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## Third Committee

### Summary record of the 17th meeting

Held at Headquarters, New York, on Monday, 14 October 2019, at 10 a.m.

*Chair:* Mr. Braun ..... (Luxembourg)

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*The meeting was called to order at 10.05 a.m.*

**Agenda item 70: Promotion and protection of human rights** (*continued*)

- (a) **Implementation of human rights instruments** (*continued*) (A/74/40, A/74/44, A/74/48, A/74/55, A/74/56, A/74/146, A/74/148, A/74/179, A/74/233, A/74/254 and A/74/256)
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- (c) **Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/74/166, A/74/188, A/74/196, A/74/268, A/74/273, A/74/275, A/74/276, A/74/278, A/74/303, A/74/311 and A/74/342)
- (d) **Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action** (*continued*) (A/74/36)

1. **Ms. DiCarlo** (Under-Secretary-General for Political and Peacebuilding Affairs), introducing the report of the Secretary-General on strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization (A/74/285), said that the United Nations had assisted some 55 Member States, at their request or on the basis of a Security Council mandate, in conducting elections over the past two years.

2. The Under-Secretary-General for Political and Peacebuilding Affairs was responsible for ensuring system-wide coordination and coherence in the provision of electoral assistance. Over the past two years, the internal policy framework had been expanded as part of the effort to ensure that United Nations electoral assistance was provided in line with the “Delivering as one” principle. The Department of Political and Peacebuilding Affairs remained committed to strong regional cooperation and had enhanced its work with regional organizations. A number of activities

had been designed and implemented in collaboration with the Association of Southeast Asian Nations (ASEAN), the secretariat of the Caribbean Community (CARICOM), the League of Arab States, the Organization of Islamic Cooperation, the International Conference on the Great Lakes Region, the Economic Community of West African States (ECOWAS) and the Southern African Development Community, and new partnership had been formed with the Indian Ocean Commission.

3. The tensions and disputes that had accompanied elections in certain States during the reporting period had reconfirmed that political leaders from both government and opposition parties bore the overriding responsibility for successful elections. Both those who won and those who were defeated had to make a choice between building public trust in their country’s political system and undermining confidence in its legitimacy. Those elected should recognize that part of the electorate preferred another candidate or party; give appropriate political space to different views; and refrain from monopolizing a hold on State institutions or harassing opponents. Those who lost an election in a credible process should refrain from suggesting that the election had been illegitimate.

4. On the question of women’s political participation and representation, the global average percentage of women in lower or single houses of parliament had almost doubled since 1997, from 12.4 per cent to 24.3 per cent. However, it still fell far short of the gender balance envisaged in the Beijing Declaration and Platform for Action, and violence perpetrated against women in elections continued to prevent them from exercising their right to participation, hamper opportunities for equal representation in decision-making and weaken democratic processes and institutions. Supporting the efforts of Member States to promote women’s participation in political and electoral processes was therefore one of the highest priorities of the Organization.

5. As noted in the report of the Secretary-General, the influence of the Internet and social media in elections had created complex challenges for Member States. Trust was eroded by the paralyzing suspicion that any information or discourse could have been manipulated, and the spread of hate speech online could undermine the electoral process and trigger violence. Although the response to those challenges was still evolving, Member States might wish to focus on building resilience through the promotion of critical thinking and digital literacy and on supporting professional journalism. There should also be a particular emphasis on protecting those who were often

the targets of hate speech, such as women and vulnerable groups.

6. Available to help Member States overcome the challenges faced in conducting elections, the United Nations electoral support system offered political impartiality, decades of international expertise, multifaceted assistance from system-wide entities, and a global focal point. Electoral assistance was designed to complement other United Nations activities, particularly in support of peaceful transitions, democratic governance, the rule of law, human rights and gender equality.

7. **Mr. Gilmour** (Assistant Secretary-General for Human Rights and Head of the Office of the High Commissioner for Human Rights in New York), introducing a number of reports of the Secretary-General, said that the report of the Secretary-General on the human rights of migrants (A/74/271) outlined a number of legislative and other measures that had been taken to protect the human rights of migrants, according to information submitted by Member States, intergovernmental organizations and non-governmental organizations. It also addressed a number of the issues mentioned in General Assembly resolution 72/179, including combating xenophobia and hostility towards migrants, ensuring that migrants were able to enjoy their economic and social rights on an equal basis with others and ensuring that migration laws and policies were gender-responsive. The importance of respecting human rights at borders, including by refraining from criminalizing irregular migration and taking a human-rights based approach to counter-trafficking measures, was also highlighted.

8. The report of the Secretary-General on the right to development (A/74/167) was focused on the link between the right to development and Sustainable Development Goal 17, concerning global partnerships. The Secretary-General called upon Member States and other stakeholders to enhance international cooperation in finance matters, including with regard to effective tax systems, efforts to combat illicit financial flows, the provision of financing for least developed countries and the improvement of debt management. He also recommended that Member States bridge technology divides and called upon them to close the North-South divide by promoting the voices of developing and least developed countries in global governance.

9. The report of the Secretary-General on human rights and cultural diversity (A/74/212) was particularly relevant in an increasingly globalized world that was witnessing an increase in nativism and a backlash against the celebration of cultural differences. The

report provided a comprehensive overview of efforts taken to promote cultural diversity, based on information provided by Member States, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and a number of non-governmental organizations. It highlighted the importance of the participation of youth in efforts to promote the diversity of cultural expression and emphasized the need for greater international cooperation on programmes, projects and events in order to achieve the progressive realization of economic, social and cultural rights.

