



PAKISTAN

PERMANENT MISSION TO THE UNITED NATIONS

56 Rue de Moillebeau, 1211 Geneva Tel: (4122) 740.1930 Fax: (4122) 734.8085

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STATEMENT

BY

AMBASSADOR MASOOD KHAN
PERMANENT REPRESENTATIVE OF PAKISTAN

ON BEHALF OF
THE ORGANIZATION OF THE ISLAMIC CONFERENCE

ON THE ADDRESS OF THE
HIGH COMMISSIONER FOR HUMAN RIGHTS
UNDER AGENDA ITEM 2

DURING THE
9TH SESSION OF THE HUMAN RIGHTS COUNCIL

Geneva,
8 September 2008

**Statement by Ambassador Masood Khan, Permanent Representative of
Pakistan, on behalf of the OIC, following new High Commissioner's address
during the 9th Session of the Human Rights Council,
Geneva, 8 September 2008**

I am making this statement on behalf of the Organization of the Islamic Conference.

Mr. President,

We congratulate you as you preside over this formal session of the Human Rights Council. You have consulted all; and you have prepared well for this session and for the upcoming schedule of the Council. You are wise, perceptive and effective. We are confident that under your leadership the Council will perform even better.

Today we welcome the new High Commissioner for Human Rights, Ms. Navanetham Pillay, in our midst. She has been an outstanding judge, an accomplished jurist, and a dedicated lawyer. These qualifications make her the most suitable person to become the leading official of the United Nations on Human Rights. Ms. Pillay has seen poverty; she has transcended it. Ms. Pillay has lived through apartheid; she fought it bravely. Ms. Pillay has opposed genocide. Therefore, when she says that her priority is the realization of the human rights set forth in the Universal Declaration in a way that affects and improves the lives of the men, women and children, regardless of their culture or nationality - we believe her.

Madame High Commissioner, we support the broad ranging vision you have shared with us in your opening address. You have gone straight to the heart of the matter. We appreciate your pledge to an open-ended, frank and reciprocally reinforcing interaction with the Human Rights Council as well as your assurance to pursue impartiality and commitment to truth, with no tolerance or double standards for selective application.

Madame High Commissioner, in this regard we would like to quash two propositions right away. One school of thought is urging you to serve as a counter to the Human Rights Council. The other says that it "will oppose attempts to bring the High Commissioner under the authority of the Human Rights Council." Both are false propositions. First, we believe that the Human Rights Council and the High Commissioner should work in tandem, in close harmony. Second, there is no move in the Council to bring the High Commissioner under the authority of the Human Rights Council. The Council only wants to have a dialogue to define and streamline the relationship between the Council and the Office. This is not the occasion to start a debate on this question. We want to give you assurances of our fullest cooperation as you undertake your responsibilities as the new High Commissioner.

We welcome the High Commissioner's renewed commitment to exploring the balance between freedom of expression and the need to enhance protection against incitement to hatred, discrimination, hostility or violence. Your predecessor on June 2, 2008 stated that we must forcefully condemn all those deplorable and manipulative distortions that hide sinister purposes such as anti-Semitic or Islamophobic agendas. In this context, we welcome the seminar on the implications of Articles 19 and 20 of the ICCPR which would help us develop a better understanding of the permissible limitations to freedom of expression by taking into account the mandatory prohibition of advocacy of religious hatred.

The High Commissioner's remarks on the Durban Review Conference are especially thoughtful. We agree with her that the process would benefit from active participation by all; and therefore those who have declined to attend should reconsider their decisions. We all have a common agenda to combat racism, racial discrimination, xenophobia and related intolerance. The Review Conference should not turn into an anti-Semitism exercise. Doing so would be a clear violation of the Durban Declaration and Programme of Action.

We believe that states must choose the content of the Review Conference with full responsibility. So should NGOs. At the same time, aggravated thought policing would hamper a free and frank dialogue on issues that are of concern to a large number of nations and peoples.

The core principle of the Universal Declaration is universality of human rights, to state the obvious. This principle must be upheld. Universality subsumes relativism; it does not banish it. Taking to its extreme, relativism can undermine the international humanitarian law; but denial of cultural diversity is an unrealistic premise. We must avoid exceptionalism and extreme forms of relativism which are two sides of the same coin.

Madame High Commissioner, as you settle down, listen neither to the naysayer nor to the starry-eyed optimist about the performance of the Council. The fact is that the Council has done well in building institutions, in conducting the Universal Periodic Review, and launching Special Procedures and the Advisory Committee. These are not small achievements. But there is no room for complacency. We have to go a long way to reach out to the right holders and protect their rights. It is a gigantic task; it is a joint undertaking. The Council is the primary international lawmaker in the field of human rights. You, Madame High Commissioner, in cooperation with the Secretary General and the Council will oversee the implementation of these laws and the realization of the universal rights. We look forward to working with you for success in this endeavor.

I thank you, Mr. President.