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## Third Committee

### Summary record of the 19th meeting

Held at Headquarters, New York, on Friday, 13 October 2017, at 3 p.m.

*Chair:* Mr. Gunnarsson . . . . . (Iceland)  
*later:* Ms. Kaszás (Vice-Chair) . . . . . (Hungary)

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*The meeting was called to order at 3 p.m.*

**Agenda item 72: Promotion and protection of human rights (A/72/40)**

- (a) Implementation of human rights instruments** (A/72/44, A/72/48, A/72/55, A/72/56, A/72/168, A/72/177, A/72/178, A/72/227, A/72/229, A/72/273 and A/72/278)
- (d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (A/72/36)**

1. **Mr. Iwasawa** (Chair of the Human Rights Committee), introducing the report of the Human Rights Committee (A/72/40), said that the Committee had undertaken a substantial amount of work, having reviewed 27 reports of States parties since its 117th session in June 2016. The simplified reporting procedure adopted in 2010 was particularly beneficial for States parties, particularly those with limited resources, as they were no longer required to submit both a report and written replies to a list of issues. To date, 42 States parties had chosen to use the simplified reporting procedure, and all States were encouraged to follow suit. Given that many States had difficulties meeting their reporting obligations, General Assembly resolution 68/268 provided for a capacity-building programme to assist them. Some States had also benefited from mock sessions held prior to dialogues with the Human Rights Committee.

2. The Human Rights Committee had introduced several measures to maximize Committee meeting time allocated to communications. One such measure was the repetitive communication procedure adopted in March 2016, which expedited decisions on individual communications in cases where the jurisprudence of the Committee was established.

3. The Human Rights Committee had begun drafting a general comment on article 6 of the International Covenant on Civil and Political Rights on the right to life, and in July 2017 the first reading of that draft had taken place. States parties, United Nations agencies, national human rights institutions, non-governmental organizations and academics had been invited to provide comments by the end of the previous week.

4. The Secretariat was to be commended for its ability to work in extremely difficult conditions. The policy of staff rotation had had a negative impact on the work of the Human Rights Committee, as legal expertise and institutional memory had been lost. A lack of resources also continued to hamper the work of the Office of the High Commissioner for Human

Rights. In that regard, the report of the Secretary-General on the status of the human rights treaty body system (A/71/118), which called for additional resources, was welcome and the Third Committee was urged to implement the recommendations contained therein.

5. **Mr. Saito** (Japan) said that the 2016 report of the Secretary-General acknowledged the progress achieved by the human rights treaty bodies in the areas of working languages and summary records. Japan appreciated the introduction of the repetitive communication procedures and the adoption of guidelines on reparation measures. He asked for an assessment of new measures being taken by the Committee and whether the Committee faced any challenges in implementing those measures.

6. **Mr. Kashaev** (Russian Federation) said that his country attached great importance to developing constructive cooperation with the Human Rights Committee and other treaty bodies. By carrying out its work in an unbiased and conscientious manner, the Committee was capable of providing vital assistance to States in their efforts to promote human rights. Unfortunately, human rights treaty bodies frequently overstepped their authority. The Russian Federation was concerned by the attempts of treaty bodies to impose additional obligations upon States, exceeding the relevant international agreements. Having ratified the International Covenant on Civil and Political Rights, the Russian Federation and other States had assumed the obligations enshrined therein but had not given their consent to the Committee to perform independent normative work, such as the adoption of the Guidelines against Intimidation or Reprisals and the guidelines for the adoption of reparations for victims of human rights violations. The procedure for follow-up to concluding observations, which had not been set out in the Covenant or developed together with States, was further cause for concern. The introduction of interim reporting unnecessarily increased the burden on the Committee, resulted in additional financial costs, reduced the effectiveness of its work and did not enable constructive dialogue between States and experts. All practices, general observations and working methods of the Human Rights Committee were purely internal and did not result in additional obligations for States parties.

7. **Ms. Miller** (United Kingdom) said that her delegation was concerned about the number of overdue reports and acknowledged the concerns of the Human Rights Committee regarding insufficient staff. She asked whether the Committee had any solutions to the issue of non-compliance by States with their

obligations under article 40 of the International Covenant on Civil and Political Rights.

8. **Mr. Aseel** (Maldives) said that his delegation was increasingly concerned about the proliferation of human rights reporting and monitoring mechanisms, as the focus seemed to be the creation of processes rather than the achievement of goals. Reporting demands were onerous for small States with limited technical capacities, which meant that they devoted their energy to drafting reports instead of implementing programmes to protect human rights. The Maldives wished to see an overhaul of the reporting and monitoring mechanisms and the replacement of the process-driven approach with a purpose-driven one. He asked how the reporting bodies would promote capacity-building programmes and human rights mechanisms tailored to small States.

9. **Ms. Wacker** (Observer for the European Union) said that, as in previous years, her delegation was concerned about the number of overdue reports and about the non-compliance by States parties with their obligations under article 40 of the Covenant. In addition, some States parties had reportedly failed to follow procedure by not providing requested observations. The European Union supported the efforts of the Human Rights Committee to simplify its working methods in the face of an increasing workload. She asked for suggestions on national measures that might foster greater understanding and improve implementation of the recommendations of the Human Rights Committee.