10. The report of the Secretary-General on the effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (A/74/215) stressed that despite the adoption of many international instruments and human rights that had helped bring greater visibility to the issue of minority rights, far more needed to be done. In that connection, Member States were urged to enhance the impact of the Forum on Minority Issues.

11. With regard to the report of the Secretary-General on combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief (A/74/229), many of the relevant submissions received by the Office of the United Nations High Commissioner for Human Rights (OHCHR) reflected the fact that Government actions tended to focus on constitutional and legislative frameworks. The Secretary-General accordingly called for a greater emphasis to be placed on practical action and urged Member States to take into account the gender dimensions of discrimination based on religion or belief. Member States were also encouraged to consider streamlining the current parallel process of reporting by the Human Rights Council and the General Assembly by adjusting the reporting time frames to a biannual period.

12. In his report on protecting human rights and fundamental freedoms while countering terrorism (A/74/270), the Secretary-General highlighted progress that had been made with regard to respect for the rights of victims of terrorism while also noting that more needed to be done to ensure that victims had access to justice. Continuing human rights concerns associated with counter-terrorism measures, such as the broad definitions of terrorism in many national laws, excessive restrictions on the freedom of expression and the disregard for fair trial guarantees for suspected terrorists, were also highlighted. Member States were urged to engage in meaningful dialogue with diverse stakeholders to address more effectively the drivers of violent extremism and terrorist acts. They were also

called upon to ensure that their counter-terrorism measures were compatible with human rights and the rule of law. The Secretary-General recommended that Member States assume their responsibility towards their nationals suspected of being foreign terrorist fighters by providing the due consular services and ensuring that their efforts to repatriate and reintegrate suspected foreign fighters and their families were in line with their international human rights obligations.

13. An overview of actions taken by States, the United Nations system, regional organizations and civil society to protect journalists was provided in the report of the Secretary-General on the safety of journalists and the issue of impunity (A/74/314). Such actions included advocacy, monitoring, training, and cooperation in the development of safety and accountability mechanisms. The report also contained specific recommendations in line with the Sustainable Development Goals.

14. The report of the Secretary-General on the Subregional Centre for Human Rights and Democracy in Central Africa (A/74/460) outlined the activities of the Centre and provided contextual information, in particular with regard to the human rights situations in Burundi, Cameroon and the Republic of the Congo. The Secretary-General welcomed the cooperation of the Government of Cameroon with OHCHR. The report indicated that the Centre had been covering Burundi following the closure of the OHCHR country office at the request of the Government. The need for adequate resources to enable the Centre to fulfil its mandate was also highlighted.

15. In the report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea (A/74/268), attention was drawn to the ongoing severe restrictions of civil and political rights in the country. The report also detailed concerns about the conditions and treatment of prisoners in detention facilities, in particular the Jongori prison, where it was reported that detainees had died of starvation, were subjected to systematic beatings by prison guards and were denied medical treatment for serious illnesses. It was recommended that the Government ratify the Convention against Torture and its Optional Protocol, release all political prisoners, address cases of arbitrary detention and ensure that judicial proceedings were conducted in accordance with international standards. With regard to economic and social rights, the report noted the endemic problem of corruption in the country. The Government's engagement in the universal periodic review process and its recent acceptance of 132 recommendations were welcome. However, the Government continued to reject all cooperation with the Special Rapporteur on the

situation of human rights in the Democratic People's Republic of Korea and the OHCHR office in Seoul. The Secretary-General encouraged the Government to cooperate with all United Nations human rights mechanisms. The report highlighted the need for the international community to better integrate human rights concerns into the ongoing peace and security dialogue, ensure that citizens of the Democratic People's Republic of Korea who had crossed international borders irregularly were not repatriated and take further steps to minimize the unintended adverse humanitarian consequences of sanctions.

16. The report of the Secretary-General on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine (A/74/276) set out concerns about systematic human rights violations, including torture, arbitrary detention, enforced disappearances and actions to prevent or suppress criticism and dissent. It also noted that there was a general lack of accountability for human rights violations committed by State agents and that the indigenous population was disproportionately affected by certain violations, such as home searches and police raids involving excessive use of force. In contravention of an order from the International Court of Justice issued in 2017, the activities of the Mejlis, the principal representative institution of the Crimean Tatar people, remained outlawed. The availability of education in the Ukrainian language in Crimea had continued to decrease. The report found that the Russian Federation was failing to uphold its obligations as an occupying Power in Crimea.

17. The report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/74/273) reflected encouraging developments such as a decrease in executions following the amendment of the anti-drug trafficking law, the adoption of legislation to protect the rights of persons with disabilities and positive steps with regard to the law governing the nationality of children of Iranian women and foreign fathers. However, serious challenges were also noted. The country had one of the highest rates of application of the death penalty in the world, and executions of children had continued in 2019. The legislation concerning persons with disabilities contained derogatory language and permitted barriers to health care and education. Laws to protect women and children from violence and end child marriage were still needed, and women's rights defenders continued to face prosecution. In that connection, the Secretary-General called for an end to all laws and practices that discriminated against women in the Islamic Republic of Iran. The report also noted the reported detention and

harassment of human rights lawyers, human rights defenders, labour rights activists, journalists, environmentalists and dual and foreign nationals. Concern was expressed about the deteriorating health of a number of such persons and the persistent denial of access to adequate medical care. There were also discriminatory laws in effect that criminalized consensual same-sex sexual relations and even allowed the application of the death penalty in such cases.

