



I T A L Y

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61st Session**

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STATEMENT

BY

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OF

ITALY

Geneva, 15th March 2005

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**ADDRESS BY STATE MINISTER
FOR FOREIGN AFFAIRS MARGHERITA BONIVER
TO THE 61ST SESSION OF THE
COMMISSION ON HUMAN RIGHTS
(GENEVA, 15 MARCH 2005)**

Mr Chairman, Distinguished Delegates,

I should like to begin by congratulating you most sincerely on your election, and wish you and the other members of the Bureau, every success in your work, trusting that this session of the Commission will prove truly useful for promoting the cause of human rights throughout the world. It goes without saying that Italy fully supports the statement of the Luxembourg Presidency, on behalf of the European Union.

I should also like to take this opportunity to greet Mrs Louise Arbour on behalf of the Italian government, and thank her for the work she has embarked upon with such total dedication. Let me therefore renew Italy's commitment to supporting her in the implementation of her mandate, and urge her to continue her work to ensure respect for rights and fundamental freedoms worldwide with the same tenaciousness and single-mindedness, in this extremely difficult environment in which international

tensions and regional conflicts threaten to marginalize the cause of human rights, relegating it into the background.

Since our meeting last year, the international scenario has undergone radical changes, not all of which have been positive. I have myself had the distressing responsibility of paying several visits to the **Darfur** region, returning with indelible impressions of the tragic humanitarian plight of the people there. The international community is once again being called upon to question the effectiveness of the instruments at its disposal to pre-empt and to redress great humanitarian disasters. On the other hand it has an important opportunity to redeem itself by tangibly giving a follow up to the excellent work of the Commission of Inquiry chaired by the Italian jurist, Antonio Cassese. Public opinion will judge us by our determination to bring those guilty for this humanitarian tragedy to justice.

However, during the past year there have also been a number of positive events of major importance, among which **the elections in Afghanistan, in the Palestinian Territories, and just recently in Iraq.**

These have been of historic dimensions. Ancient cultures with a glorious history are now reaching out to the values of democracy, and countries that have been thrown

into turmoil by war and dictatorship are now winning back peace and freedom for their people. Democracy is certainly not a matter of free elections alone, but we should not play down the historic magnitude of the events which my country - and this is something of which I am deeply proud - has also contributed to promoting.

With the Presidential election in **Afghanistan** the country has made a significant stride forward in the long trek towards democracy, in terms of the challenges that lie ahead, such as the Parliamentary elections, and more generally the creation and sound operation of the country's new democratic institutions.

The Presidential election in the **Palestinian Territories** on 9 January this year also marked a new departure. Here again, it was an event of historic proportions with the prospect of creating the necessary conditions for two sovereign, independent and democratic States to live side-by-side, in peace and security.

Despite the persistence of the difficult situation of the public order in **Iraq** - further evidenced by the tragic events surrounding the release of the Italian journalist, **Giuliana Sgrena**, and the death of the heroic Italian public servant, **Nicola Calipari** - the staging of political

elections has been epoch-making. This new departure was made all the more significant by the fact that millions of courageous and determined Iraqis, men and women alike, turned out to voice their will to see at last a democratic Iraq, belonging to the Iraqi people, thus implementing the political process set out in Resolution 1546. It will take time to fully appreciate the fall-out of these events. But they are of such magnitude that the Near East and the Middle East will certainly never be the same again. On our side, we have to make tangible and generous gestures to assist and cooperate with the countries and the governments which have opted to set out along the difficult path leading to the rule of law and democracy.

In this spirit Italy, once again this year, decided to sponsor a resolution to assist **Somalia**, hoping it will attract the unanimous support of the Commission.

Mr Chairman,

the promotion of democracy and respect for fundamental rights create the conditions for peace, security and prosperity. Italy is ever more convinced of the need to link both these issues in everyday language, speaking simultaneously of promoting **both** democracy **and** human rights. For this reason Italy continues to attach importance to strengthening and working with the "**Community of Democracies**". As last year, the Italian Delegation to the

61st session of the United Nations Commission on Human Rights will spare no effort in seeking to guarantee the Community greater visibility and encourage democratic countries to coalesce around a number of specific resolutions on issues of common concern.

The fact that democracy has moved forward in some parts of the world must not, however, divert our focus from situations which are still characterised by gross violations of fundamental rights.

