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## Third Committee

### Summary record of the 24th meeting

Held at Headquarters, New York, on Wednesday, 22 October 2014, at 3 p.m.

*Chair:* Ms. Nilsson (Vice-Chair) ..... (Sweden)  
*later:* Ms. Mesquita Borges (Chair) ..... (Timor-Leste)

## Contents

Agenda item 68: Promotion and protection of human rights (*continued*)

- (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)
- (c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

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*In the absence of Ms. Mesquita Borges (Timor-Leste), Ms. Nilsson (Sweden), Vice-Chair, took the Chair.*

*The meeting was called to order at 3.05 p.m.*

**Agenda item 68: Promotion and protection of human rights** (*continued*) A/69/383-S/2014/668)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/68/377; A/69/56, A/69/97, A/69/99, A/69/121, A/69/214, A/69/259, A/69/261, A/69/263, A/69/265, A/69/266, A/69/268, A/69/269, A/69/272, A/69/273, A/69/274, A/69/275, A/69/276, A/69/277, A/69/286, A/69/287, A/69/288, A/69/293, A/29/294, A/69/295, A/69/297, A/69/299, A/69/302, A/69/333, A/69/335, A/69/336, A/69/365, A/69/366, A/69/397, A/69/402 and A/69/518; A/HRC/22/45; A/HRC/27/27, A/HRC/27/39 and A/HRC/27/49; A/HRC/27/L.2; A/HRC/WGEID/98/2 and A/HRC/WGEID/102/2)

**(c) Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/69/213, A/69/301, A/69/306, A/69/307, A/69/356, A/69/362 and A/69/398; A/C.3/69/2, A/C.3/69/3, A/C.3/69/4 and A/C.3/69/5)

1. **Mr. Šimonović** (Assistant Secretary-General for Human Rights), introducing reports submitted under agenda item 68 (b), said that the report of the Secretary-General on the promotion and protection of human rights, including ways and means to promote the human rights of migrants (A/69/277), focused on adolescents in transition to adulthood and unaccompanied children, as well as, more generally, the issues of migrant children's detention and access to economic, social and cultural rights. It also discussed the Recommended Principles and Guidelines on human rights at international borders of the Office of the United Nations High Commissioner for Human Rights (OHCHR). Turning to the Secretary-General's note (A/69/121) transmitting the consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights to the Human Rights Council on the right to development (A/HRC/27/27), he said that the report briefly described the related activities of OHCHR and recommended that the right to development should be central to the post-2015 development agenda, which should aim at building a

new, more equitable and sustainable national and international order.

2. The report of the Secretary-General on human rights and unilateral coercive measures (A/69/97) summarized communications from five States, all of which condemned the use of such measures. In that connection, he drew attention to the recent decision of the Human Rights Council (A/HRC/27/L.2) to organize regular panel discussions and appoint a Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights. The report of the Secretary-General on the International Convention for the Protection of All Persons from Enforced Disappearance (A/69/214) contained summaries of communications from 14 States and information on the related activities of the Secretary-General, the High Commissioner for Human Rights, the Committee on Enforced Disappearances, the Working Group on Enforced or Involuntary Disappearances, United Nations agencies and organisations and intergovernmental and non-governmental organizations (NGOs).

3. The report of the Secretary-General on globalization and its impact on the full enjoyment of human rights (A/69/99) summarized communications from seven States, the Economic Commission for Latin America and the Caribbean and the United Nations Commission on International Trade Law and made a number of recommendations on measures to promote participation, transparency and accountability. 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/69/336) summarized steps taken by 16 States and noted the importance of freedom of expression and opinion in that context.

4. The Secretary-General's report on the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region (A/69/333) provided an overview of the past year's documentation and training activities. His note on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights (A/69/287) transmitted his report to the Human Rights Council on national institutions for the promotion and protection of human rights (A/HRC/27/39), which presented information on recent OHCHR activities to assist the establishment

and strengthening of those institutions and made several recommendations to Member States.

5. The Secretary-General's biannual report on missing persons (A/69/293) presented information and recommendations on preventive measures, on mechanisms to clarify the fate of missing persons, on children, on the criminal investigation and prosecution of cases of missing children, on forensic recovery and identification and on the legal status of missing persons and support for their families. In his first report on the safety of journalists and the issue of impunity (A/69/268), the Secretary-General gave an overview of trends and initiatives and made recommendations for establishing an environment in which journalists could work effectively and without undue interference. The report of the Secretary-General on the moratorium on the use of the death penalty (A/69/288) outlined significant developments towards the universal abolition of the death penalty.