18. The impact of sanctions on the enjoyment of economic and social rights in the Islamic Republic of Iran was highlighted in the report. It was noted that banking restrictions were hindering the execution of humanitarian operations and development programmes of United Nations agencies in the country, notably in the context of flood relief efforts. The Secretary-General welcomed the Government's enhanced cooperation with OHCHR. In that connection, the mission of the United Nations Deputy High Commissioner for Human Rights to Tehran in 2019, which had been focused on the administration of justice and the death penalty, had provided an opportunity for a discussion with the national authorities about ways to end the execution of child offenders.

19. **Dame Karen Pierce** (United Kingdom) said that 2018 had been one of the deadliest years on record for journalists: 99 had been killed, over 300 held in prison and 60 taken hostage. Free and independent media played a vital role in the protection of human rights and the promotion of democracy and economic prosperity. The Global Conference for Media Freedom, co-hosted by the United Kingdom and Canada, had provided a platform for the launch of a global media freedom pledge, a media freedom coalition, an independent high-level panel of experts, a global media defence fund and an international task force on national action plans. She asked what further action could be taken to safeguard the rights of journalists and increase the severity of the consequences for those who sought to cause them harm.

20. **Mr. Yelchenko** (Ukraine) said that his delegation attached great importance to the implementation of General Assembly resolutions [71/205](#), [72/190](#) and [73/263](#), in particular with regard to ensuring the unfettered access of international human rights mechanisms to Crimea, where the occupying Power had been consistently abusing human rights since 2014. His delegation commended the work of the human rights monitoring mission in Ukraine and was committed to continuing to cooperate closely with it. The recommendations of the mission had helped Ukraine make progress towards achieving the highest standard of human rights.

21. OHCHR had exerted tremendous efforts in preparing the report of the Secretary-General on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, despite being denied access to the Ukrainian peninsula by the Russian Federation. Nevertheless, reports should be primarily based on evidence gathered on the ground and his delegation therefore urged the international community to redouble its efforts to ensure that the relevant entities were given unimpeded access to Crimea, without preconditions and in accordance with General Assembly resolution [68/262](#). When reporting to the General Assembly, OHCHR should pay particular attention to the main root causes of human rights violations and abuses in Crimea, namely the foreign aggression and temporary occupation of the peninsula by the Russian Federation. According to the report, the Russian Federation was encouraging the transfer of Russian citizens to Crimea, in an attempt to change the demographic structure of the peninsula, which was a violation of international law. He asked what actions should be taken by the General Assembly and the United Nations more broadly in that regard.

22. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that the report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran was based on a mandate that was nothing but an instrument of coercion and intimidation. The self-righteous proponents of such reporting viewed the annual production of four nearly identical reports on the human rights situation in his country as a means of implementing their so-called maximum pressure policy against the Iranian people. The idea that the self-appointed guardians of global virtue, who unconditionally supported foreign occupation, pre-emptive wars, racism, interference in the affairs of other States and torture, truly cared about human rights in his country was farcical and insulting. States with a consistent record of breaking their commitments and violating the principles of justice, the rule of law and democracy could not reserve the right to interpret human rights or intervene in human rights-related processes.

23. The biased report of the Secretary-General went so far as to suggest that sexual orientation was an internationally recognized human rights issue. It was also revealing that the report referred to a former agent of the United States Federal Bureau of Investigation whose whereabouts were unclear but did not mention the dozens of innocent Iranians – including a pregnant woman, university professors, elderly individuals and persons in need of urgent medical care – who had been apprehended, imprisoned and prosecuted abroad for



alleged violations of the unlawful coercive measures imposed against his country by the United States of America.

24. Iranians, the only relevant stakeholders, took the issue of human rights very seriously. His Government fully appreciated that the promotion of the human rights of citizens was not only a legal and moral responsibility but also crucial to national security. At the international level, his Government was an advocate of multilateralism and engaged fully in processes such as the universal periodic review.

25. **Ms. Bouchikhi** (Morocco) said that abuses of civil, political, economic, social and cultural rights were at the root of almost all armed conflicts and thus undermined sustainable development. In that connection, she asked how human rights could be mainstreamed in the implementation of the 2030 Agenda for Sustainable Development.

26. **Mr. Kashaev** (Russian Federation) said that his delegation rejected the mandate for the report of the Secretary-General on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine. The resolution underpinning the mandate was politicized and based on unverified and clearly falsified information. Moreover, it had been adopted only after recourse to a vote. The situation of human rights in Crimea and Sevastopol was the concern of the Russian Federation and did not fall under the mandate of the human rights monitoring mission in Ukraine. His Government was open to cooperation on human rights issues and was willing to host international monitoring missions, provided that they were undertaken as visits to the Russian Federation.

27. **Mr. Kim Nam Hyok** (Democratic People's Republic of Korea) said that his delegation categorically rejected the report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea, which was based on fabrications and lies concocted as part of an attempt by hostile forces to tarnish the image of his country and topple its social system. His Government would never accept or recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea or the General Assembly resolutions on the human rights situation in his country, as they were nothing more than products of the consistently hostile policy taken against his country at the instigation of hostile forces.

28. Politicization, selectivity and the application of double standards with regard to human rights were unjustifiable and must be eliminated. His delegation asked the United Nations and the Human Rights Council

to abide by the principles of non-selectivity, non-politicization, objectivity and impartiality in their consideration of human rights issues and to ensure that human rights were not used as an excuse to violate the sovereignty of other States, interfere in their internal affairs or exert pressure on States and peoples. His Government would continue to guarantee the promotion and protection of human rights and contribute actively to international efforts to promote genuine dialogue and cooperation on human rights matters.