The use of **torture and inhuman and degrading treatment** still remains one of the most serious and aberrant forms of human rights violations, very often as a result of wholly arbitrary policies and conduct. The capacity to prevent and pre-empt such practices must be one of the parameters by which to judge Governments. It is indeed most appropriate to vigorously reiterate once again that no economic, political, cultural, social or religious reason, no emergency, no strategic or political aim, can ever be used as a valid reason to justify recourse to torture.

We must reaffirm that **preventing and combating terrorism** must be pursued tirelessly and intransigently. Yet we are firmly convinced that combating terrorism can never justify suspending the implementation of the rule of law and the exercise of the fundamental rights: on the

contrary, scrupulous respect for the rule of law and democratic freedoms can help remove the collusion and protection that terrorist organisations enjoy in places where the most elementary individual rights are denied.

In this connection I would like to voice my sense of horror and moral condemnation at the most irrational and absurd form of terrorism: suicide bombings. Its planned large-scale use, their devastating fall-out on defenceless and innocent victims, and the growing feeling of insecurity and fear they engender among the civilian population, further reducing the sphere of individual rights and freedoms, are **a crime against humanity**.

Mr Chairman,

Once again, as I have done in the past, I should like to renew Italy's strong commitment to the universal abolition of the **death penalty**. The abolitionist cause has achieved major and undeniable results when we consider that over one-half of the member states of the international community have now abolished capital punishment, or at least placed a moratorium on executions, while many of those still maintaining it have reduced the number of capital offences under their domestic legislation. This demonstrates the slow, but gradual establishment of a "*communis opinio*" within the international community towards totally outlawing the death penalty.

Governments having declared a generalised moratorium on executions while awaiting the right conditions under which to abolish the death penalty, acted in a responsible and timely manner. However, the campaign in favour of a generalised moratorium on executions is now moving forward independently of the abolition issue, and demands a heightened commitment by the international community.

Eliminating every form of **discrimination against women** is still one of the primary objectives of Italy's domestic and foreign policy in the matter of human rights. Despite the great progress made in recent decades, in many parts of the world women continue to be victims of domestic violence, physical and psychological domination, harassment and trafficking. Political, civil, social and economic progress depends on the full participation and total involvement of women, on an equal footing with men, in decision-taking, government policy-making, in education and training.

The empowerment of women and girls, together with gender equality, are fundamental to safer and peaceful societies, where educational and economic opportunities, protection from violence, increasing political participation may become consolidated realities.

The plague of trafficking in women and girls is for us a matter of special concern, since it represents part of a wider phenomenon such as new forms of slavery and exploitation of human beings. My country is therefore particularly concerned with combating all forms of abuse and exploitation against individuals, and its action aims also at the recovery and rehabilitation of the victims of trafficking.

Mr Chairman, Distinguished Delegates,

I would like to devote the final part of my address to the problem of the **reform of the Commission on Human Rights**. We are delighted to see that the High Level Panel's report on the reform of the United Nations gives particular prominence to **human rights** as "**horizontal issues**" going across the reform process. This will not fall on deaf ears, because it does clearly put on record something that all of us feel, and which in recent years has increasingly come to the fore in the international public opinion.

The members of the High Level Panel see human rights as important principles governing that "safer world" which is the objective underlying all their proposals. Safeguarding human rights is a duty, but at the same time it is an absolute "goal" for both domestic and foreign operations. Starting with the absolute need to protect

human rights, the High Level Panel has also introduced the new concept of "**human security**" concerning citizens with their inviolable rights, and States as instruments for the protection of those rights.

The debate is still in progress. However, we express our support to enhancing the institutional status of the Commission on Human Rights. Despite its importance, the question of the composition of the Commission should not overwhelm the debate, provided that the final decision favours a non-bureaucratic, effective, balanced body. The alternatives before us - whether (as the Panel proposes) it should have a universal membership or a limited membership as it has now - show both advantages and drawbacks. A Commission with a universal membership appears best suited to meet the main conditions required from such a body (authority, representation, legitimacy). However, a universal body of this kind could be flanked by a **smaller policy-making organ**, comprising all the regional groupings, to guarantee the continuity of its work between sessions of the Commission.

Mr Chairman, distinguished Delegates,

I should like to thank all of you for your kind attention, and extend my very best wishes for a successful session and a constructive debate on these crucial issues, but also for an enhanced cooperation and a productive

dialogue. For, all countries sharing the values we are discussing in this forum are duty-bound to promote forms of consultation and cooperation with the aim of contributing to the advancement of democratic principles once and for all across the whole world.

Thank you, Mr Chairman.