

PERMANENT MISSION
OF THE REPUBLIC OF POLAND
TO THE UNITED NATIONS OFFICE
AT GENEVA



MISSION PERMANENTE
DE LA REPUBLIQUE DE POLOGNE
AUPRES DE L'OFFICE DES NATIONS UNIES
A GENEVE

CH – 1218 Grand Saconnex (GE) – 15, ch. L'Ancienne Route
Tel. 022/710 97 97, Fax. 022/710 97 99

**High Level Segment of the 61st session of the
UNITED NATIONS COMMISSION ON HUMAN RIGHTS**

***Statement by H.E. Prof. Adam Daniel Rotfeld
Minister for Foreign Affairs of the Republic of Poland
Head of the Delegation of the Republic of Poland***

Geneva, the 17th of March 2005

Check against delivery

Mr. Chairman,

At the outset let me offer you, Mr. Chairman, my sincere congratulations on your election to the prestigious office of the Chairman of the 61st session of the UN Commission on Human Rights. The delegation of Poland extends to you its firm support and wishes you success in fulfilling your demanding responsibilities. Allow me also to extend my congratulations to the other members of the Bureau.

I would also like to avail myself of this opportunity to express my high appreciation to Ambassador Mike Smith for the outstanding leadership and commitment he demonstrated during his chairmanship of the sixtieth session of the Commission.

Last but not least I would like to welcome to her new position Ms. Louise Arbour, our High Commissioner for Human Rights. I am confident that under her guidance the issue of the protection and promotion of human rights will gain an even greater prominence in the work of the United Nations.

The agenda of this session is full of important and topical questions. In his statement, the Distinguished Deputy Prime Minister and Minister for Foreign Affairs of Luxembourg presented the EU position on a number of them, including effective implementation of human rights, fight against terrorism and the abolition of the death penalty. These are crucial issues and we hope that the Commission will deal with them in a comprehensive manner. Bearing this in mind, I would like to draw your attention to a few problems, which are of singular relevance from the point of view of my delegation.

Mr. Chairman,
Distinguished Delegates, Excellencies,
Ladies and Gentlemen,

In recent years the world has gone through fundamental changes affecting international security, peace and stability. We are witnessing the emergence of new threats and challenges. The most significant among them arise from the weakening and collapse of state institutions, are associated with the abuse of human rights and fundamental freedoms, stem from the violation of rules of domestic and international law, bad governance, corruption and civil conflicts. These and other new threats require new responses.

In the face of such challenges the United Nations must remain at the forefront of multilateral efforts and serve as a guarantor of the international legitimacy of our common undertakings. We have to admit that the Organisation still has a lot of untapped potential to provide adequate responses. It is clear that we need to find the most effective solutions for adapting the political and legal foundations and the operational infrastructure of the United Nations to suit the new international realities. We hope to use the opportunity offered by the upcoming UN Summit to make the necessary changes.

We are in favour of re-examining the conceptual foundations of the United Nations and the basic principles and objectives of the UN Charter, without changing the Charter itself. Principles, such as sovereignty, legitimacy, accountability of states and their leaders, subsidiarity, complementarity, solidarity and responsibility, need to be adjusted to our present circumstances. Human rights must be preserved as the focus of any reform effort.

Last month Poland made its contribution to the reform of the Organisation by submitting to the Secretary-General the draft of a New Political Act for the United Nations. In it – in line with the recommendations of the High Level Panel - we proposed that the establishment of a Human Rights Council, as a principal UN body, should be made a long-term strategic objective of the Organisation. The goal is to transform human rights protection into one of the three main pillars of the UN system.

Poland has considered with utmost attention all the proposals of the High-Level Panel concerning reform of the system of promotion and protection of human rights in the UN, including the reform of the Human Rights Commission itself. We share the Panel's view about the need of mainstreaming human rights in the UN system. We are aware that the reform of the Commission should be tied to changes in its membership rules. The suggestion that Commission membership should become universal is in many respects appealing. It could enhance the Commission's credibility and make it fully representative. However, there are several important issues that would need to be settled before we could take a formal decision on this matter. First of all, there is a serious risk that the Commission – were it to include all UN members – would duplicate the work of the Third Committee of the General Assembly. Second, how should we continue with the subordination of the Commission to the Economic and Social Council – which would be only one-quarter as representative as the Commission. Third, experience shows that smaller bodies are usually more effective and efficient, and they are better vehicles for negotiations since group interests are not as pronounced within them.

We share the view that the Office of the High Commissioner for Human Rights should be better equipped to serve the whole machinery of the UN. For this purpose the Office should move firmly from a culture of reaction to a culture of prevention. Its budgetary, organisational and human capacities should match the magnitude and diversity of the challenges with which it is faced.

There are a number of other questions that require further careful examination. Poland stands ready to co-operate with other states in pursuing them.

Mr. Chairman,
Distinguished Delegates,

The UN sprang to life in the aftermath of the atrocities of the Second World War. Out of the shadows of the Auschwitz-Birkenau and other Nazi concentration camps an understanding came to light that: *All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.*

If these ideas could be advanced in the Universal Declaration of Human Rights almost 60 years ago, when the totality of human experience seemed to belie them, then nothing can excuse ignoring them in today's far more favourable conditions.