6. Introducing the report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/69/306) under agenda item 68 (c), he said that it reiterated the Secretary-General's concern at the rising number of executions and, while welcoming the support recently voiced for freedom of expression and non-discrimination, urged the Government to translate its words into action. It called on the Government to introduce a moratorium on the use of the death penalty, release political prisoners, establish an independent national human rights institution and cooperate fully with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well as with thematic special procedures mandate holders. It also welcomed the Government's engagement with United Nations human rights treaty bodies and urged it to follow up on their concluding observations, as well as to ratify the human rights conventions to which it was not a party.

7. **Mr. Rodríguez Hernández** (Cuba), speaking on behalf of the Non-Aligned Movement, said that the final document of the sixteenth Summit Conference of Heads of State or Government of the Non-Aligned Movement had emphasized the role of the Human Rights Council as the United Nations organ responsible for the consideration of the human rights situations of all countries in the context of the universal periodic review. The final document of the seventeenth Ministerial Conference of the Non-Aligned Movement had called for an end to the exploitation of human

rights for political purposes, including the targeting of individual countries. Both had stressed that the universal periodic review was the main intergovernmental mechanism for the evaluation of human rights situations in all countries and had urged all non-aligned States to continue to coordinate their support for other non-aligned States during the review process.

8. The Secretary-General's politically motivated reports on the situation of human rights in certain countries served only to deepen the politicization of human rights and undermine the credibility of the Human Rights Council. Speaking in his national capacity, he reiterated Cuba's categorical rejection of human rights reports, procedures and resolutions targeting specific countries.

9. **Mr. Ghaebi** (Islamic Republic of Iran) said that his Government took a long-term approach to safeguarding all human rights in compliance with its obligations under national and international law. In a genuine effort to address the concerns of the relevant United Nations mechanisms, it had submitted documented, cogent responses to all communications received. However, like previous resolutions on the situation of human rights in his country, General Assembly resolution 68/184 had been spearheaded by a small number of politically motivated Member States. Furthermore, the Secretary-General's report was methodologically flawed, as it relied on mostly unidentified and unreliable sources rather than his Government's substantiated comments and replies.

10. Under Iranian law, capital punishment was limited to the most serious crimes, such as large-scale drug trafficking or deliberate murder, and was subject to due procedure. His Government had taken effective measures to stem the flow of illicit drugs in a region where extremists, terrorists, organized crime and drug traffickers worked hand in hand, and 80 per cent of executions in 2013 had been related to drug trafficking. Allegations of secret executions were unfounded, and in recent months, as a result of the contributions of civil society, the efforts of the judicial reconciliation committee and the new Penal Code, death sentences for minors had been commuted to rehabilitation, causing the number of executions of minors to fall dramatically.

11. Freedom of expression was guaranteed under the Iranian Constitution and backed by the press law, which provided penalties strictly in accordance with

article 19 of the International Covenant on Civil and Political Rights. Sanitation and health care for prisoners were guaranteed under the rules of procedure for the organization of prisons and enforced by the inspectorates of the different provinces. Cutting his statement short at the request of the Chair, he said that his Government remained committed to protecting and promoting human rights, which were deeply rooted in his country's values and intertwined with its hopes for a more prosperous society.

12. **Ms. Vadiati** (Islamic Republic of Iran), speaking on a point of order, said that, according to the rules of procedure, delegations responding to reports on their countries should be given additional time, as had been the practice in previous years.

13. **Mr. Khane** (Secretary of the Committee) agreed that countries of concern should be given more time, but the rules of procedure were silent on that subject. The Chair had given her delegation twice the time allotted to the other delegations, which was the best that be done could be done in view of the number of speakers remaining.

14. **Ms. Belskaya** (Belarus) said that documents such as the Secretary-General's report on the situation of human rights in the Islamic Republic of Iran undermined human rights and respectful legal dialogue. Deplorably, the report contained paragraphs copied verbatim from the previous report (A/68/377), while omitting information provided by the Government. Furthermore, although it had been available for some time, the Government's response (A/C.3/69/2) had been released only a few days previously. That delay indicated a lack of transparency and was unacceptable.