10. **Mr. Iwasawa** (Chair of the Human Rights Committee), responding to questions on the measures taken by the Committee to enhance efficiency, said that the simplified reporting procedure was one such measure. General Assembly resolution [68/268](#) endorsed that procedure and encouraged the human rights treaty bodies to offer it to States. Experience with the procedure had been positive, and in July 2017, the Committee had established a working group to conduct an assessment of it. It was hoped that the paper to be issued by that working group would contribute to the review by the States in 2020 of General Assembly resolution [68/268](#). The repetitive communications pilot programme had also enhanced efficiency, and thus had been extended by the Committee for a second year. In October 2016, guidelines had been adopted for reparation measures in order to harmonize procedures and ensure consistency in jurisprudence.

11. Although the Committee was very concerned about overdue reports, steps could be taken to address

the human rights issues of States in the absence of a report. The Committee had recently examined a State that had not submitted its report by sending a list of issues to the State asking for a written reply. The State had made recourse to the capacity building programme offered by the Office of the High Commissioner for Human Rights, and, as a result, had been able to submit a detailed reply. A constructive dialogue with the State's high-level delegation had ensued. All States that had difficulties meeting their obligations were encouraged to make similar use of the capacity-building programme.

12. The Committee was mindful of its treaty obligations under the Covenant and was doing its best to fulfil its mandate. It hoped that its concluding observations on reports, as well as the views it issued in response to individual communications, would be implemented by States. It also hoped that States parties would pass along the concluding observations to relevant actors within their jurisdictions so that they were aware of the views of the Committee.

13. **Ms. Bras Gomes** (Chair, Committee on Economic, Social and Cultural Rights), presenting an oral report on the work of the Committee on Economic, Social and Cultural Rights, said that, in accordance with General Assembly resolution [68/268](#), the Committee had held three sessions in 2017, and had devoted its time to the consideration of reports from States parties to the International Covenant on Economic, Social and Cultural Rights and to concluding observations. It had continued its consideration of individual communications under the Optional Protocol to the Covenant.

14. The Committee had adopted general comment 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities. Recognizing that the rights of refugees and migrants and their families were integral to the implementation of the Covenant, the Committee had adopted a statement on the duties of States towards refugees and migrants under the Covenant. In 2017, the Committee had held thematic meetings with other treaty bodies, special procedures, academics, research institutions, national human rights institutions and non-governmental organizations to exchange information and find mutually beneficial synergies.

15. Having effectively dealt with its backlog, the Committee was focusing its efforts on non-reporting States and States with long-overdue periodic reports. It had held a meeting with those States at its sixtieth session and had requested United Nations country

teams to provide direct assistance to States in preparation of reports. It had already received three reports and was expecting two more.

16. With regard to the Optional Protocol to the Covenant, the Committee's working group on communications met regularly and continued to work with the OHCHR Petitions Unit. The Committee had considered seven communications, four of which had been declared inadmissible and two of which had been discontinued. Views on the merits had been adopted in one case. It had adopted a guidance note on the procedure for follow-up to recommendations. The number of ratifications of the Optional Protocol remained low.

17. The review and fine-tuning of the Committee's working methods and their harmonization with the working methods of other treaty bodies had been cross-cutting issues in its work. At its sixty-first session, the Committee had launched the procedure for follow-up to concluding observations. At its forthcoming session, the Committee would hold its first dialogue with two States parties that had accepted the offer to report under the list of issues prior to reporting.

18. In the context of the 2030 Agenda for Sustainable Development, the Committee continued to seek to integrate the achievement of the Sustainable Development Goals relating to economic, social and cultural rights into its dialogue with States parties. It included a standard paragraph in its concluding observations on the importance of the human rights-based approach in ensuring that the Sustainable Development Goals really left no one behind, and reminded States parties that national plans of action and other related measures to achieve the Goals must fully take into account the obligations of the Covenant.

19. The rapidly changing world posed a number of challenges to the progressive realization of economic, social and cultural rights. Such challenges included the growing number of aged persons, economic recession, unemployment and underemployment, the weakening of State benefits, the changing roles of women and men, the negative consequences of development and the effects of climate change.

20. The Committee would endeavour to make the treaty body system more responsive to the needs of rights holders and to the legitimate expectations of States and civil society, but could not do so without the support of States and OHCHR, which was currently struggling with a continued lack of resources. Given that resources were currently overstretched, any failure to take on board the formula in resolution 68/268 for future resource allocation would have negative

consequences on the entire system and, in the Committee's case, would have an impact on its work under the Optional Protocol and might lead to a new backlog in the consideration of reports. The work of OHCHR deserved recognition and adequate resources.

21. **Ms. Wacker** (Observer for the European Union) said that her delegation appreciated the recent general comment on State obligations regarding business activities and agreed that States parties should ensure that such activities were in line with the Covenant on Economic, Social and Cultural Rights. Business entities should be encouraged to enact steps to prevent abuses and ensure access to effective remedies when abuses did occur.

22. The European Union commended the efforts made by the Committee on Economic, Social and Cultural Rights to devise appropriate working methods and was glad that there was no longer a backlog of reports pending consideration. She asked to hear more about measures to promote the timely submission of reports by States, and how backlogs might be addressed in the future.

23. **Mr. Ríos Sánchez** (Mexico) said that his Government was grateful to the Committee for its support in rescheduling the review of his country's fifth and sixth periodic reports as a result of the state of emergency declared following the earthquakes of September 2017. Mexico looked forward to completing the process as soon as a new date had been set. His Government also wished to reiterate its commitment and readiness to continue to work on upholding economic, social and cultural rights and to follow up on the Committee's recommendations.

