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## Third Committee

### Summary record of the 34th meeting

Held at Headquarters, New York, on Thursday, 27 October 2016, at 3 p.m.

*Chair:* Ms. Mejía Vélez (Chair) ..... (Colombia)  
*later:* Ms. Wegrzynowska (Vice-Chair) ..... (Poland)  
*later:* Ms. Mejía Vélez (Chair) ..... (Colombia)

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

**Agenda item 68: Promotion and protection of human rights** (*continued*) (A/71/40 and A/C.3/71/4)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/71/56, A/71/254,

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**(c) Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/71/379-S/2016/788, A/71/540-S/2016/839, A/71/308, A/71/361, A/71/374, A/71/394, A/71/402, A/71/418, A/71/439, A/71/554 and A/C.3/71/5)

1. **Mr. Haraszti** (Special Rapporteur on the situation of human rights in Belarus) introduced his report (A/71/394), which focused on human rights in electoral processes in Belarus in the context of the 2015 presidential election and the 2016 parliamentary election. Positive developments including a slight loosening of the rules governing the rights of candidates to hold meetings, the release of political prisoners and the signing of the Convention on the Rights of Persons with Disabilities, had raised hopes that the human rights situation in the country was improving.

2. To date, however, no concrete steps had been taken to change the entrenched oppressive legal framework or the restrictive practices of the state apparatus. The civil or political rights of released political prisoners had not been reinstated, and freedom of expression, association and assembly remained restricted. He highlighted the case of Eduard Palchys, who had been arrested in May 2016 because of the views expressed in his blog, ending the short period during which there had been no political prisoners in Belarus.

3. While the election to parliament of one opposition party member and one independent cultural activist might appear to constitute progress, it was merely a token change. Elections continued to be fully controlled by the Government. Moreover, Belarus had continued to carry out executions. He urged the Government to take note of the recommendations made over the previous 10 years by the various human rights mechanisms and reiterated his commitment to assisting the Government, as well as civil society organizations and human rights defenders working in Belarus.

4. **Ms. Gonzalez Tolosa** (Bolivarian Republic of Venezuela), speaking on behalf of the Movement of Non-Aligned Countries, said that human rights issues should be addressed through a constructive and non-politicized approach based on dialogue in a fair and equal manner, with objectivity, respect for national sovereignty and territorial integrity, non-interference in the internal affairs of States, impartiality, non-selectivity and transparency as the guiding principles. The political, historical, social, religious and cultural particularities of each country should also be taken into account. At the seventeenth summit of the Movement of Non-Aligned Countries, held in September 2016, the Heads of State and Government had emphasized that the Human Rights Council, a subsidiary organ of the General Assembly, was responsible for the consideration of human rights situations in all countries through the universal periodic review mechanism.

5. **Ms. Belskaya** (Belarus) said that her delegation agreed with the United Nations High Commissioner for Human Rights that granting country-specific mandate holders access to the States concerned could provide a bilateral means of communication. However, dialogue with those States should begin at the time of the mandate's conception.

6. There was no need for a Special Rapporteur on Belarus, and the money spent on the mandate would be better used in other areas. Country-specific mandates increased confrontation and wasted resources. The Special Rapporteur's report contained no new or substantive information; the human rights situation in Belarus was no different from the situation in the countries that had initiated the mandate, as observed in the results of the universal periodic review.

7. Belarus continued to hold discussions on all human rights subjects with its partners. Talks between the President and the United Nations High Commissioner for Human Rights had resulted in the first national plan on human rights, which would implement the recommendations of treaty bodies and the universal periodic review. The plan encompassed the recommendations of all treaty bodies, as had been suggested by the Special Rapporteur.

8. With regard to the presidential and parliamentary elections, the Special Rapporteur had ignored the opinions of independent observers and had reflected neither the measures that had been undertaken to improve electoral practices, nor the work that had been carried out in line with the recommendations of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE). The changes to the electoral code had been made in 2015, and not in 2014 as the Special Rapporteur had stated in his report.

9. The people of Belarus did not need instructions on how to live. Following the Second World War and the catastrophe at Chernobyl, they had been able to build a strong State. They were proud of their country and its policies, which aimed to maintain the high standards of living enjoyed by its citizens.