15. **Mr. Šimonović** (Assistant Secretary-General for Human Rights) said that he greatly appreciated the importance attached by the Non-Aligned Movement to the universal periodic review. He invited interested delegations to stop by his office for a thorough explanation of the methodology used in the report on the situation of human rights in the Islamic Republic of Iran. Regarding the death penalty, his office still had a few free copies of the recently released OHCHR publication *Moving Away from the Death Penalty: Arguments, Trends and Perspectives*.

16. **Mr. Decaux** (Chair, Committee on Enforced Disappearances), introducing the annual report of the Committee on Enforced Disappearances (A/69/56), said that since the report's publication, Portugal and

Togo had ratified the International Convention for the Protection of All Persons from Enforced Disappearance, and Angola had signed it, bringing the number of States parties and signatories to 43 and 94, respectively. The persistence of enforced disappearances underscored the need for universal ratification of the Convention. Calling on Member States to recognize the Committee's competence to consider communications from individuals and States under articles 31 and 32 of the Convention, he urged States parties to fulfil their obligation to submit reports within two years from its entry into force for them and to respond effectively to requests for urgent action.

17. In 2014, the Committee on Enforced Disappearances had engaged in constructive dialogue with Argentina, Germany, the Netherlands and Spain and had examined the reports of Belgium and Paraguay. For States where enforced disappearances had been widespread, its concluding observations had focused on the necessity of continued investigation, respect for the law and truth, adequate reparation and guarantees of non-repetition. For other States, they had stressed the need to enact laws defining enforced disappearance as an autonomous offence and applying the universal jurisdiction provisions of the Convention.

18. The Committee had appointed rapporteurs on follow-up to concluding observations for France and Uruguay, and both rapporteurs had submitted initial reports. During its seventh session, it had adopted lists of issues to be discussed with Armenia, Mexico and Serbia during the public presentation of their reports. During its upcoming eighth and ninth sessions, it would consider the reports of Burkina Faso, Iraq, Kazakhstan and Tunisia. The Committee maintained a close informal working relationship with the Working Group on Enforced or Involuntary Disappearances, with which it also met formally twice a year.

19. **Ms. Schneeberger** (Switzerland) said that her country would soon ratify the Convention. With respect to the Swiss idea of creating a platform to facilitate cooperation among treaty bodies and between treaty bodies and human rights mechanisms, experts, academia and States parties, she would like to know what characteristics it should have to be useful for his Committee. Welcoming the Committee's appointment of a rapporteur on reprisals and its incorporation of that issue into its rules of procedure, she asked what role the treaty bodies and the rapporteur on reprisals

might play in a future United Nations system-wide framework for protection against reprisals.

20. **Mr. Cabouat** (France), reaffirming his country's long-standing commitment to combating the persistent scourge of enforced disappearances, welcomed the recent ratifications by Portugal, Togo and Lesotho. Recalling that enforced disappearances were often linked to other human rights violations such as torture, arbitrary detention and extrajudicial execution, he asked the Chairs of the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances how they were cooperating with the special procedures mandate holders working in those areas.

21. **Ms. Tschampa** (Observer for the European Union) asked how the Committee on Enforced Disappearances could help States parties to translate the Convention into national law and how it would implement the provisions of General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system.

22. **Ms. Diaz Gras** (Mexico) said that her Government would respond to the Committee's list of questions on its report in early January in preparation for the interactive dialogue in February 2015.

23. **Mr. Decaux** (Chair, Committee on Enforced Disappearances), welcoming Switzerland's progress on ratifying the Convention, said that it would be very useful to have a platform for contact and discussion not only among members of the different treaty bodies but also with outside academic and NGO experts. In regard to reprisals, it might be valuable for treaty body Chairs to work together to develop a systemic response to reprisals and intimidation — perhaps a contact point in OHCHR or an approach coordinated by the Special Rapporteur on the situation of human rights defenders. However, it was important not to add layers of bureaucracy that would decrease responsiveness and direct contact. Regarding cooperation with the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions, it would be mutually beneficial to discuss good practices or clarify conceptual matters in a general observation or joint pronouncement.