24. **Ms. Mkhwanazi** (South Africa) said that South Africa welcomed the development of general comments by treaty monitoring bodies and took note of general comment No. 24 (2017), but was disappointed that no reference had been made to the process of the elaboration of a legally binding instrument on transnational corporations and business enterprises with respect to human rights. It was also disappointing that, in its adoption of the general comment, the Committee had taken into consideration only the Guiding Principles on Business and Human Rights, which could not be equated to minimum standards. Her delegation wished to hear the views of the Chair on the integration of the right to development through an amendment protocol to the Covenant.

25. **Mr. Kashaev** (Russian Federation) said that his country attached great importance to the work of the Committee on Economic, Social and Cultural Rights.

Although the principle of the equality of all categories of human rights had been declared at the World Conference on Human Rights, civil and political rights were traditionally given priority at international human rights forums, while economic, social and cultural rights remained on the sidelines. By carrying out its work in an unbiased and conscientious manner, the Committee was capable of providing vital assistance to States in preventing negative developments and minimizing their consequences.

26. In September 2017, the Committee had considered the sixth periodic report of the Russian Federation on the implementation of the International Covenant on Economic, Social and Cultural Rights. The dialogue with experts had been constructive and open, and the Russian delegation had provided information on the full range of issues covered in that agreement. The Russian authorities were currently examining the concluding remarks of the Committee with a view to incorporating them into future work.

27. **Ms. Moutchou** (Morocco) said that the denial of economic, social and cultural rights was at the heart of many of the most pressing human rights concerns around the world. The Committee was to be commended for its informational meetings with key stakeholders, including civil society, on thematic issues, and for its work on general comments on the right to science and land and economic, social and cultural rights. She asked for further information on the discussions it had held concerning its working methods, particularly with respect to the preparation of the lists of issues.

28. **Ms. Bras Gomes** (Chair of the Committee on Economic, Social and Cultural Rights), in response to the observer for the European Union, said that her Committee wished to work further with non-reporting States and States with overdue periodic reports. It was encouraging that some States had responded to the call for renewed dialogue with the Committee and would submit reports in the near future. Although the previous backlog of work had been dealt with effectively, a lack of administrative resources in the future could hamper the ability of the Committee to review all reports. Another such backlog would jeopardize the gains that had been made in the follow-up to General Assembly resolution [68/268](#).

29. With regard to general comment 24 on State obligations in the context of business activities, she said that general comments focused on a right, an element of a right, or the conditions necessary for the realization of a right, and the process for developing a binding instrument was a separate issue. The mandate

of her Committee was to interpret the Covenant in evolving times and provide guidance to States. General comment 24 contained a well-elaborated section on violations and remedies.

30. Regarding substantive assistance from the Committee to States, she said that the issue was the subject on an ongoing dialogue. The Committee had launched a procedure for follow-up on the concluding observations; an ongoing dialogue was preferable to one that only took place every five years. The Committee wished to assist States between submissions of reports and maintain continuous dialogue on urgent issues.

31. The Committee would begin work on a general comment on the right to science, which would aim to provide guidance to the Third Committee, Member States and other stakeholders. Work on the general comment on the right to land was currently at the internal discussion stage. With respect to the list of issues prior to reporting, the Committee planned to revamp the list in order to reduce the reporting burden on States, a measure that would lead to more focused dialogues with States on priority issues.

32. **Mr. Hawke** (New Zealand), speaking also on behalf of Australia, Canada, Iceland and Norway, said that target 18 of Sustainable Development Goal 17 required Member States to disaggregate data by disability; such data was lacking, however. The short set of questions on disability developed by the Washington Group should be used by the United Nations Statistical Division, national statistical offices and the Inter-Agency and Expert Group on Sustainable Development Goal Indicators to properly disaggregate disability data. Delays in adopting that tool could have a negative impact on the implementation of the Goals.

33. Women and girls with disabilities faced intersecting forms of discrimination, which limited their access to education, employment, health care and justice. It also limited their ability to live independently. Article 19 of the Convention on the Rights of Persons with Disabilities recognized the right of all persons with disabilities to live independently, and States parties must protect that right by enabling persons with disabilities to choose their place of residence and the people they lived with. States must also offer in-home, residential and other community support services. The adoption by the Committee of general comment No. 5 (1994) on persons with disabilities could have an adverse effect on the implementation of article 19.

34. Further steps were needed to make the United Nations fully accessible. Information and important

documents should be made available to all, and official reports should be written in simple language and issued in easy-to-read formats.

35. **Mr. Alasim** (Saudi Arabia) said that women in Saudi Arabia enjoyed full rights and gender equality. Islamic legal texts prohibited oppression against women and granted them their rightful place in society. Saudi women had recently made gains thanks to Government policies that had increased their educational and work opportunities, expanded their participation in the economic sphere and removed constraints on their commercial activities. Saudi women were prominent in the fields of media, culture and medicine and headed non-governmental organizations. They made up 20 per cent of the members of the Shura Council and had the right to stand for election and vote in municipal elections. Recently, Saudi women had been granted the right to drive.

36. Saudi Arabia attached great importance to the family and, in particular, children. The Executive Regulation on Child Protection classified sexual harassment or exploitation of children as abuse or neglect. A 24-hour hotline had been established to receive reports of sexual exploitation, and a rapid response unit had been created to respond to incidents of violence and exploitation involving children. At the international level, Saudi Arabia had hosted workshops and lectures to teach children about the dangers of harassment and how to deal with it. The country had ratified the Convention on the Rights of the Child and had worked with the United Nations Children's Fund (UNICEF) to set up educational and training programmes on child protection.