10. **Ms. Brooke** (United States of America) said that while her delegation welcomed their peaceful nature, the recent elections had fallen short of the country's international commitment to ensuring free and fair elections. The Government of Belarus should reform its electoral processes in line with the recommendations of the European Commission for Democracy through Law and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe. Reforms should include registering new political parties, broadening the membership of electoral commissions and increasing transparency in the ballot count.

11. It was a matter of concern that the Government continued to deny the right to peaceful assembly and impose restrictions on opposition parties, civil society and independent media by arbitrarily refusing permission for events and fining peaceful protestors. In that connection, she urged the Government to repeal article 193.1 of the criminal code, which criminalized the activities of unregistered organizations; she asked

what immediate steps Belarus could take to improve the operating environment for civil society organizations.

12. **Ms. Přikrylova** (Czech Republic), welcoming the pledges made by Belarus to cooperate with civil society and international organizations on matters related to electoral processes, said that some progress had been made, especially in the treatment of domestic and international observers. Nevertheless, fundamental problems persisted, such as non-transparent counting procedures and the non-pluralistic composition of electoral commissions. She urged the Belarusian authorities to support national non-governmental organizations (NGOs) in carrying out electoral monitoring and to grant domestic observers full access to all key stages of the electoral process.

13. Political parties and civil society organizations must be able to campaign freely and hold meetings. Belarus should eliminate the permission-based registration procedure for assemblies and ease its restrictive approach to the registration of civil society organizations and political parties, with a view to enabling citizens to participate freely in public life, which was a precondition for free and fair elections.

14. **Ms. Thomas** (Cuba) said that the United Nations should focus its efforts in areas where there were clear violations of human rights. The creation of a special procedure for Belarus was politically motivated. The report did not contain any information that justified the continuation of the mandate; instead, it called into question the country's political institutions, which were sovereign.

15. Human rights issues should be addressed in an objective, impartial and non-selective manner. While democracies shared common features, there was no single model of democracy, and each country's historical, cultural and religious heritage should be respected. Her delegation was opposed to special procedures when they were politically motivated and did not stem from genuine human rights concerns.

16. **Mr. Torbergson** (Norway) said that his delegation had hoped that the release of political prisoners signalled the willingness of the authorities to address pressing human rights concerns. To encourage Belarus to take further steps in the right direction, Norway had joined the European Union in lifting

sanctions against the country, but the following day a new death sentence had been handed down. His delegation deplored the continued use of capital punishment by Belarus and urged the authorities to introduce an immediate moratorium on the death penalty as a first step towards abolition.

17. **Ms. Kurbet** (Russian Federation) said that her country recognized neither the Special Rapporteur's mandate on Belarus nor the resolution that had created it, as the deliberate focus on Belarus was illegal and politicized. The same was true of the Special Rapporteur's report, calling into question the impartiality and independence of the mandate holder in both the statement of facts and the formulation of conclusions and recommendations. The basis for the Special Rapporteur's assertion that human rights in Belarus were systemically violated was unclear. It was unacceptable that the Special Rapporteur and the principal authors of the anti-Belarusian resolution should attempt to interfere in the electoral processes of a sovereign State.

18. The fact that Belarus rightly and justifiably refused to work with the Special Rapporteur did not indicate an unwillingness to cooperate with special procedures as a whole, the Office of the High Commissioner for Human Rights (OHCHR), or other human rights mechanisms, as shown by its participation in the universal periodic review. The resolution and mandate on Belarus discredited the United Nations Human Rights Council. The continued existence of the special procedure, despite a lack of support from Belarus, would not yield positive results and was a waste of resources.

19. **Ms. Birštunaitė** (Lithuania) said that political parties and independent candidates should be able to campaign freely and hold debates to ensure that young people could contribute to the development of a political culture. In that regard, her delegation would be interested to hear the views of the Special Rapporteur on how the international community could contribute to the development of a genuine political culture in Belarus.

20. It was regrettable that Belarus had not implemented the recommendations identified by the Special Rapporteur, the Office for Democratic Institutions and Human Rights and other human rights mechanisms. She called on the authorities to

implement those recommendations, ensure that electoral legislation was in line with international human rights standards and cooperate closely with the Special Rapporteur. In that connection, she asked whether progress had been made in his dealings with the authorities and what measures should be taken to sustain a meaningful dialogue.

