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Statement by
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of Malta
at the
High Level Segment of the
Fourth Session of the Human Rights Council

Geneva, 12 March 2007

Mr. President
Excellencies,
Distinguished Guests,
Ladies and Gentlemen,

I am pleased to address you today, almost a year on from the First High Level Segment of the Human Rights Council. On that auspicious launch of the Human Rights Council, many of us expressed hope for and promised their commitment to an effective and efficient Council that would serve to promote and protect human rights worldwide.

The hope of many has been and continues to be for a Human Rights Council that is sufficiently equipped to put human rights on the forefront of the international agenda as foreseen by the Charter of the United Nations. Its establishment was to be a genuine improvement in relation to the now defunct Commission on Human Rights. Indeed, United Nations resolution 60/251 of 15 March 2006 mandated the Human Rights Council with a nobler role elevating it as a subsidiary organ of the UN General Assembly. Among its mandates the General Assembly resolution required that Members of the Council must uphold the highest standards in the promotion and protection of human rights and to fully cooperate with the Council. The resolution also foresees the suspension of Council members in case of gross and systematic human rights violations. All members of the UN family would be subject to scrutiny of their human right records under the proposed universal periodic review, while the Special Procedures system would ensure a more efficient running of the Council.

Over the past months, however the Human Rights Council has proceeded in fits and starts, with some notable and some disappointing results. Key among its achievements has been the approval by the Council of the International Convention for the Protection of All Persons from Enforced Disappearance which was later adopted by the UN General Assembly. Another important achievement by the Council was the approval of the Declaration on the Rights of Indigenous People. Unfortunately, notwithstanding the painstaking efforts made so far, the Members of the Council are still grappling with the institution-building process which still requires a strong political will to bring it to an early conclusion.

Mr. President,

Although this is generally considered as a year of transition for the Human Rights Council, the tone that is set during this year will mark its workings for many years to come. The broad mandate of the Council should not preclude it from being a flexible tool. Its work must be related to activities on the ground, to the very people it promises to protect. The aim of the Human Rights Council is not to single out particular countries just for the sake of it, but rather for the sake of the intrinsic value of the respect for human rights. It is not a process of selectivity but rather of inclusiveness, as enshrined most visibly in the Universal Declaration of Human Rights when it states in Article 1 that '*all human beings are born free and equal in dignity and rights*'. This is the mantra of all efforts undertaken in the defence of human rights. The Human Rights Council thus faces a formidable challenge, that of

being able to rise above national and regional politics and cultural differences. Indeed it must do so in order to remain a credible institution that addresses key human rights issues worldwide.

The concept of human rights itself has origins in many world cultures and religions, including Christian, Jewish and Islamic traditions. Without delving too much into the philosophical, it seems reasonable enough to state that the very fact that humanity has since antiquity looked upon the need to protect individuals from abuse, should remain as the central and guiding light for the Human Rights Council. Centuries upon centuries of activity in the field of human rights promotion have still not eradicated violations and abuses. Races are still denied recognition; men and women are treated unequally; religious groups are discriminated against and persons are still chained to the unacceptable bonds of slavery in some parts of the world. The life, liberty or security of a person may be threatened while torture is still practiced by some countries. Freedom of speech or religion is denied and the notion of the right to a fair trial remains elusive to others. Death sentences and executions remain all too frequent in many countries, even where there is a declining trend. Malta considers the death penalty to be a cruel and inhuman punishment and we support the calls for its abolishment.

Yet, human rights are about human beings; about the child who is recruited as a soldier without ever knowing what it means to be a child, about the man languishing in prison for months or even years without knowing his crime; about the women denied her bodily integrity and autonomy for the simple reason that she was born a woman.

Mr. President,

The international community has seen it appropriate to establish the Human Rights Council. This is an important sign that States do recognize the value of human rights and the need for protection and promotion. But where the Council goes from here depends on states themselves. Indeed States and their Governments have to make it their concern to ensure that the Human Rights Council lives up to its name and that it truly makes a difference to the lives of those millions whose rights are marginalized and even trampled upon or simply ignored.

In this context, it is Malta's strong view that the Council must address the challenges posed by human rights situations in more substantive terms. While pre-occupations still exist with the Council's institution-building process, it must not lose track of the moral and political will behind its set up. The common, though limited, parameters which have gradually emerged over the past months need to be consolidated. Cross-regional cooperation has become all the more crucial in order to make the Human Rights Council an effective mechanism for the promotion and protection of human rights.

We need to step out of our trenches of culture and habit, of distrust and repetition, of fear and of inertia. A champion of the human rights cause in her country, Daw Aung San Suu Kyi, has said that "Fear is not the natural state of civilized people". Indeed it is not. And indeed the Human Rights Council must overcome its own fears – its own

qualms and suspicions – if it is to successfully address the fears of the victims of human rights violations.

Mr. President,

Malta believes in the Human Rights Council and continues to support its objectives and workings. We understand that there are crucial challenges, but as a country that promotes democracy and respect for the rule of law, we would like to see all human beings enjoy their rights without fear that these may be taken away tomorrow or in the next hour.

As a Member of the United Nations, the Council of Europe and the OSCE, Malta has consistently supported efforts that promote and protect human rights worldwide. We are proud of our membership and observance of the United Nations human rights machinery and instruments, and have regularly participated in its human rights bodies. It is against this background that Malta continues to unequivocally support the Human Rights Council. Although Malta is not a Member, it wishes to see the Council grow as a channel of dialogue and peace among all nations and peoples. Malta stands ready to cooperate fully with the Council's Special Procedures, and reiterates its readiness to open up itself for scrutiny of its human rights policy. Malta feels proud of its track record in the protection of the rights of its men, women and children, and for this reason has continuously worked with the United Nations and its Specialized Agencies in further promoting and preserving human rights.

If we the Members of the United Nations truly believe that the Organization serves to foster peace and security in the world, then we must also believe and understand the rights of the individual wherever he lives. Malta strongly believes that there can be no true peace without justice, without solidarity and compassion, without respect for and security of life. The Human Rights Council has the onus to see that these values are achieved. By itself however, the Human Rights Council will not be able to attain these objectives. It is rather the Member States and the wider world that must bring change, not only for the betterment of the individual but also for the fostering of understanding and peace between States themselves.

Mr. President,

As we reflect on where we stand today, let us look forward to a Human Rights Council that is given the necessary tools to act in a responsible manner to protect and safeguard one of our common heritage – human rights. By doing so we will be making a difference to present and future generations. It may be difficult for the Human Rights Council to resolve the world's problems, but certainly we must not allow it to fall victim to our own misconceptions and prejudices. Malta believes that the Human Rights Council is an opportunity that must be seized in order to address our concerns together and where we open to new perspectives.

I augur that there will be soon another occasion such as that of today when our discussions and statements will be all about pride at the difference we, through the Human Rights Council, have made for the good of humankind.

Thank you.