24. In terms of assistance for translating the Convention into national law, one option would be for the Committee to organize seminars, perhaps in cooperation with NGOs, to look at how, for a given

legal system, a single template law could easily be adapted to local requirements. In that connection, the International Organization of la Francophonie had organized an effective workshop in Tunis in 2013 on preparing reports for submission to the Committee on Enforced Disappearances. With respect to the implementation of General Assembly resolution 68/268, the Committee would work within the limits of its governing Convention to contribute to the overall coherency of the treaty body system. He closed by thanking Mexico for its spirit of cooperation and its report, which should lead to very constructive dialogue.

25. **Mr. Dulitzky** (Chair-Rapporteur, Working Group on Enforced or Involuntary Disappearances) said that in 2014 the Working Group had reviewed almost 4,000 cases, visited the Western Balkans and prepared and presented various reports, including a report on its 2013 visit to Spain and follow-up reports on the implementation of its recommendations to Argentina and Bosnia and Herzegovina. It had adopted a revised version of its methods of work (A/HRC/WGEID/102/2) that made allowance for new aspects of enforced disappearance and improved case handling efficiency, urgent response time and coordination with the Committee on Enforced Disappearances. In addition, it had adopted a procedure for evaluating claims of enforced disappearances and transmitting them to the competent authorities, which it had already used to refer the cases in the Democratic People's Republic of Korea and the Syrian Arab Republic to the Human Rights Council, the General Assembly, the Security Council and the Secretary-General for action.

26. In view of the 45,000 unresolved disappearances in the Working Group's database, better strategies were particularly needed to search for disappeared persons. It was a duty of the State to implement sustained, coordinated and cooperative public policies on such searches. Furthermore, all States should have a search protocol whether or not enforced disappearances had occurred in their territories, and States where they had occurred should also have an adequately funded and resourced search programme. States must respond immediately to reported disappearances, and a disappeared person should always be presumed alive in the absence of sufficient evidence to the contrary. While in some cases it might be impossible to discover the person's remains, the State had a due diligence duty to make every reasonable effort to do so, and out of

respect for the right to truth, it must determine at a minimum the circumstances of the disappearance.

27. To maximize success, search policies should support the efforts of organizations working to include the victims' perspective in programmes and policies on enforced disappearances. In view of the apparent trend of increased intimidation and threats against human rights defenders and family members of disappeared persons, States should take specific steps to provide due protection and to prevent and punish such acts, and the General Assembly should ensure a more systematic response to reprisals against persons cooperating with the United Nations. It was also important to collect and generate data disaggregated by sex, age, place and presumed perpetrators and to guarantee full access to the data for all interested persons.

28. Effective criminal investigators could motivate potential informants by, for example, offering reduced sentences as provided under article 4(2) of the Declaration on the Protection of All Persons from Enforced Disappearance. In addition, family members should be allowed to participate actively in criminal proceedings, should be regularly informed of progress on investigations and should not be responsible for obtaining evidence. Open records laws should be enacted to give the public access to any records possibly containing information on enforced disappearances, without exception, and more intensive use should be made of technology, modern forensic methods, and DNA testing and databases.

29. States should establish adequate legislative frameworks, ensure sufficient resources for forensic investigations, provide ongoing training for employees responsible for investigating enforced disappearances and carry out publicity campaigns to raise awareness, inspire assistance for the victims and encourage the reporting of relevant information. While essentially preventative, measures such as identifying all of the authorities involved in the detention process and keeping and monitoring a central detention register could also speed up the investigative process. Lastly, all of the foregoing strategies should incorporate a gender perspective in order to combat enforced disappearances of women, meet the specific needs of women victims and help women overcome gender-specific obstacles in their search for their loved ones.

30. **Ms. Gandini** (Argentina) said that her country's tragic history of enforced disappearances had inspired

its moral and financial support for the International Convention for the Protection of All Persons from Enforced Disappearance and its special mechanisms, as well as for the Working Group. It had adopted numerous measures to implement many of the recommendations made by the Working Group following its country visit in 2008, and in the course of many public trials more than 500 people had been convicted of participation in the enforced disappearances. It had also established a special unit within the Office of the Prosecutor for Crimes against Humanity to prosecute cases of children wrongfully removed during the period of State terrorism. She called on all States to ratify the Convention, which filled critical legal voids.