37. **Mr. Joshi** (India) said that his country recognized the primacy of national responsibility and efforts in the realization of human rights. Human rights should be addressed in a fair and equal manner, with objectivity, respect for national sovereignty and territorial integrity, non-interference in the internal affairs of States, non-selectivity and transparency as the guiding principles. The Human Rights Council, treaty bodies, special procedures and OHCHR should not be confrontational but rather should focus on achieving the desired results through dialogue and capacity-building.

38. India had a pluralistic and secular society, an independent judiciary, human rights monitoring commissions, a free press and a vocal civil society. Affirmative measures were in place to help the more vulnerable and marginalized. In 2017, India had presented its third report under the universal periodic

review on its human rights record and had carried out a voluntary national review of its implementation of the Sustainable Development Goals. Rather than naming and shaming, which was counterproductive and often politicized, a cooperative spirit was essential to enhancing the promotion and protection of human rights globally.

39. **Mr. Kashaev** (Russian Federation) said that, in the Vienna Declaration and Programme of Action, international cooperation had been rightly recognized as the basis for achieving progress in the promotion and protection of human rights, and efforts were needed more than ever before to turn that principle into the primary imperative for human rights bodies in the United Nations system.

40. A number of States increasingly employed human rights rhetoric to justify the use of unacceptable methods to achieve political and economic aims, interference in the internal affairs of sovereign States, unilateral coercive measures and the use of force. Attempts were made to loosely interpret the international obligations of States, and ideas were put forward to restructure the work of the United Nations and its agencies, undermining the intergovernmental nature of the Organization and the principle of the sovereign equality of States. Reforms of Secretariat units, including the Office of the United Nations High Commissioner for Human Rights, were often carried out without the agreement and approval of States.

41. The work of the Third Committee and the Human Rights Council should not be further politicized, and they should not be placed in opposition to one another. The focus should rather be on exchanging national experiences in the promotion and protection of human rights, and the principle of the equal treatment of all categories of rights should be maintained.

42. The Russian Federation traditionally attached importance to cooperation with treaty bodies, whose main purpose was to provide assistance to States parties in fulfilling their obligations. Universal human rights standards should be implemented taking into account the civilizational, religious, cultural and historical circumstances of each country. Unfortunately, committees frequently overstepped their authority, overlapped with other committees and were based on biased values with the inherent aim of promoting contentious concepts that were not supported by the majority of States. With regard to the large number of unresolved issues in the area of enhancing the effective functioning of treaty bodies, it was unacceptable to withdraw from the agreements that had been reached through the intergovernmental

process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system and were enshrined in General Assembly resolution 68/268.

43. *Ms. Kaszás (Hungary), Vice-Chair, took the Chair.*

44. **Ms. Savitri** (Indonesia) said that her country was committed to continuing to engage constructively with United Nations human rights mechanisms. In order to address the overlapping nature of their work, human rights treaty bodies should carry out their mandates in a holistic manner, in accordance with their respective strengths and fields of competence. As a State party to the human rights conventions, Indonesia continued to work with human rights treaty bodies in fulfilling its obligations. It had recently presented its initial report on the implementation of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and had presented and discussed its human rights progress in the third cycle of the universal periodic review. It had welcomed visits of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context.

45. Indonesia staunchly supported the full implementation of the Vienna Declaration and Programme of Action and continued its efforts to translate its human rights commitments into real action. Its national human rights plan of action was focused on measurable actions to mainstream human rights and included six strategies, each of which focused on the promotion and protection of the rights of persons with disabilities. The principles enshrined in various national and global policies had been incorporated into the plan. In view of the implementation of the Vienna Declaration and Programme of Action, Indonesia reiterated its call upon all countries to continue to share their experiences and good practices and to provide effective technical cooperation to those in need.

46. **Mr. Gohar** (Pakistan) said that his Government accorded high priority to advancing the mutually reinforcing objectives of development, human rights and democracy. The commitment of Pakistan to the promotion and protection of fundamental human rights and freedoms was fully enshrined in its Constitution, which provided for the rights to life and liberty, safeguards against arbitrary detention, slavery and bonded labour, protection against retrospective or

double punishment and self-incrimination, the inviolability of dignity and privacy and the freedoms of speech, movement, association and assembly. Pakistan was a party to seven core international human rights treaties and two optional protocols. Human rights were at the core of its development agenda, and a holistic mix of policy and legislative measures had been adopted, encompassing the whole range of human rights issues. On the issue of the empowerment of women, significant legislative and policy reforms had been adopted, including legislation against rape, honour killings, forced marriage, workplace harassment and acid crimes. Laws and administrative measures had also been taken to safeguard the rights of minorities and to prevent the misuse and abuse of blasphemy laws. The protection of minorities was a top priority of the Government, which had established a Ministry of Religious Affairs and Interfaith Harmony to cater to the particular needs of minorities and to promote interreligious dialogue and understanding. The independent judiciary, free media and vibrant civil society in the country provided additional safeguards for the protection of human rights.

47. **Mr. Yaremenko** (Ukraine) said that his country remained fully committed to ensuring fundamental human rights and freedoms in accordance with the existing international standards in that sphere. Despite the ongoing foreign aggression, Ukraine remained on its path of comprehensive reforms, including in the field of human rights. The implementation of the national strategy for human rights and the related action plan up to 2020 continued under the close monitoring of the Ombudsperson of Ukraine and a strong network of civil society organizations. As a candidate for the Human Rights Council for the period from 2018 to 2020, Ukraine strictly adhered to its international obligations and commitments under international human rights law and closely cooperated with the Council and human rights monitoring mechanisms. Since 2006, when the Government had extended a standing invitation to all thematic special procedures of the Council, Ukraine had been visited by eight mandate holders.