29. **Mr. Al Khalil** (Syrian Arab Republic) said that the coercive measures taken against his country were undermining its ability to implement the 2030 Agenda. The United Nations had stated on a number of occasions that those measures were illegal and that they violated the human rights of Syrians by preventing them from receiving necessities such as food and medicines. State sponsors of terrorism were acting through an illegal coalition established outside the framework of the United Nations to prevent development and decimate his country's economy. Critical infrastructure such as water processing plants, electricity plants, hospitals and bridges, which were crucial for development, had also been destroyed. His delegation refused to allow human rights mechanisms to be manipulated with a view to destabilizing countries such as the Syrian Arab Republic, the Islamic Republic of Iran and the Democratic People's Republic of Korea while a blind eye was turned to human rights violations by other States.

30. **Mr. Gilmour** (Assistant Secretary-General for Human Rights and Head of the Office of the High Commissioner for Human Rights in New York) said that the safety of journalists was a concern shared by those at the highest levels of the United Nations. The Secretary-General had instructed his own office to work with UNESCO and OHCHR to devise further measures to better protect journalists.

31. The comments made by the representative of Ukraine were largely in line with the report on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine. As noted by the representative of the Russian Federation, OHCHR had not been able to conduct a visit to Crimea. He considered the report on the situation of human rights in the Islamic Republic of Iran to be balanced, as it mentioned progress that had been made and highlighted that certain problems were the result of sanctions.

32. OHCHR was constantly working to mainstream human rights in efforts to implement the 2030 Agenda. It focused on not only civil and political rights but also

economic, social and cultural rights, with a particular emphasis on leaving no one behind and upholding the principles of non-discrimination and non-exclusion.

33. He rejected the claim that the report on the situation of human rights in the Democratic People's Republic of Korea was based on fabrications and lies. It had been produced following an extremely intensive information-gathering exercise. Since OHCHR had not been allowed to visit the country, it had been forced to collect information elsewhere and could not be held responsible for inaccuracies. If the Government considered the information to be inaccurate, it should allow OHCHR to collect information in the country. It was unreasonable for States such as the Democratic People's Republic of Korea and the Syrian Arab Republic to deny OHCHR entry to their territory and then complain that reports were factually incorrect. He was surprised that the representative of the Syrian Arab Republic had mentioned the destruction of hospitals and other civilian infrastructure, considering which forces were responsible for most of that damage.

34. **Ms. Bas** (Director, Division for Inclusive Social Development, Department of Economic and Social Affairs), introducing the report of the Secretary-General on accessibility and the status of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto (A/74/146), said that the report provided an overview of the current global situation with regard to accessibility and efforts by Governments, the United Nations and civil society to increase accessibility. The Convention was a tool for the promotion of an inclusive, accessible and sustainable world and was particularly relevant at a time when conflict, natural disasters, sickness and ageing populations were causing an increase in the number of persons who would acquire a disability during their lifetime. The report contained a number of recommendations aimed at addressing the need to improve the accessibility of products, services and environments. A lack of accessibility led to exclusion and was thus a fundamental barrier to the implementation of not only the Convention but also the 2030 agenda.

35. **Mr. Fathalla** (Chairperson, Human Rights Committee), introducing the report of the Human Rights Committee (A/74/40), said that the Human Rights Committee had reviewed 23 reports of States parties since its 123rd session in July 2018. The working group on the simplified reporting procedure had found that the procedure was effective, beneficial and had alleviated the reporting burden on States parties, although it had placed additional pressure on the Committee and the Secretariat. The Committee members were satisfied

with the quality of the resulting dialogue, as were the participating States. At its 123rd session, the Committee had adopted the simplified reporting procedure as a permanent option and encouraged all States parties to accept it. The Committee had also decided to aim to limit the number of questions in each list of issues to 25.

36. In June 2019, the Chairs of the human rights treaty bodies had set out in a position paper their common vision for the future of the treaty body system, which included allowing all States to make use of the simplified reporting procedure; striving to reduce unnecessary duplication; bringing alignment to the treaty bodies' interactions with stakeholders, the format of constructive dialogues and the methodology used for drawing up concluding observations; ensuring that concluding observations were short, focused, concrete and prioritized; and increasing the capacity of the treaty bodies to review reports of States parties and individual communications. At its 126th session, the Committee had decided to adopt a predictable eight-year review cycle in order to ensure regular reporting by all States parties, in accordance with General Assembly resolution 68/268. The Committee had also decided to move from an opt-in to an opt-out model for use of the simplified reporting procedure, to use the simplified reporting procedure for initial reports, to continue to examine the situation of civil and political rights in non-reporting States parties, and to continue its efforts to align its methods of work and lists of issues with those of other treaty bodies.

37. The capacity-building programme established under resolution 68/268 had been very successful thus far. The Committee had participated in a number of meetings with other treaty bodies to exchange ideas and compare practices. As a pilot test, it had worked with the Committee on Economic, Social and Cultural Rights to adopt a coordinated list of issues prior to reporting for one State. The two Committees would conduct back-to-back reviews of States whenever possible, to enable them to better align their concluding observations.

38. The Human Rights Committee had adopted 147 final decisions concerning communications under the Optional Protocol to the International Covenant on Civil and Political Rights since its 123rd session. Despite an increase in productivity, it faced a growing backlog of individual communications as the pace of cases registered increased. While the Committee was willing to examine a greater number of communications during its sessions, including by moving some of that work to chambers, the backlog could not be addressed without a significant increase in the capacity of the secretariat to deal with those communications. The

current situation represented a serious threat to the credibility of the Human Rights Committee.