31. **Ms. Tschampa** (Observer for the European Union) said that the Working Group had not responded to several invitations to visit made years previously, including the standing invitation of the Islamic Republic of Iran. On the other hand, the Syrian Arab Republic, where a large number of enforced disappearances had been reported since 2011, had rejected its request to visit. Her delegation would like to know if the Working Group had had any further contact with the Governments of those two countries since the publication of its most recent report (A/HRC/27/49).

32. **Ms. Simunic** (Croatia) said that her Government had made every effort to determine the fate of persons who had disappeared during her country's war of independence, yet almost two decades later more than 1,600 persons remained missing. Aware of the need for regional cooperation, in August 2014, it had signed a joint declaration with Bosnia and Herzegovina, Serbia and Montenegro on the role of the State in addressing the issue of those persons. Her delegation would appreciate the Chair's recommendations on how to eliminate the structural discrimination that made women and girls especially vulnerable victims of enforced disappearance.

33. **Ms. Derderian** (United States of America) asked for clarification of the similarities and differences between the working methods of the Committee on Enforced Disappearances and the Working Group. She wondered if they could both potentially call on the authorities in Russian-occupied Crimea to investigate the recent disappearance of Tartars there, as well as on the Governments of Burundi and Rwanda to launch an immediate joint investigation into the circumstances surrounding the bodies found on Lake Rweru.

34. **Mr. Ruidíaz** (Chile) said that his Government would uphold its obligation to fulfil the rights to truth, justice and reparation of victims of enforced disappearance under the dictatorship. It had plans to strengthen the appropriate programmes and departments and had identified five cases of enforced disappearance since the Working Group's previous report (A/HRC/22/45). Chile supported the Working Group's call for redoubled efforts to search for disappeared persons and agreed that States should make more extensive use of forensic examinations and DNA testing and provide more support for reporting cases to the Working Group. It also welcomed the revisions in the Working Group's methods of work.

35. **Mr. Dulitzky** (Chair-Rapporteur, Working Group on Enforced or Involuntary Disappearances) said that the Working Group's revised methods of work gave it the option of preparing a report and engaging in constructive dialogue without visiting countries with long-standing requests to visit, but it had not yet decided to use that option. Thanking the Government of Croatia once again for its cooperation during the Working Group's visit and commending it for its commitment to international cooperation, he urged States to be more responsive to requests from other States for information on disappeared persons. Regarding the situation of women and girls, he referred the representative of Croatia to the Working Group's general comment on women affected by enforced disappearances (A/HRC/WGEID/98/2).

36. He could not comment on contacts with the Governments of the Russian Federation and the Syrian Arab Republic because he had a duty to keep communications with States confidential until they were made public. As to the Working Group's methods of work in situations where more than one State might be involved in an enforced disappearance, if the enforced disappearance occurred in one State but was attributed to another or if two States might have relevant information, it was routine practice to contact both States.

37. **Mr. Heyns** (Special Rapporteur on extrajudicial, summary or arbitrary executions) said that his report (A/69/265) focused on four topics related to the protection of the right to life: regional human rights systems, less-lethal and unmanned weapons in law enforcement, resumptions in the application of the death penalty and statistical indicators. With regard to regional human rights systems, he urged recognition of

their important role and drew attention to the activities of several regional mechanisms. The United Nations had a strong interest in working with and supporting regional human rights systems and initiatives, and in that connection he was happy to report good progress on implementing the Addis Ababa road map for cooperation between the special procedures of the United Nations and the African Commission on Human and Peoples' Rights. Whether regional or international, mechanisms involved in interpreting and applying the right to life had a duty to be aware of developments around the globe in order to ensure coherency.

38. The reckless use of increasingly sophisticated, so-called less-lethal weapons in law enforcement was responsible for a growing number of deaths and injuries. Although there was wide agreement on the international standards applicable to the use of force during law enforcement, it was necessary to define how those standards should be applied in the case of the new less-lethal technologies. Furthermore, in view of the trend towards marketing unmanned weapons for law enforcement purposes, serious consideration must be given as to whether such weapons could be lawfully used in that context at all.

39. In view of the foregoing, the High Commissioner for Human Rights should convene an expert group to examine the application of the international human rights framework to less-lethal weapons and unmanned systems in the context of law enforcement and private security. It was also necessary for the United Nations itself to develop a comprehensive and coherent approach to automated weapons systems that took into account international humanitarian and human rights law and applied to both armed conflict and law enforcement.