48. OHCHR and the human rights monitoring mission in Ukraine significantly contributed to impartial reporting on the human rights situation in the country, the root cause of which was the aggression by the Russian Federation and its violation of the sovereignty and territorial integrity of Ukraine. His delegation noted the tremendous efforts of OHCHR in preparing a dedicated thematic report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of

Sevastopol pursuant to General Assembly resolution [71/205](#). Despite the denial of access to the temporarily occupied Ukrainian peninsula by the Russian Federation, the monitoring mission had obtained reliable sources of information, enabling it to carry out monitoring of good quality and to report severe violations of international human rights and humanitarian law by the occupying authorities.

49. There was an ongoing policy by the occupiers of discrimination against Crimean Tatars and the Ukrainian community, who systematically suffered police brutality, arbitrary searches and arrests, torture and ill-treatment, unfair trials and politically motivated incarceration and prosecution, and continued to experience severe limitations on their enjoyment of the freedoms of speech, religion, assembly and association. The latest manifestation of the repressive policy of the Russian Federation was the sentencing of two deputy heads of the Mejlis of the Crimean Tatar People to two and eight years of imprisonment. In order to hold the Russian Federation to account for acts of discrimination and terrorism, Ukraine had filed a case before the International Court of Justice under the International Convention for the Suppression of the Financing of Terrorism. Ukraine called upon the Russian Federation to abide by its obligations in accordance with the corresponding order adopted by the Court in April 2017.

50. **Mr. Inusa** (Nigeria) said that his country had remained consistent in protecting its citizens from torture and promoting their human rights and fundamental freedoms. It was a State party to major international human rights instruments and contributed to the formulation of key international human rights policies and agendas. It had mainstreamed the basic principles of human rights into all spheres of its national policy.

51. The objectives of the Government's foreign policy had always been accompanied with concrete actions at the national level and advocacy at international forums. For example, a national action plan on human rights had been adopted to serve as a road map for the effective fulfilment of human rights obligations and overall improvement in the full enjoyment of human rights. As part of its commitment to enhancing the administration of criminal justice in line with international best practices, Nigeria had adopted an act on the administration of criminal justice and established national committees on the reform of the Nigeria police and prison authorities and on the death penalty. The national humanitarian coordination system had been strengthened to ensure effectiveness

and promote the rights and dignity of those who had been internally displaced by Boko Haram insurgents.

52. Nigeria was committed to accepting close monitoring of its human rights policies by special procedures mandate holders. From January to August 2016, Nigeria had hosted, under the universal periodic review of the Human Rights Council, the Special Rapporteur on the human rights of internally displaced persons, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, the Special Rapporteur on the right to health and the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material.

53. In the current fight against terrorism, the Nigerian military strictly adhered to the tenets of international humanitarian and human rights law. A human rights desk had been established at the Defence Headquarters to receive complaints and handle cases of soldiers acting in violation of respect for human rights and the dignity of citizens.

54. **Ms. Wu Shao** (China) said that her Government attached great importance to the positive role of international human rights instruments in promoting and protecting human rights and had acceded to 26 such instruments. It had fulfilled its obligations under those treaties by aligning them with domestic legislation and policy measures, and had prepared and submitted periodic implementation reports. Since the return of Hong Kong and Macau to China, the Government had actively supported those special administrative regions in honouring their treaty obligations. In 2017, China had submitted its combined fourteenth to seventeenth reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, its report on the follow-up to the review of the Convention on the Elimination of All Forms of Discrimination against Women and the report on the follow-up to the review of the initial report submitted by Macau on the implementation of the International Covenant on Civil and Political Rights.

55. Her Government supported the treaty bodies in conducting their work within their respective mandates. The implementation of General Assembly resolution [68/268](#), more than three years after its adoption, still fell short of the stated goals and faced problems such as the uneven implementation of provisions, the lack of transparency and inadequate attention to the views of States parties. Measures to reform the treaty body system should facilitate

constructive dialogue and cooperation between the treaty bodies and States parties, ensure the objectivity and impartiality of the work of treaty bodies and avoid politicization and selectivity. States parties should play a leading role in the reform of the system, and the compliance reports provided by Governments should receive full attention. China welcomed the participation of civil society in the work of treaty bodies in accordance with the spirit of relevant United Nations resolutions. The materials submitted by civil society should be screened by the treaty bodies to ensure their factual accuracy and reliability in order to arrive at a comprehensive, objective and impartial assessment of the implementation by the States parties concerned.

56. Since the treaty body system was derived from various human rights treaties, it should operate in strict compliance with treaty provisions. The general comments prepared by treaty bodies must be faithful to the original intent of the treaties and avoid any expanded interpretation of the treaty provisions and additional burdens for States parties. When preparing general comments, the treaty bodies should solicit opinions from all parties, especially States parties.

57. **Mr. Kayinamura** (Rwanda) said that the international community must continue its efforts to ensure and enhance the promotion and protection of all human rights, including by creating the necessary safeguards against new manifestations of discrimination, injustice and obstacles to the full realization of human rights.