39. The Committee had introduced several measures to improve the quality of its work, such as the development of a procedure for handling repetitive communications and the adoption of guidance on identifying cases for oral comments. Pursuant to rule 97 of its rules of procedure, the Committee had reviewed 13 cases in dual chambers at its 125th and 126th sessions. It had also revised its rules of procedure to ensure that they duly reflected the developments in its working methods and jurisprudence. It had adopted general comment No. 36 (2018) on the right to life at its 124th session and aimed to complete the first reading of the draft general comment on the right to peaceful assembly at its 127th session.

40. The threatened cancellation of the Committee's third annual session would have had dire consequences for the six States parties scheduled to be reviewed at that session. Moreover, the Committee would have had to postpone the consideration of more than 40 individual complaints, thereby further increasing the backlog. The Committee stood ready to cooperate with Member States and to share its ideas about ways to improve the treaty body system, taking into account the challenging financial situation, in the context of the 2020 review of the treaty body system.

41. **Mr. Forax** (Observer for the European Union) said that his delegation welcomed the recent accessions to the International Covenant on Civil and Political Rights and its Optional Protocol and encouraged all States that had not yet done so to ratify those instruments. As in previous years, the European Union was concerned by the number of overdue reports and the number of States parties that had failed to cooperate with the Human Rights Committee. He called on States parties to comply with their obligations. His delegation welcomed the implementation of the simplified reporting procedure. It also supported the suggestions set out in the non-paper regarding the 2020 review of the United Nations human rights treaty bodies system submitted by Costa Rica on behalf of a number of States. He asked whether there had been any further cooperation with other treaty bodies in relation to the alignment of working methods and whether they had conducted a joint assessment of the simplified reporting procedure. He would also be interested to know how States parties could support the Human Rights Committee in its efforts to improve the efficiency of the treaty bodies in the context of the review of the system.

42. **Mr. Sylvester** (United Kingdom) said that his delegation welcomed the fact that all scheduled sessions

of the Human Rights Committee had taken place. The reports of intimidation of and reprisals against human rights defenders, journalists and others for cooperating with the Committee gave serious cause for concern. His delegation commended the Committee's commitment to improving the effectiveness and efficiency of treaty monitoring and welcomed the decision of the treaty bodies to better align their procedures and working methods. He would be interested to know which of the proposals in the position paper of the Chairs of the treaty bodies could be most quickly implemented. He also asked how the Committee would ensure that it was able to thoroughly assess implementation of the International Covenant on Civil and Political Rights by non-reporting States if a fixed reporting cycle were adopted.

43. **Ms. Simpson** (United States of America) said that her delegation was concerned about the Committee's tendency to interpret very broadly the International Covenant on Civil and Political Rights and the legal obligations arising under it. Certain general comments, such as No. 36 (2018) on the right to life, detracted from the overall work of the Human Rights Committee and risked discrediting its conclusions. She asked whether the Committee had considered any additional measures to deal with the individual communications awaiting examination, given that the growing backlog risked compromising the capacity of the Committee to carry out its core functions. Her delegation welcomed the Committee's commitment to reform and would be interested to hear how States could best encourage other treaty bodies to adopt meaningful reforms in the short term in order to realize the vision of the Chairs as set out in their position paper.

44. **Mr. Elizondo Belden** (Mexico) said that his Government was committed to addressing the observations and recommendations that the Human Rights Committee would issue following the consideration later that week of his country's sixth periodic report. Mexico would remain open to scrutiny and welcomed the international support that would help it to enhance its national legal framework.

45. **Ms. Přikrylová** (Czechia) said that her delegation welcomed the new ratifications of the Covenant and encouraged all States to work towards the universal ratification and effective implementation of the instrument. The Committee should be commended for the progress it had made with regard to general comment No. 36 (2018) on the right to life and its decision to draft a new general comment on the right to peaceful assembly. Her delegation wished to draw attention to the guidelines for States on the effective implementation of the right to participate in public affairs, which were now available online in user-friendly versions in several



languages. Her delegation encouraged all Governments, local authorities and international bodies to follow the guidelines when incorporating measures to promote and protect the right to civil participation into their laws and policies. States could request technical cooperation and capacity-building assistance from OHCHR in that regard.

46. **Ms. Hussain** (Maldives) said that the Committee's welcome efforts to strengthen its relationship with other treaty bodies underscored the interrelated nature of the rights protected in the various treaties and the need to address potential overlaps and conflicting obligations. She asked whether the Committee intended to update States parties on the evolution and potential outcomes of the cooperation that was taking place. Her delegation also welcomed the adoption of the simplified reporting procedure, which would help reduce the reporting burden on small States. In that connection, her Government eagerly awaited the appointment of a country-based human rights advisor, in response to its request submitted in 2018, to help it fulfil its reporting obligations. Her Government was committed to complying with the Covenant and had taken specific steps to do so, such as the establishment of a presidential commission to investigate murders and disappearances.

47. **Ms. Bouchikhi** (Morocco) said that her Government protected and promoted respect for civil and political rights through appropriate laws, policies, practices and monitoring mechanisms. She asked how the Human Rights Committee had cooperated with the other treaty bodies to promote the implementation of the 2030 Agenda.

48. **Mr. Moussa** (Egypt) said that his delegation fully supported the treaty body process and was participating actively in efforts to strengthen the functioning of the treaty body system. Capacity-building and technical assistance, provided with the consent of and in consultation with the States parties concerned, were crucial to ensuring full and effective compliance with international human rights treaties, particularly in developing countries. He asked what progress had been made with regard to the measures to strengthen the treaty body system set out in the position paper of the Chairs of the treaty bodies and in General Assembly resolution 68/268. He also asked how the Human Rights Committee could enhance its engagement with Member States with regard to the priorities for general comments and thematic debates.