40. Despite an overall trend towards the abolition of the death penalty, some States with de facto moratoriums had recently resumed executions. States should be encouraged at every opportunity to formalize the abolition of the death penalty in law or, at the very least, to establish formal moratoriums in accordance with the relevant General Assembly resolutions. With respect to statistical indicators, without reliable statistics it was often impossible to verify the effectiveness of policies for protecting the right to life. Greater attention should be paid to violent death rates, criminal homicide rates and other right-to-life indicators during discussions of the right to life in the context of the universal periodic review and other human rights mechanisms. In

general, the United Nations agencies and other international actors should support efforts to set a specific target for the reduction of violent deaths within the post-2015 development agenda.

41. **Ms. Li** (Singapore) said that the Special Rapporteur's report was premised on two flawed assumptions: that there was a requirement under international law for the progressive abolition of the death penalty and that the imposition of capital punishment was intrinsically extrajudicial, summary or arbitrary. Her delegation strongly objected to his inclusion of Singapore in a list of countries that might have resumed executions in an arbitrary manner. Singapore had imposed a temporary moratorium on executions in order to review its criminal justice system and had lifted the moratorium after making minor adjustments.

42. Her country took a principled and transparent approach to its penal policy and reviewed it regularly for relevance and effectiveness. Singapore was widely regarded as one of the safest countries in the world, and its criminal justice system had been ranked second globally in the World Justice Project Rule of Law Index 2014. She asked the Special Rapporteur to elaborate on his work to address the extrajudicial, summary and arbitrary executions being committed in Iraq by the Islamic State in Iraq and the Levant.

43. **Mr. Diyar Khan** (Pakistan) said that he supported the Special Rapporteur's recommendation that the international community should adopt a comprehensive and coherent approach to autonomous weapons systems, which were of direct concern to his country. Regarding the issue of resumption of executions, the report of the Special Rapporteur also placed Pakistan among the countries that had resumed executions. In fact, the moratorium imposed in 2008 remained in place. The only execution that had occurred since that time had been of a soldier convicted by a military court for a crime committed during military service.

44. **Ms. Schneeberger** (Switzerland) said that her delegation welcomed the Special Rapporteur's recommendation that the High Commissioner for Human Rights should convene an expert group to examine the use of less-lethal weapons and unmanned systems in the context of law enforcement. She would appreciate his views on how to begin to develop and implement a detailed regulatory framework and on

what could be done to convince States to move from de facto to de jure abolition of the death penalty.

45. **Ms. AlMuzaini** (Kuwait) said that, contrary to the assertion in the report, her country had never suspended the death penalty. However, it did not apply it arbitrarily. Persons accused of death penalty offences received every protection under the Constitution and other national laws, including due process and the right to appeal. The death penalty applied to very specific grave offences and could not be imposed on pregnant women or minors. Kuwait complied with article 6(2) of the International Covenant on Civil and Political Rights and article 2 of the Cairo Declaration on Human Rights in Islam. When carried out in accordance with those instruments, the execution of an individual was not a human rights violation, but rather a criminal justice outcome that acted as a deterrent to certain very serious crimes.

46. **Mr. Hjelde** (Norway) said that the Council of Europe had encouraged the abolition of the death penalty in Europe by making it a requirement for membership. He would appreciate the Special Rapporteur's views on how abolitionist States could help others to apply the example of the Council of Europe and how they could best provide encouragement and support to leaders seeking to abolish the death penalty.

47. **Mr. Vorobyev** (Russian Federation) asked the Special Rapporteur's opinion on the extent to which it was realistically possible to hold accountable persons responsible for death or injury arising from the use of armed drones for law enforcement purposes. He would also like to know what action he had taken with respect to blatant violations of the right to life in Ukraine by Ukrainian armed forces.

48. **Mr. de Bustamente** (Observer for the European Union) congratulated the Special Rapporteur on the extension of his mandate and called on Governments to accept his requests to visit. He wished to know what role regional human rights systems could play in achieving greater domestic conformity with international standards on the use of force in law enforcement. He also asked the Special Rapporteur to elaborate on statistical approaches, including their possible use in the context of the universal periodic review and other human rights mechanisms, and to indicate the countries that he planned to visit in the near future.