58. The Constitution of Rwanda was built on the principle of the equal rights and equal treatment of all citizens and persons without distinction and guaranteed fundamental rights and freedoms. Rwanda was a State party to eight core United Nations human rights instruments, had ratified a number of optional protocols, including those to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Economic, Social and Cultural Rights, and was up to date with its reporting requirements. Rwanda had issued a standing invitation to all special procedures and had welcomed a number of mandate holders.

59. The national commission for human rights was tasked with the overall promotion and protection of human rights. Key institutions for the protection of human rights had also been created, such as a commission for children, a council for persons with disabilities and a board responsible for promoting good governance and creating an enabling environment for

civil society organizations and the media. Civil society played an active role in assisting victims of human rights violations, helping the Government to shape policies, fostering a culture of accountability and changing societal attitudes through awareness-raising. The independent judiciary and Office of the Ombudsman had taken wide-ranging steps to guarantee the protection of the constitutional rights of all citizens.

60. Rwanda was committed to the observance of human rights as enshrined in the Universal Declaration of Human Rights and remained ready to continue its cooperation with the United Nations human rights pillar.

61. **Mr. Islam** (Bangladesh) said that, despite impressive socioeconomic development around the world, millions of people were still denied their basic rights. Constitutional and statutory laws in Bangladesh protected fundamental freedoms and human rights, with special laws safeguarding the rights of women, children, minorities and other vulnerable groups. As a current member of the Human Rights Council, Bangladesh had been working with the other States to promote human rights and implement human rights instruments. His country had also presented its candidature for membership of the Council for the term 2019-2021.

62. Human rights should be fulfilled according to each country's specificities, and the universal periodic review had emerged as an effective instrument for advancing human rights and fundamental freedoms. Bangladesh had successfully completed its third review cycle in June 2017, and had accepted a large number of the recommendations made.

63. Over the previous two months, an unprecedented humanitarian catastrophe had unfolded near the eastern border of Bangladesh. As a result of the ongoing atrocities against Rakhine Muslims in northern Rakhine State, Myanmar, more than half a million forcibly displaced Myanmar nationals had crossed into Bangladesh. His Government was providing them with as much humanitarian support as possible, but that was not a long-term or sustainable solution. The root causes of the problem must be addressed, including ethnicity-based deprivation, discrimination and exclusion, all of which were human rights violations. The international community must ensure that their basic human rights were upheld, including the right to return to their place of abode in Myanmar in safety, security, liberty and dignity.

64. **Mr. Benarbia** (Algeria) said that human rights were constitutionally guaranteed in Algeria and a

national plan was being implemented to ensure those rights were upheld. A reform of the justice system had been completed and the success of measures taken in the areas of education, health and social protection was being evaluated. In 2016, a constitutional amendment enhancing human rights protection had been approved. Following the enactment of an organic law on increasing the representation of women in local and national elected assemblies, the proportion of female parliamentarians had risen to 31.6 per cent, which was higher than any other country in the North Africa and Middle East region. A number of other legislative changes had been made, including the adoption of a law criminalizing violence against women.

65. One of his country's most important achievements was the creation of a national human rights council, which had replaced the national human rights commission. Formally established in March 2017, it aimed to monitor and assess the national human rights situation and had the authority to conduct investigations and take appropriate action.

66. Lastly, while expressing its appreciation for the universal periodic review, Algeria wished to stress that civil society should be consulted during the drafting of human rights reports and treaties.

67. **Ms. Gebrekidan** (Eritrea) said that there was no hierarchy between rights, meaning that the international community should give equal treatment and emphasis to the two covenants. However, effective application of that principle continued to be a challenge for the United Nations, since the resources and political support for implementing the two covenants remained unbalanced.

68. States must refrain from politicization and selectivity by modelling a constructive approach to international cooperation on the advancement of human rights. National Governments bore the primary responsibility for protecting and promoting the human rights of all individuals within their respective territories, while the treaty bodies played a vital role in translating the human rights conventions into practical measures and assisting Member States in the fulfilment of their commitments. In that regard, Eritrea called for the implementation of General Assembly resolution [68/268](#), which addressed some of the challenges faced by Member States in meeting their reporting obligations. The international community should address all conditions that impaired the full enjoyment of all human rights, such as poverty, instability and unjustified sanctions, which greatly affected people's right to live with dignity and in peace. It was also important to strengthen national capacity and Eritrea

recognized the efforts of the Office of the United Nations High Commissioner for Human Rights (OHCHR) to provide training. In 2017, two Eritrean officials had participated in regional training courses for trainers organized by OHCHR.

69. **Ms. Nguyen** Phuong Nga (Viet Nam) said that dialogue played an indispensable role in enhancing trust between Member States and effectively protecting and promoting human rights. Unity in the pursuit of common goals and respect for diversity were the key to successful cooperation on human rights.

70. In Viet Nam, all State policies and socioeconomic development programmes were people-centred, since the people were the object and the driver of national development. Improving the quality of life for vulnerable groups was an important element of her Government's socioeconomic development strategy. Among other initiatives, Viet Nam had organized a round table discussion on children and climate change earlier in the year, with the support of partners. It had strengthened its legal system for protection and promotion of human rights. It was implementing a judicial reform strategy, had revised its penal code and had recently passed new legislation on matters such as religion and belief and legal aid.

71. Lastly, Viet Nam had submitted its first national report to the Committee against Torture and was preparing its report on implementation of the Convention on the Rights of Persons with Disabilities.