49. **Mr. Driuchin** (Russian Federation) said that there was no legal basis for the unilateral decision taken recently by the Human Rights Committee to change its default reporting procedure; only States parties to the

International Covenant on Civil and Political Rights had the authority to take such a decision. His delegation considered the adoption of the simplified reporting procedure to be a violation of the Covenant and therefore had no intention of departing from the reporting procedure laid down in article 40. His delegation was also gravely concerned about the Committee's highly politicized decision-making, such as the decision to find the Russian Federation guilty of violating the Optional Protocol in relation to actions that had allegedly taken place 50 years before the State's accession to that instrument. Such flagrant disregard for the principles of international law was unacceptable. While the alarming backlog in the consideration of national reports and individual communications continued to grow, the Committee seemed to have been working actively on matters outside its mandate, such as the question of acts of intimidation and reprisals against individuals and groups who collaborated with the Committee and its aggressive lobbying for the merging of its work with that of the Committee on Economic, Social and Cultural Rights. The Human Rights Committee should cease such activities and focus instead on ensuring the non-politicized fulfilment of its mandate under the Covenant and its Optional Protocol.

50. **Mr. Tierney** (Ireland) said that the international community must take urgent action to prevent reprisals against persons who contributed to the work of the Human Rights Council. His delegation welcomed the fact that the Committee had been able to hold its third session of the year despite the budget cuts but would be interested to know what actions could be taken to ensure adequate financing for the Committee, given that financial pressures could continue to cause problems in the long term.

51. **Mr. Zavala Porras** (Costa Rica) said that his delegation welcomed the adoption of the simplified reporting procedure and a more predictable review cycle. He asked what impact budgetary restrictions could have on the work of the Committee and whether the commendable increase in coordination among the treaty bodies had made it possible to address any of the difficulties arising from the financial situation of the Organization.

52. **Mr. Fathalla** (Chairperson, Human Rights Committee) said that the only time the treaty bodies carried out joint work was at the annual meeting of the Chairs. However, if two treaty bodies had overlapping sessions, they would try to have a joint meeting. The Human Rights Committee and the Committee on Economic, Social and Cultural Rights would soon hold a joint meeting.

53. The right of the Human Rights Committee to issue recommendations to States parties in the form of general comments was enshrined in article 40 of the International Covenant on Civil and Political Rights. Since the Covenant could not be amended, general comments were a necessary means of ensuring its continuing relevance. Each general comment was drawn up on the basis of a report by a special rapporteur and comments from States parties, academia, relevant organizations and civil society. Every effort was made to ensure that general comments were balanced. In the infrequent event that members of the Committee were unable to reach a consensus on a general comment, the text was put to a vote, in accordance with the Committee's rules of procedure.

54. The Human Rights Committee was convinced that the simplified reporting procedure provided a valid format for reporting under the Covenant, which did not specify the form that reporting should take. It had not acted outside its competence in developing a new default reporting procedure, as the Covenant provided that it should establish its own rules of procedure. Moreover, the new procedure was not being imposed; States parties were free to opt out.

55. The Human Rights Committee was already implementing many of the measures referred to in the position paper by the treaty body Chairs. It was simplifying reporting procedures, reducing unnecessary duplication, aligning its work with that of other treaty bodies, ensuring that its concluding observations were short and focused and addressing a greater number of individual communications. Those measures also represented significant progress towards the implementation of General Assembly resolution 68/268, and the Committee expected to completely fulfil its mandate under that resolution within the next year.

56. The work of the Human Rights Committee was not biased or political. States parties to the International Covenant on Civil and Political Rights nominated and elected the members of the Committee and had a responsibility to vet nominees. The appointment of the Chair was a lengthy process that involved a significant amount of contact between candidates and States parties. Furthermore, members of the Committee were not present during the consideration of reports submitted by their States or of individual communications that concerned their countries, either directly or indirectly. The Human Rights Committee was not attempting to merge its work with that of the Committee on Economic Social and Political rights; the two treaty bodies were simply coordinating with one another as requested by the General Assembly in its

resolution 68/268. The Committee was engaging in similar coordination with other treaty bodies.

57. Financial restrictions were of great concern to the Human Rights Committee. In order to prevent the cancellation of its third annual session in 2019, the Committee had had to meet with the Secretary-General and the High Commissioner for Human Rights, in addition to sending a number of written communications on the matter. The financial difficulties faced by the Committee were the result of the challenging financial situation of the United Nations as a whole. He encouraged Member States to ensure that the Human Rights Committee had the necessary resources to fulfil its mandate, including by paying their national contributions in a timely manner. The position paper by the Chairs of the treaty bodies did not mention the budget.

58. **Mr. Zerbini Ribeiro Leão** (Chair of the 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 many States parties to the International Covenant on Economic, Social and Cultural Rights continued to submit their periodic reports late or not at all, with many reports more than 10 years overdue. As part of its efforts to encourage the submission of reports, the Committee had simplified the procedures for the submission of long-overdue reports by beginning the constructive dialogue upon receipt of the report rather than requesting additional information in writing, which had resulted in the submission of a number of outstanding reports. States parties in need of assistance with regard to reporting were encouraged to take advantage of the treaty body capacity-building programme established pursuant to General Assembly resolution 68/268. The Committee on Economic, Social and Cultural Rights would continue to allow certain States to use the simplified reporting procedure while it debated how best to make the procedure available to all States parties as part of a predictable reporting cycle, in line with the decision taken by the treaty body Chairs. The Committee on Economic, Social and Cultural Rights would soon meet with the Human Rights Committee to learn from its experience in that regard. The aim behind simplifying the reporting procedure was to simplify planning and preparation, reduce the reporting burden on States parties and enable the timely allocation and provision of resources. It should be borne in mind that while the simplified procedure reduced the burden on States, it hugely increased the workload of the treaty bodies and their support services, which would likely require additional research capacity in order to be able to prepare lists of issues prior to the submission of

reports. The shift to a predictable reporting cycle and general use of the simplified reporting procedure cycle was thus dependent on the availability of the necessary resources. The treaty bodies currently lacked sufficient resources to fulfil their existing mandates.