49. **Ms. Calza** (Brazil) said that her Government supported the Special Rapporteur's call for a clear legal framework on the use of lethal and less-lethal force. Brazil shared his concern about the use of new technologies such as remotely controlled weapons systems in law enforcement, the resumption of executions in certain countries and the need for more comparable statistics on violent deaths, especially among young men. With respect to the important role of regional human rights systems, she recalled the long history of the inter-American system, which had recently been reformed to increase its transparency, credibility and legitimacy.

50. **Mr. Heyns** (Special Rapporteur on extrajudicial, summary or arbitrary executions), addressing the question of the progressive abolition of the death penalty under international law, said that the International Covenant on Civil and Political Rights had been drafted so as to allow its gradual elimination, and State practice was clearly moving in that direction. Furthermore, although it was important that Singapore applied the death penalty in conformity with its own laws, national law never trumped international law.

51. Not all resumptions of executions were arbitrary, as the case of Singapore demonstrated, but when, for example, the Gambia had resumed executions after 27 years, the decision might indeed be arbitrary, even if it had been taken in accordance with national law. Similarly, in the case of Kuwait, while he agreed that the death penalty had never been formally suspended, the fact that it had not been applied for more than two years raised the issue of whether its reintroduction was arbitrary. As to the case of Pakistan, in general, military courts should not have the capacity to impose the death penalty, particularly in the light of article 14 of the International Covenant on Civil and Political Rights.

52. With respect to a regulatory framework for less-lethal weapons, a commentary could be used to expand on the basic standards. With regard to how one regional system could assist others, regional systems were strengthening each other by exchanging best practices and, perhaps more importantly, by comparing jurisprudence. Regional systems worked to enforce the right to life by focusing on threats prevalent in the regions in which they operated, as in the case of the inter-American system and threats to journalists.

53. Statistical indicators of causes and trends relating to violent death were important for setting priorities,

because they allowed policymakers both to see the larger picture and to establish what worked in a particular context. One could learn much from the statistical indicators for São Paulo, where violent crime had declined dramatically. Regarding contacts with Governments, he was in communication with Ukraine about the issues raised by the representative of the Russian Federation. With respect to Iraq, he had made several statements about its use of the death penalty, but his planned November visit might be postponed for security reasons. He was scheduled to travel to the Gambia the following week, but he had thus far been unable to establish a contact with whom to plan the visit.

54. **Ms. de Albuquerque** (Special Rapporteur on the human right to safe drinking water and sanitation) said that, unlike the Millennium Development Goals, the proposed sustainable development goals provided a solid basis for addressing inequalities. However, to be effective, they must be accompanied by specific, time-bound targets and meaningful statistical indicators. With respect to climate change negotiations, any future agreement must strengthen and build on previous commitments to respect, protect, promote and fulfil human rights for all in all climate change-related actions.

55. In her annual report (A/69/213), she had chosen to focus on the right to participation, which was not only a right in itself but could also lead to more sustainable water and sanitation projects. To ensure that participation was active, free and meaningful, States should create spaces and opportunities for engagement, involve people from the outset, provide the information necessary to form an educated opinion and offer a reasonable opportunity to influence decision-making. Moreover, people must have the opportunity not only to decide the location of a borehole or latrine, but also to set priorities, determine the distribution and redistribution of resources and make strategic decisions on budgets and legislative and policy frameworks.

56. To prevent elite capture of those processes, steps should be taken to remove barriers to participation, and in that connection, bodies similar to Scotland's Poverty Truth Commission could be useful for empowering the marginalized. It was also essential for States to institutionalize inclusive participation. She had developed a handbook entitled *Realizing the Human Rights to Water and Sanitation*, which it was her great pleasure to present to the Committee.

57. *Ms. Mesquita Borges (Timor-Leste) took the Chair.*

58. **Ms. Schneeberger** (Switzerland) said that it was vital to extend the right to participation to women and girls, for whom safe drinking water and sanitation could be a prerequisite to security and the realization of economic, social and cultural rights. Her delegation would appreciate examples of good practice for promoting the effective participation of minorities and vulnerable groups in national decision-making processes.

59. **Ms. Pucarinho** (Portugal) expressed her Government's deep appreciation for the Special Rapporteur's work to realize the right to safe drinking water and sanitation over the course of her six-year mandate. She asked what mechanisms and good practices could promote equal and inclusive participation and what could be done to ensure that they would produce the needed structural transformation. She would also appreciate the Special Rapporteur's opinion on how the issue of water as a human right should be addressed in the post-2015 development agenda, as well as on how participation in decisions on that agenda could be made inclusive.

