations.

(b) Switzerland considers that the universal periodic review constitutes an instrument of choice for the promotion of international cooperation in the field of human rights. The mechanism, which is to be applied to all United Nations Member States, should permit each State to take stock, in a transparent manner, of progress made and difficulties encountered regarding the implementation of their international obligations. The review should be conducted in a constructive spirit, including by exchanging best practice, in order to benefit both the international community in its entirety, as well as particular individuals. The universal periodic review should allow for identification of the national priorities of each State in the field of human rights. Where support by other States proves to be necessary, it could be provided through technical assistance programmes, the content and implementation of which would be elaborated by the country concerned in cooperation with its partners.

Responses from human rights organizations

12. Asia Pacific Forum of National Human Rights Institutions

[Original: English]
[6 December 2007]

(a) In its response, the Asia Pacific Forum of National Human Rights Institutions (APF) stressed that national human rights institutions are in a unique position to inform their States on the scope and implementation of their international human rights obligations, and to provide independent expertise to their States, agencies of government, and generally to the community through their human rights education programmes. National human rights institutions also maintain a consultative relationship with civil society.

(b) APF welcomed the further formalization of mechanisms for the participation of national institutions in the United Nations human rights machinery, in particular in the framework of the Human Rights Council. The organization underlined that national institutions may comment on a particular issue within their jurisdiction, or may consult at the regional level, either on an ad hoc basis or through the regional coordinating body in place, to identify trends and common issues which could be reflected in a joint statement to the Council. The weight accorded to any such statements, by virtue of the special status of national institutions, could draw attention to some important issues that might not otherwise receive adequate consideration.

(c) As concerns the universal periodic review mechanism, the Forum outlined different possibilities for the participation of national institutions. At the country level, national institutions should be included in the consultation process held in preparation of country reports. Moreover, national institutions could themselves facilitate a consultation process with relevant State entities and non-governmental organizations (NGOs), which could contribute to the compilation of a separate or joint report to be submitted to the Office of the United Nations High Commissioner for Human Rights (OHCHR) for the stakeholder report. The organization stressed that an important role for national institutions will be to disseminate the outcome of the universal periodic review to all major stakeholders and to actively monitor the implementation of recommendations.

(d) APF outlined various measures through which national institutions can engage with the special procedures system. Such measures include encouraging Governments to extend a standing invitation to all thematic mandate holders, bringing particular human rights developments to the attention of the relevant mandate holder, engaging with mandate holders in the preparation and conduct of country visits, and monitoring the follow-up of their recommendations. In order for this relationship to be effective in practice, it is crucial for special procedures to liaise with national institutions, including in the context of country visits and regarding the adoption of specific recommendations.

(e) Regarding the Human Rights Council Advisory Committee, APF emphasized that communication between national institutions and the Advisory Committee will be essential for ensuring that the relevant information reaches the experts, including by circulating relevant publications to the Committee members.

(f) APF encouraged the further development of modalities for systematic interaction between national institutions and the United Nations treaty bodies. National institutions would be in a position to contribute both in the context of State reporting as well as regarding the individual complaints procedures. In the view of APF, national institutions could inter alia encourage States to fulfil their reporting obligations and assist them in the preparation of their reports, provide supplementary reports or additional information to a treaty body or encourage NGO reports, participate in treaty body sessions and disseminate concluding observations. APF also stated that national institutions can play a role in the individual complaints procedures by undertaking education and awareness-raising about the complaints procedures, by assisting individuals filing complaints, monitoring compliance of interim measures and encouraging the implementation of views.

(g) In conclusion, APF expressed the view that, as a result of their independent expertise and pluralistic perspective, the active presence of national institutions in the Council has the potential to create a more open dialogue on specific human rights issues at the international level. The organization stressed that the effective implementation of the modalities set up for the participation of national institutions is essential, and that the Council and its subsidiary bodies, as well as the OHCHR, should be encouraged to adopt inclusive working methods that ensure an effective flow of information to and from national institutions.

13. Commonwealth Human Rights Initiative

[Original: English]
[30 November 2007]

(a) In its response, the Commonwealth Human Rights Initiative (CHRI) referred to Economic and Social Council (ECOSOC) resolution 1996/31 which “confirms the need to take into account the full diversity of the non-governmental organizations at the national and international levels”, and encourages the need for greater participation of non-governmental organizations (NGOs) from developing countries and countries with economies in transition in international conferences convened by the United Nations.

(b) CHRI welcomed the openness of the Human Rights Council to receiving both written statements and oral interventions from NGOs. The organization expressed understanding that an accreditation mechanism has to be followed, but cautioned that restricting this process to NGOs having ECOSOC consultative status would significantly limit the scope of the civil society allowed to participate.

(c) The organization provided specific comments on the participation of NGOs in the universal periodic review mechanism. As concerns the national consultations to be held in accordance with Human Rights Council resolution 5/1, the organization expressed the view that the Council should effectively encourage and review the process, in order to ensure that States are fulfilling their pledges to encourage and facilitate civil society participation. This review should encompass all steps taken by the Government, including transparency regarding the holding of national consultations, as well as provision of information on the variety of NGOs participating therein. Moreover, CHRI requested that more time be given to NGOs to prepare their submissions. The organization expressed concern regarding the page limitation of the summary of stakeholder information prepared by OHCHR, as this would not be sufficient to provide comprehensive information as to the general situation of human rights in a particular country.