72. **Ms. Diedricks** (South Africa) said that her delegation fully supported implementation of the Guidelines on the independence and impartiality of members of the human rights treaty bodies. However, it continued to be concerned about the responsibility placed on the treaty bodies for implementation of the Guidelines against Intimidation or Reprisals, bearing in mind the heavy workload involved and the fact that those guidelines had not been the product of broad consultation or intergovernmental negotiation and endorsement.

73. The continued subordination of economic, social and cultural rights to civil and political rights undermined the spirit of universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms, which was evident from the slant taken in numerous United Nations resolutions. As had been proven many times, including in reports submitted to the Committee, the lack of attention paid to and enjoyment of economic, social and cultural rights was a source of instability and conflict around the world.

74. Lasting progress towards implementation of the right to development would require effective national development policies, as well as equitable economic relations and a favourable international economic environment. There was a clear complementarity between the effective implementation of the Vienna Declaration and Programme of Action and the 2030 Agenda and the ongoing lack of progress in making the right to development a reality for all could only be detrimental to implementation of the 2030 Agenda.

75. **Mr. Paudyal** (Nepal) said that the universal periodic review was an important peer review mechanism. Nepal had completed its second review cycle in 2016 and had accepted almost 80 per cent of the recommendations made. It had extended invitations for a country visit to three special procedures mandate holders in 2017 alone and had maintained a good record in reporting to the human rights treaty bodies, having submitted several reports since 2014.

76. Human rights were guaranteed in Nepal by the constitution. The national human rights commission was fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights and had thus been accorded category 'A' status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. Comprehensive legislative, institutional, policy and administrative measures had been taken to realize the rights enshrined in the constitution and to implement the international instruments to which Nepal was a party. In addition, Nepal had drafted and implemented a comprehensive national human rights action plan, which had contributed to the mainstreaming of human rights issues in national development policies and plans.

77. With regard to gender equality, significant progress had been made. The representation of women in local government bodies was close to 50 per cent following recent elections, while their representation in the parliament was 30 per cent. Lastly, with the aim of contributing to the work of the Human Rights Council and learning from the experiences of others, Nepal had presented its candidature for membership of the Human Rights Council for the first time, for the term 2018–2020.

78. **Mr. Zhemenev** (Kazakhstan) said that Kazakhstan took its obligations very seriously and was strongly committed to further improving its national human rights protection system, as illustrated by the fact that none of its reports to the United Nations human rights committees were overdue. It had submitted two reports in 2017 and was following up on

the concluding observations of several other committees, including the Committee on the Elimination of Discrimination against Women. It had also extended a standing invitation to the special procedures mandate holders.

79. While his delegation recognized the valuable contribution made by the treaty bodies to protecting and promoting human rights and fundamental freedoms, and acknowledged the efforts they had made to improve their work in compliance with General Assembly resolution [68/268](#), it was concerned about their functioning. In particular, the independence and impartiality of the members of the treaty bodies was essential for the performance of their duties. Furthermore, their concluding observations must reflect more accurately the dialogue that had taken place at the review stage and each committee should focus on its specific mandate under the relevant convention. Multilingualism and the equality of all six official languages were also important for the effective functioning of the treaty body system.

80. **Ms. Soulama** (Burkina Faso) said that successful implementation of the 2030 Agenda would be largely dependent on respect for human rights. Burkina Faso had therefore placed human rights at the centre of its development policy and had established an appropriate legal and institutional framework. In addition, her Government had adopted a number of policy documents, including a national policy on human rights and promotion of civic responsibility, which had enabled significant progress to be made in the area of human rights. A number of legislative measures had been taken, including the adoption of a law giving the national human rights commission administrative and financial autonomy and independence of action, and a decree on the creation of a national observatory to prevent and manage community conflicts, which responded to the need to address the numerous human rights violations occurring as a result of those repeated conflicts.

81. A national action plan to implement the recommendations made under the universal periodic review and by the treaty bodies had been executed and the mid-term report had shown that many of the recommendations had been implemented, which was a strong indication that the human rights situation in her country had improved.

82. Given the resurgence in terrorist attacks and the rise in radicalization and violent extremism in Burkina Faso, her Government was now working on ensuring that all citizens could enjoy their human rights without discrimination, and had signed cooperation agreements

on human rights with neighbouring countries to benefit from their experience.

83. **Ms. Chifwaila** (Zambia) said that States were individually and collectively responsible for creating an environment in which human rights were promoted, protected and respected. Zambia had established a number of institutions to address human rights issues, including a human rights commission to investigate human rights violations and propose measures to prevent human rights abuses, and victim support units within the police service in almost every part of the country to deal with human rights violations, with a particular focus on women and children.

84. In 2015, Zambia had enacted a gender equity and equality act giving effect to the Convention on the Elimination of All Forms of Discrimination against Women. It had also recently held a referendum to amend its constitution in order to revise the Bill of Rights to include civil and political rights; economic, social, cultural and environmental rights; marriage and family-related rights; and the rights of older persons, persons with disabilities and children and young people. Although the referendum results had not achieved the required threshold, his Government would continue work to ensure that those rights were included in the Bill of Rights.

85. **Ms. Shaheen** (United Arab Emirates) said that the United Arab Emirates had worked tirelessly to protect the rights and dignity of persons with disabilities and had recently begun to refer to them as “people of determination” in order to empower them. Its leadership believed that disability was an inability to realize achievements, and thus had launched a national strategy in 2017 to empower the members of that social group, create a supportive and inclusive society for them, and guarantee them a decent life.

