



**Statement by  
H.E. Mr. Pavel S v o b o d a  
Deputy-Minister of Foreign Affairs  
of the Czech Republic**

**61<sup>th</sup> Session of the United Nations Commission on Human Rights**

**High-Level Segment**

**Geneva, 16 March 2005**

**Check against delivery**

Mr Chairman,  
Madam High Commissioner for Human Rights,  
Excellencies, Ladies and Gentlemen,

May I first congratulate Mr Chairman and other members of the Bureau of the 61<sup>st</sup> Commission on Human Rights on your election and I wish you every success in your endeavours.

The overall state of human rights and fundamental freedoms in today's world does not give many grounds for optimism. Beside its serious flaws, visible especially in persisting or emerging conflicts, we witness new forms of human rights violations putting in question the very basic principles of the human rights protection system such as prohibition of torture.

Human rights standards should serve as a minimum for the promotion and protection of human rights worldwide. We have so far been successful in standard setting. Now, the task is to focus on the implementation through suitable and creative instruments.

The Czech Republic supports the efforts of the Office of the High Commissioner for Human Rights to bring the standards and principles of human rights nearer to the everyday needs of affected groups and individuals. One of the ways to do so is *Action 2* of the reform plan presented by the UN Secretary General in 2002, proposing, for example, to place human rights observers in the UN country teams and to incorporate the human rights expertise into national programmes of technical cooperation. This approach should be given adequate support, both in terms of funds and personnel.

One of the conditions for effective *universality of human rights mechanisms* is the cooperation with regional mechanisms and non-governmental organizations. The common activities in order to facilitate the reconstruction of Iraq and Afghanistan are a good example in this respect, despite the persisting difficult security situation.

The protection of human rights takes on special significance not only in cases of their gross and massive violations but especially in the periods of transition to democracy. A transition to democracy requires *inter alia* inclusion of all segments of society, particularly women, reflection on the country's past, as well as sensitive use of the instruments of transitional justice. It is precisely in these early stages of democracy that the international community should offer its experience. Guidance in this respect could be provided by the *Community of Democracies*, that is the forum for an exchange of experience between well-established and new democracies. These issues will be further discussed at the Third Meeting of Ministers in Santiago de Chile in April 2005.

The promotion and protection of human rights is one the fundamental objectives of the United Nations, as confirmed by the *Report of the High Level Panel*. The Commission on Human Rights is a central body of human rights protection within the UN framework. In order to fulfil its mission, including the monitoring of human rights situation in different countries and thematic areas, the instruments of the Commission must be assessed and reinforced. We agree with the view that it is better to support the synergy of the existing human rights mechanisms, rather than to create new ones or to modify them experimentally.

A plurality of views is a very positive feature of the Commission on Human Rights even if it carries with the much criticized political influences stemming, i.a. from a historical context and sometimes also from a lack of willingness to engage in a dialogue.

As regards the proposal of *universal membership* of the Commission on Human Rights, we are of the opinion that this would be a questionable step, particularly without a parallel discussion on the role of the Economic and Social Council and the Third Committee. As a paradox, the universal membership could lead to greater demands on procedural instruments.

The *High Level Panel* has proven useful and demonstrated the commitment of the high-level representatives who have the power to promote the incorporation of human rights instruments into government policies. These arrangements should be continued. On the other hand, the proposal to establish an *advisory body of the Commission on Human Rights* should be evaluated as an alternative to the Sub-Commission.

We support the elaboration of the idea of a *global report on human rights situation*. The task to monitor human rights situation in individual countries and compilation of unbiased information necessary for the adoption of the country specific measures is at the core of the mandate of the Commission. However, the proposed report should not be regarded as a substitute for this crucial mandate. Likewise, the procedural instruments such as *no-action motion* limiting the country specific mandate are not serving the cause of defending the victims of human rights violations in countries concerned.

The proposal to establish the *Human Rights Council* also deserves further attention. Meanwhile, its purpose could be accomplished by introducing the human rights aspects into the work of the Security Council. The Security Council should duly reflect on the information compiled by the special procedures every time when it considers the situation in a country or in a given thematic area and provide for the cooperation with the special procedures when establishing any new mandate relevant to the field of work of the special procedures. The proposals on the *responsibility to protect* as well as on a more frequent application of Art. 99 of the UN Charter in the human rights context deserve support. Moreover, the High Commissioner is advised to report to the Security Council on annual basis.

*Special procedures of the Commission on Human Rights* are an irreplaceable tool for obtaining information on human rights situation in different countries and thematic areas. Their functioning depends on the effective support of the Office of the High Commissioner for Human Rights. Last year's Commission Resolution 2004/76 on Human rights and Special procedures invited the countries to fully and effectively cooperate with these procedures. The envisaged cooperation is however insufficient in many respects. The countries should exchange information with the procedures concerned, enable them to visit the country on the basis of standing invitation and implement their recommendations. A further refining of the system of special procedures needs to preserve the achievements and to duly reflect on the inputs of all stakeholders.

Due to its own historical experience, the Czech Republic follows very carefully the human rights situation in other countries such as Belarus, Cuba, Myanmar and Sudan. Our recent history has taught us that one of the privileges of the human rights culture is a dialogue, including with a democratic opposition, which cannot be restricted in any way.

We continue to follow the position that human rights must be respected even in the context of fight against terrorism. Neither the armed conflicts justify abuses of human rights and international humanitarian law.

Our thematic priorities include an equal enjoyment of economic, social, cultural, civil and political rights, the protection of minorities and the fight against discrimination. Special attention is also paid to the rights of women and children. As to the protection of children in armed conflicts, the Czech Republic contributes to the implementation of the Action Plan of the European Union to that end. Turning to the disabled persons, they would further benefit from the new international instrument on the enjoyment of their rights and the protection of their dignity. Moreover, as every victim of the human rights violations is entitled to the right to a remedy and reparations, the Czech Republic supports the adoption of the draft principles and guidelines at this session.

Ladies and Gentlemen,

Remaining committed to an effective promotion and protection of human rights let me use this opportunity to recall the Czech Republic's candidature to the Commission on Human Rights for the 2007-2009 term, in the election to be held at the session of the Economic and Social Council in 2006.

Referring to the concept of the *voluntary human rights commitments of states seeking the membership on the Commission*, the Government of the Czech Republic pledges taking appropriate steps towards ratification of the Optional Protocol to the Convention against Torture, of the European Charter on Minority and Regional Languages as well as towards adoption of the Anti-discrimination Act.

Let me express my hope for your favourable consideration of the Czech Republic's candidature.

Thank you for your attention.