59. He welcomed the recent ratification of the International Covenant on Economic, Social and Cultural Rights by Antigua and Barbuda and encouraged all States that were not yet parties to the instrument to follow suit. States parties were also encouraged to ratify the Optional Protocol, which provided for the consideration of individual communications by the Committee and was thus a crucial element of the system in place to protect economic, social and cultural rights. The Committee had received a total of 160 communications under the Optional Protocol, 97 of which had been submitted in the past year. The increasing volume of submissions presented a challenge, as the allocation of additional resources for meetings to examine individual communications had not been approved. As a result, the working group on communications met outside normal working hours and between sessions. He therefore called on States parties to allocate to the Committee the time and resources it required in order to fulfil the mandate they had assigned it under the Optional Protocol. He encouraged States parties, in the light of the indivisibility and interdependence of human rights, to regard the Committee on Economic, Social and Cultural Rights as being on equal footing with the Human Rights Committee.

60. In 2019, the Committee on Economic, Social and Cultural Rights had adopted a statement on the pledge to leave no one behind ([E/C.12/2019/1](#)), which it hoped would serve as policy guidance at the national and international levels. By implementing their obligations under the International Covenant on Economic, Social and Cultural Rights, States parties would strengthen their capacity to achieve the Sustainable Development Goals and ensure that no one was left behind. The Committee had also issued a joint statement on human rights and climate change with four other treaty bodies. It had previously issued a statement concerning climate change and the Covenant ([E/C.12/2018/1](#)), in which it had provided guidance for States on how to ensure compliance with their obligations under the Covenant through measures to mitigate climate change and adapt to its unavoidable effects. Those declarations should supplement the specific guidance provided to States following the review of national reports and individual communications.

61. With regard to the review of the treaty body system, he encouraged States parties to seek sustainable

ways to ensure that the treaty bodies were able to carry out their valuable work. It was encouraging that the non-paper submitted by Costa Rica on behalf of a number of States had many points in common with the position paper adopted by the Chairs of the treaty bodies. The treaty body system could not become more efficient and effective without the full support of States parties.

62. **Ms. Mohamed** (Maldives) said that the decision by the Committee on Economic, Social and Cultural Rights to consider consolidated reports under certain circumstances was a positive step towards ensuring that assessments of national implementation of the International Covenant on Economic, Social and Cultural Rights were conducted in an inclusive manner. Her Government was in the process of ratifying the Optional Protocol to the International Covenant on Economic, Civil and Cultural Rights. Her country, like many other small States, faced challenges in cooperating with the treaty bodies owing to its limited technical and human capacity. It therefore encouraged the Committee on Economic, Social and Cultural Rights to continue to identify and address common challenges faced by States parties with regard to the preparation of reports. Her Government would make full use of the available Human Rights Council mechanisms to build its capacity. The appointment of a field-based human rights adviser for her country would also do much to help the Maldives fulfil its reporting obligations.

63. **Mr. Forax** (Observer for the European Union) said that, in the face of the worsening climate crisis, his delegation welcomed the joint statement by five of the treaty bodies on human rights and climate change. His delegation welcomed the increased cooperation among the treaty bodies in relation to shared thematic issues and working methods, which was contributing to a more coherent and effective treaty body system. However, the Committee on Economic, Social and Cultural Rights stood out as being the only treaty body that had not yet endorsed the Guidelines against Intimidation or Reprisals. He asked whether the Committee was considering endorsing the Guidelines and whether it had designated a rapporteur or focal point on intimidation or reprisals.

64. The European Union welcomed the development of the simplified reporting procedure and the reduction in the backlog of reports pending consideration. He asked what could be done to improve the management of the growing number of individual communications awaiting consideration. He concluded by highlighting the Good Human Rights Stories initiative of the European Union, which aimed to showcase positive developments as a reminder that progress on human rights was possible.

65. **Ms. Gebrekidan** (Eritrea) said that the international commitment to the implementation of the Sustainable Development Goals had drawn welcome attention to the work of the Committee on Economic, Social and Cultural Rights. The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights were interdependent, as the enjoyment of civil and political rights could not be achieved without respect for economic, social and cultural rights. In that context, she asked for information about any recent cooperation between the Committee on Economic, Social and Cultural Rights and the Human Rights Committee that would help States parties to fulfil their human rights obligations.

66. **Mr. López Ortiz** (Spain), recalling the indivisibility of human rights, said that the Committee on Economic, Social and Cultural Rights was an important treaty body that carried out its work with rigor and diligence. However, its working methods must be improved to enable it to deal with the increasing number of individual communications being submitted. His country had used the simplified reporting procedure and fully supported it as a means of promoting the progressive realization of economic, social and cultural rights. He asked whether the Committee's future approach to the right to water and sanitation, which was an element of the right to an adequate standard of living as enshrined in article 11 of the International Covenant on Economic, Social and Cultural Rights, would continue to be guided by general comment No. 15 (2002), concerning the right to water, which had been adopted some time ago.