86. The Government recognized the importance of contract labourers to the country’s economic development and was committed to protecting their rights so that they could enjoy the full benefits of residency in the United Arab Emirates. The Government had adopted measures aimed at protecting workers, such as introducing more flexibility and freedom into the labour market, making contractual relationships between employers and workers more balanced and improving regulation. The country had enacted a law in 2017 that reflected the country’s commitment to the rule of law and brought national legislation into line with international labour standards.

87. **Mr. Mikayilli** (Azerbaijan) said that giving preference to civil and political rights over economic, social and cultural rights must be avoided and a spirit

of cooperation should be maintained during any discussion of human rights. Azerbaijan was one of the founders of the Human Rights Council and appreciated the contribution of the Council to the promotion and protection of human rights. The universal periodic review mechanism ensured equal treatment for all States and its unique nature should be preserved and a non-selective and dialogue-based approach should be fostered within the Council.

88. Azerbaijan had acceded to almost all of the core human rights treaties and was making ongoing efforts to bring its legislation into line with those instruments. It had completed its second cycle of the universal periodic review in 2013 and had accepted almost all of the recommendations made. Azerbaijan had also extended a standing invitation to special procedures mandate holders. His country took its reporting obligations seriously and had been among the 34 States that were fully up to date on their reporting to the treaty bodies.

89. **Mr. Rasuli** (Afghanistan) said that, as a nation that had suffered from international terrorism over the last 40 years, Afghanistan understood the real value of peace, security, human rights and fundamental freedoms. After the collapse of the Taliban in 2001, the promotion and protection of human rights had become a priority for the Government and people of Afghanistan.

90. His country had made considerable progress across all the socioeconomic indicators, and women and girls had been among the main beneficiaries. Many women occupied political positions, indicating their increasing access to decision-making processes. In addition, a national action plan on implementation of Security Council resolution [1325 \(2000\)](#) on women and peace and security had been launched.

91. In line with its international commitments, his Government was enhancing democratic accountability, good governance and the rule of law. It was also reforming the judiciary and all law enforcement institutions, including by taking concrete action to expand access to justice for all Afghan citizens. The new penal code was a key achievement, and it included provisions on crimes such as sexual harassment, human trafficking and crimes against humanity. Afghanistan had also ratified the Convention against Torture and adopted national action plans on issues such as child marriage. Afghanistan was fully aware of the difficulties it faced, in light of its socioeconomic realities and its fight against international terrorism. However, it was slowly building a nation that protected fundamental freedoms for all.

92. **Mr. Sukhee** (Mongolia) said that his country had consistently supported the work of the special procedures mandate holders by implementing their recommendations and providing follow-up information. It had also submitted on a timely basis its national reports under the universal periodic review in 2010 and 2015, respectively. Following the first review, Mongolia had adopted a national action plan to implement the recommendations and had made significant progress in promoting and protecting human rights, including through judicial and legal reforms. It was a state-driven process that involved all stakeholders, including non-governmental organizations. In April 2016, his Government had adopted a national action plan to implement the 150 recommendations submitted as part of the second review cycle.

93. In addition to ratifying a number of conventions and other instruments, Parliament had passed laws in 2015 and 2016 on domestic violence, the rights of children, the protection of children, and the rights of disabled persons, all of which incorporated provisions of relevant international treaties to which Mongolia had acceded.

*Statements made in exercise of the right of reply*

94. **Mr. Kashaev** (Russian Federation), speaking in exercise of the right of reply, said that, in response to the unfounded assertions by Ukraine regarding the Russian entities of the Republic of Crimea and the city of Sevastopol, that territory was a part of the Russian Federation as a result of the freely and democratically expressed will of the citizens of the peninsula. All the international human rights obligations of the Russian Federation applied in all its territories, including Crimea and Sevastopol. Crimean Tatars and other nationalities enjoyed equal rights with all inhabitants of the peninsula and the whole of the Russian Federation.

95. **Ms. Thinn** (Myanmar) said that, with regard to the displaced persons at the border, the Minister for the Office of the State Counsellor of Myanmar had recently visited Bangladesh. As a result of that visit, the Myanmar and Bangladesh authorities had agreed to set up a working group for the voluntary, safe and dignified return of displaced persons on the basis of a 1993 agreement between the two countries. The Minister of Home Affairs of Bangladesh would also be visiting Myanmar with a view to further cooperation. At a time when sincere cooperation was needed, such unconstructive language and tone was unhelpful. However, Myanmar would continue to adopt a good neighbourly spirit and work with all regional and

international partners to address the issue of displaced persons.

96. On 12 October 2017, the State Counsellor had announced the establishment of a mechanism entitled Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine for the development of Rakhine State and for the implementation of projects in all sectors. The programme would be used to show practical and progressive results while working towards the emergence of a peaceful and developed Rakhine State. The Government had invited citizens, non-governmental and civil society organizations and business leaders among others to cooperate on the development of Rakhine State.

97. **Mr. Yaramenko** (Ukraine) said that the so-called agreement on the accession of Crimea and the city of Sevastopol had been signed by a Russian citizen, the Russian President, which was a legal nonsense. The Russian army had begun occupying the territory of Crimea on 20 February 2014, and less than one month later, a so-called referendum had been held. He asked how any referendum could be free and democratic if the people were afraid of being shot.

98. In addition, his delegation was deeply concerned by the human rights situation in Russia. There was significant political repression in all spheres, including of the mass media and the political opposition. Many Russian politicians had escaped to other countries, such as Ukraine. Unfortunately, some of them had been killed which, according to investigations carried out by Ukraine, could be traced back to Russia.

*The meeting rose at 5.50 p.m.*