60. **Mr. Hjelde** (Norway) said that nutrition, sanitation and water should be priorities in the post-2015 development agenda, since violations of those rights often correlated with violations of other human rights. He called attention to the valuable contribution of the human rights defenders who worked to uncover corruption, which was among the most widespread of human rights violations and could make water and sanitation services unaffordable for poor people. Violations of the right to safe drinking water often stemmed from large-scale development projects and the extraction of natural resources. He would appreciate the Special Rapporteur's views on whether the Guiding Principles on Business and Human Rights would be useful for ensuring effective regulations and access to justice.

61. **Mr. Kihwaga** (Kenya) said that the Constitution of 2010, which contained provisions to ensure the devolution of decision-making authority, represented an important step towards ensuring effective and inclusive participation in decision-making. His Government was working to implement its obligations under the new Constitution and remained committed to providing its people with safe, accessible and affordable water and sanitation. It wished to thank the

Special Rapporteur for her visit in July 2014 and looked forward to her recommendations, which it would consider carefully.

62. **Mr. Herold** (Germany) said that his Government firmly believed that a human rights-based approach to development significantly enhanced effectiveness and sustainability. He would very much appreciate it if the Special Rapporteur could expand on the economic advantages of ensuring adequate participation and provide some examples of best practices for including children in participatory processes.

63. **Mr. Redondo Gómez** (Spain) thanked the Chair of the Working Group on Enforced or Involuntary Disappearances for the Working Group's very useful visit to Spain. Addressing the Special Rapporteur on the right to safe drinking water and sanitation, he asked how the right to participation could be ensured in the case of privately operated water and sanitation services. His delegation would also appreciate her view on how the right to participation of the majority could be protected without violating the right of minorities. It thanked the Special Rapporteur and her office for their work over the preceding six years, without which the right to safe drinking water and sanitation would not be accepted as a universal right. Looking to the future, he asked her to elaborate on the challenges to realizing that right beyond the post-2015 development agenda.

64. **Mr. de Bustamente** (Observer for the European Union) asked if the Special Rapporteur had observed any progress or could offer examples of good practice relating to stigma. He would also like to know how she had approached participation in her handbook and, more generally, how she hoped it would be used.

65. **Ms. Sameer** (Maldives) said that in her country climate change had already led to salt water intrusion and to a longer dry season on many islands. The Maldives encouraged communities to take ownership of projects that affected them, but participatory processes could cost money and take time, and the continued support its independent partners was critical. She asked if the Special Rapporteur also saw a community role in tackling the root causes of water stress and scarcity and how opportunities might be created at the international level for more meaningful participation by the people most affected by climate change.

66. **Ms. Ponikvar** (Slovenia) said that water issues were a focus of her Government's foreign policy and its

international development cooperation. At the national level, following the Special Rapporteur's 2012 visit, it had been working to implement her recommendations on providing access to water and sanitation for the entire population. She asked what the most common barriers to participation in the area of water and sanitation were and how best to address them.

67. **Ms. de Albuquerque** (Special Rapporteur on the human right to safe drinking water and sanitation) said that, to promote the participation of marginalized groups, it was important to create safe spaces in which they could make their voices heard, as the Government of Brazil had done in developing its national plan for water and sanitation. Examples of good practice in other areas included a public expenditure tracking system developed by Norwegian Church Aid to combat corruption in the United Republic of Tanzania and a Kenyan public school's decision to include boys in discussions of girls' menstrual hygiene in order to overcome stigma. Spain, moreover, had made progress on involving the Roma in decisions on water and sanitation by listening to them and engaging them in the decision-making process.

68. With respect to private water and sanitation services, the people should participate in the decision to have privately operated services, and they should be involved in the company's decisions thereafter. While participation should be ensured simply because it was a human right, the economic advantages were real. For example, had the European Commission consulted the people in Kiribati before building toilets that no one would use, it would have saved money. Lastly, the post-2015 development agenda should confirm the right to safe drinking water and sanitation and to set specific targets for progressively eliminating inequalities of access. The major challenges beyond the agenda were backsliding, climate change and transboundary waters.

*The meeting rose at 6.05 p.m.*