67. **Mr. Mauricio** (Portugal) said that he would be interested to know what specific actions had been taken by the Committee on Economic, Social and Cultural Rights to integrate the Sustainable Development Goals into its work, in accordance with its pledge to leave no one behind. He asked what view the Committee took of the responses received to the questionnaire concerning the reform of the treaty body system that the Office of the High Commissioner for Human Rights had sent to Member States, and what obstacles might hinder bold and effective reform. He would also be interested to hear the Committee's initial assessment of its experience with the simplified reporting procedure and the changes to the procedure for follow-up to concluding observations.

68. **Ms. Xu Daizhu** (China) said that the international community was not giving sufficient attention to economic, social and cultural rights, which were important for the implementation of the 2030 Agenda

and the achievement of universal development. She asked what could be done to rectify that situation.

69. **Mr. Zavala Porras** (Costa Rica) said that his delegation welcomed the efforts by the Committee on Economic, Social and Cultural Rights to harmonize its working methods with those of the other treaty bodies. It strongly supported the strengthening of the treaty bodies and was participating actively in the review process, including by helping gather views of Member States, civil society and the treaty bodies with a view to identifying areas of common ground. In that connection, he asked what elements were shared by the non-paper submitted by his delegation and the position paper adopted by the Chairs of the treaty bodies. He also requested specific examples of the impact of climate change on the enjoyment of economic, social and cultural rights.

70. **Mr. Ramos de Alencar da Costa** (Brazil) said that his delegation welcomed the efforts of the Committee on Economic, Social and Cultural Rights to reduce the reporting burden on States parties, which would be extremely helpful for many developing countries. The digital era had led to increasing inequality in the distribution of wealth, which was presenting serious challenges to the achievement of the Sustainable Development Goals. He asked what could be done to distribute more equitably the resources produced as a result of the technological revolution.

71. **Mr. Kamel** (Algeria) said that economic, social and cultural rights seemed to be given less emphasis than civil and political rights, even though those rights were interdependent. He asked what steps the Committee on Economic, Social and Cultural Rights intended to take to enhance its cooperation with the Human Rights Committee, in the light of that interdependence. Developing countries were committed to the promotion and protection of economic, social and cultural rights but were also having to address development challenges such as poverty, pandemics, natural disasters, financial constraints and capacity limitations. He asked how the Committee on Economic, Social and Cultural Rights intended to integrate the Sustainable Development Goals into its work.

72. **Mr. Zerbini Ribeiro Leão** (Chair of the Committee on Economic, Social and Cultural Rights) said that the Committee welcomed the efforts made by states to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. With regard to reprisals, the Committee had adopted a statement on human rights defenders and economic, social and cultural rights setting out its view of human rights defenders and providing guidance on what States

could do to protect them. At its current session, the Committee had decided that the focal point on intimidation or reprisals would be the Bureau of the Committee.

73. With regard to cooperation between the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, the Bureaus of the two Committees had already held a joint meeting to discuss the simplified reporting procedure and other successful innovations implemented by the Human Rights Committee and had scheduled a follow-up meeting that would take place in the near future.

74. The Committee on Economic, Social and Cultural Rights was making every effort to examine the individual communications it had received, but its resources were extremely limited. It was evaluating all the mechanisms currently at its disposal in order to identify ways to improve its decision-making procedures.

75. The topic of the right to water and sanitation was related to article 11 of the Covenant, concerning the right to an adequate standard of living. The Committee therefore raised the matter in constructive dialogues and had issued relevant general comments. The critical issue of climate change also fell under the scope of article 11, and also article 10, on the protection of the family, children and youth, article 12, concerning the right to the highest attainable standard of physical and mental health, and article 13, regarding the right to education.

76. The Committee consistently aimed to highlight links between the objectives of the Covenant and the Sustainable Development Goals during constructive dialogues and in documents it produced as guidance for States. States parties could make a positive contribution by submitting their periodic reports in a timely manner, so that the Committee could see what States were doing to implement the 2030 Agenda and provide relevant guidance, in its concluding observations, on links between those efforts and actions needed to ensure compliance with specific articles of the Covenant. The United Nations country office and United Nations agencies with offices in the State party could also be involved in those efforts. The 2030 Agenda could thus be a driver of synergy within the United Nations system. The Committee had just held a general discussion on land and the International Covenant on Economic, Social and Cultural Rights as part of the preparations for the elaboration of a draft general comment on the topic, which was an example of a topic it was working on that was closely related to the Sustainable Development Goals.

77. There were many common elements in the non-paper submitted by Costa Rica, the position paper

adopted by the Chairs of the treaty bodies and General Assembly resolution 68/268. The Chairs' position paper primarily concerned the optimization of the reporting system.

78. The Committee on Economic, Social and Cultural Rights had been giving much thought to the question of the distribution of resources in the digital era. Pursuant to article 15 of the Covenant, States parties had an obligation to ensure that everyone had access to digital technology. It should also be borne in mind that technology could help ensure respect for many provisions of the Covenant, as reflected in its article 2. For example, technological advancements had made it much easier to combat corruption.

#### **Agenda item 25: Social development (A/74/184)** (continued)

79. **Mr. Gilmour** (Assistant Secretary-General for Human Rights and Head of the Office of the High Commissioner for Human Rights in New York), introducing the report of the Secretary-General on social development challenges faced by persons with albinism (A/74/184), said that the report was focused on the barriers faced by persons with albinism in relation to health care, education, employment and participation in political, social and cultural life. The specific challenges faced by women and children with albinism were also examined. It concluded that specific measures were critical to ensuring that persons with albinism were not left behind or deprived of the enjoyment of their human rights, social inclusion or well-being.

*The meeting rose at 12.40 p.m.*