Poland opposes any manifestation of intolerance and xenophobia, discrimination on the grounds of race, ethnic origin, religion or for any other reason. We firmly denounce such acts - including acts of anti-Semitism - regardless of where and when they may be committed, or what their motivation may be. Naturally, we believe that the international community should demonstrate equal determination in suppressing other forms of discrimination - including those directed against Islam and Christianity, and intolerance for whatever reason. Sadly, the standards of promotion of fundamental rights and freedoms in many parts of the world remain far from ideal. Regrettably, no country today is fully free of acts of intolerance or manifestations of xenophobia.

The key to successfully countering intolerance and discrimination lies in mutual understanding, promotion of tolerance as an ultimate value and in respect for different cultures, religions and customs. The lessons of history must not be forgotten. Crimes driven by hate, such as genocide and the deprivation of dignity and life for whatever ideological reason must not go unpunished. The spirit of peace and tolerance should be nurtured by all societies so that any remaining stereotypes are eliminated.

January 27 marked the 60th anniversary of the liberation of the Auschwitz-Birkenau concentration camp, set up in occupied Poland by Nazi Germany. Once again - the camp sirens were sounded. We could hear the rumble of the railway cars that used to bring countless thousands of innocent victims to their suffering and death.

At that scene of the horrific annihilation we honoured the victims, Jews, Poles, the Romani, Russians and others, declaring: never again!

Let the 60th anniversary of the liberation of the concentration camps and the conclusion of World War II become an occasion for restating our full commitment to tolerance, mutual respect and the rule of law.

Mr. Chairman,

The recognition of the interdependence of human rights, development and democracy is of fundamental importance in every effort to advance human rights. My government is convinced that universal enjoyment of human rights cannot be ensured without a democratic form of government, and that democracy cannot flourish without good governance. The principles of good governance are universal: they include respect for human rights, rule of law, political openness and tolerance, they require responsibility and accountability, transparency and effectiveness. As politically and culturally neutral, good governance may be an objective measure of the responsibility of governments for political, social and economic development of societies. It is a means of counteracting the abuse of democracy, violation of human rights, keeping in check corruption, waste of public funds and foreign aid.

During the present session, traditionally, Poland, in co-operation with Australia, Chile, Republic of Korea and Republic of South Africa is submitting a draft resolution on human rights and good governance.

We are very glad that the idea of good governance is gaining universal recognition – as evidenced by references to the concept in international documents, including the Millennium Declaration, and in regional arrangements.

Mr. Chairman,

The role of democratic states in promoting human rights and fundamental freedoms should become increasingly visible. Democratic states should upgrade their consultations on key problems facing the international community in the field of human rights.

Poland is determined to continue its special involvement in the activities of the Community of Democracies – established at the Warsaw Conference of June 2000 – and to promote democracy and democratic institutions on a global, regional and local scale. The systemic transformations in Central and Eastern Europe in the early nineties have demonstrated that democracy – as no other form of political system – guarantees full security, stability, and socio-economic advancement, coupled with a high standard of observance of human rights. We are prepared to share our experiences - which at times have been quite challenging – with other states that are following the path of democratisation or wish to enter upon it.

At present, we are preparing for the intergovernmental conference of the Community of Democracies in Santiago de Chile in late April. We favour an even deeper and more comprehensive co-operation among democratic states, also in the framework of international organisations, for the purpose of strengthening the promotion of human rights and implementing the principles of good governance. We strongly oppose terrorism and organised crime, trafficking in persons – particularly women and children, all forms of discrimination and xenophobia, including anti-Semitism. Poland will continue its close collaboration in those areas with its EU partners, the United States and Chile - the current president of the Convening Group of the Community of Democracies, and with all democracies around the world.

Coming to the close of my statement, Mr. Chairman, I wish to underline that, apart from the issues I have already referred to, there are questions to which Poland has traditionally attached major significance, namely: advancing the rights of children, eradication of trafficking in human beings, respect for the rights of women, human rights in the context of HIV/AIDS. Protection of human rights in the context of HIV/AIDS has been on the agenda of this Commission for many years. Since the beginning Poland has been strongly engaged in the issue, and this year, we will also introduce a relevant resolution. We believe that following a well-established pattern from the previous sessions this resolution will be adopted by consensus.

Finally, Mr. Chairman, let me address the question of co-operation between the United Nations and the Council of Europe. Since November 2004 Poland has the honour of serving as chairman of this leading human rights organisation in Europe. The work of the Council of Europe and the United Nations in the field of human rights addresses a number of similar issues. During this session of the Commission on Human Rights the Council of Europe Secretariat will submit targeted information on Council of Europe standards and achievements concerning relevant items on the agenda. At the end of our chairmanship in May 2005 Poland will host in Warsaw the 3rd Summit of the Council of Europe, which is expected to adopt policy guidelines for its mission in the coming years. There is no doubt that the Summit will reaffirm the Council's core mission in the field of human rights protection and promotion, and thus its essential contribution to the implementation of United Nations principles on the European continent.

Thank you for your attention.