

Marghul Bult
Counsellor Pakistan Mission

Comments by Pakistan, on behalf of the OIC, on the reports of the Special Rapporteurs on human rights while countering terrorism and on Torture, under agenda item 3, during 13th Session of the HRC, Geneva, 8 March 2010

Mr. President,

I am making these comments on behalf of the member states of the OIC.

Promotion and protection of human rights while countering terrorism

The OIC welcomes the report and takes note of the specific focus that brings to fore important elements concerning one of the contemporary issues of discussion in the fight against terrorism i.e. the right to privacy and data protection.

The group agrees with the report on the significance of providing adequate legal safeguards in order to minimize risks of infringement on the right to privacy on account of policies and practices adopted by states in the context of countering terrorism. The notions of proportionality and necessity, adherence to standards and guarantees against abuse therefore need to be given due consideration. We particularly welcome the recommendation that profile based surveillance must include due process safeguards for all individuals, including the right to redress. Stereotyping and profiling members of certain racial, ethnic and religious communities and association of a religion with terrorism cannot be condoned by any civilized society.

We have also taken note of the Special Rapporteur's recommendations to the Council and would like him to explain how he sees the development of the programme for the global capacity building on privacy protection as well as the process for a global declaration? Whom he think is the appropriate body to develop this declaration and why? At the same time, wouldn't the recommendation to the Human Rights Committee, to develop a general comment, should precede crafting a declaration?

Torture and other cruel, inhuman or degrading treatment or punishment

Mr. President,

The OIC thanks the Special Rapporteur on Torture for his elaborate report. The report is a reiteration of his known views on this important topic. As indicated at many occasions, leaving aside the controversial elements where he astray from the mandate, the OIC concurs with many of his views on the subject.

Torture indeed remains a global phenomenon and new techniques and ways have been developed which include psychological torture that has lasting effects on human personality. We agree that the standards of due diligence i.e. not to commit torture by acquiescence is an

extremely important obligation and must be upheld. Stronger judicial safeguards are, therefore, extremely important.

We, however, regret that in the findings on the notion of double discrimination, he finds it important to raise concerns about non universally recognized vulnerable groups such as gays and lesbians but easily forgets to mention the most important and contemporary reality of racio-religious discrimination. We would have welcomed a greater focus on the targeting of certain racial and religious communities in this connection.

We agree that restrictive interception methods by States to prevent migrants from reaching their territories are an attempt to circumvent their human rights obligations by denying possible and needed human rights protection.

As regard the recommendation to the HRC to consider drafting a UN Convention on the rights of detainees, we reiterate that the existing Convention provides sufficient guarantees for the protection of all individuals against torture including the detainees.

Thank you Mr. President