21. **Mr. Rohland** (Germany) said that his delegation was concerned about the violation of labour rights, particularly in the forestry and agriculture sectors; the repression of civil society, including activists, lawyers and journalists, amid a climate of impunity; and the continued use of the death penalty. He called on the Government of Belarus to carry out electoral reforms, improve respect for human rights and impose a moratorium on the death penalty. In the light of the Government's growing willingness to engage in dialogue on human rights issues at the international level, which was a welcome step, it would be interesting to see whether that would translate into improvements on the ground, including new opportunities for civil society and the victims of labour rights violations.

22. **Ms. Duda-Plonka** (Poland) said that her delegation welcomed the positive developments in Belarus, including the drafting of a national action plan on human rights. Nevertheless, Poland was concerned about continued systemic human rights violations. She asked what measures the international community could take to encourage the Government to address electoral shortcomings, including lack of transparency in registration processes and vote counting. She would also be interested to know what role civil society organizations played in the electoral process and whether there had been any change in that regard over the course of the Special Rapporteur's mandate.

23. **Mr. Araliyev** (Turkmenistan) said that the situation in Belarus did not require urgent attention or monitoring by the Human Rights Council and there was no need to further extend the mandate of the Special Rapporteur. Belarus had demonstrated its willingness to comply with its human right obligations: the country was a party to most of the international human rights instruments and regularly submitted national periodic reports for consideration by the treaty bodies.

24. His delegation welcomed the country's efforts to cooperate constructively with the human rights treaty bodies, the specialized agencies of the United Nations, the European Union and the Council of Europe by holding joint events on the implementation of international human rights treaties in judicial practice.

25. **Ms. Karabaeva** (Kyrgyzstan) said that her country welcomed the steps taken by Belarus to address human rights issues. Kyrgyzstan approved of the Belarusian parliamentary system and its consistency in fulfilling its obligations under international treaties. Since May 2016, consultations had been held in Belarus to design a joint programme of action on human rights. Difficult human rights problems could only be resolved through dialogue, constructive interaction and respect for a country's specific cultural and geographic circumstances.

26. **Mr. Thinkeomeuangneua** (Lao People's Democratic Republic) said that country-specific procedures did not help to address human rights issues and the universal periodic review was the only appropriate mechanism for doing so. His delegation called on the international community to continue its positive dialogue and engagement with Belarus, and encouraged Belarus to continue to cooperate with human rights mechanisms in the fulfilment of its international obligations.

27. **Ms. Laissue** (Switzerland), noting the conclusion in the report that the parliamentary election had been far from democratic, said that her delegation wondered whether such elections might be counterproductive by giving the illusion that human rights were being respected. According to the report, the lack of violence in connection with recent elections stemmed from a culture of repression and fears of destabilization. In that connection, she wondered how stable the country truly was, despite the apparent peace; her delegation would be interested to know the views of the Special Rapporteur on the risk of instability in the long term. She also asked whether the two elected opposition members had any influence in parliament and if their election was a hopeful sign, despite the orchestrated nature of the election. Lastly, noting that the report made recommendations to the Government, she asked if the Special Rapporteur had any recommendations to make to other actors.

28. **Mr. Oña Garcés** (Ecuador) said that his delegation fully supported the work of the Human Rights Council, the organ charged with addressing human rights issues. Deploring the rise in the number of country-specific procedures, he said that such measures were politically motivated, reflected the application of double standards and violated the principles of universality, impartiality, objectivity and non-selectivity. Such measures did not help to promote and protect human rights; on the contrary, they undermined international cooperation, national sovereignty and existing United Nations human rights mechanisms such as the universal periodic review, which Ecuador fully supported.

29. **Mr. Dehghani** (Islamic Republic of Iran) said that his delegation remained seriously concerned at the continued use of the Third Committee as a platform for the consideration of reports emanating from politically motivated mandates, which revealed double standards and biased approaches towards the promotion and protection of human rights.

30. Welcoming the positive steps taken by Belarus in the field of human rights, he said that the United Nations should devote its resources, time and energy to genuinely protecting human rights and addressing the most serious violations and violators. The case against Belarus did not warrant a Special Rapporteur; the universal periodic review was the right forum for the consideration of human rights issues on an equal basis with the full participation of the countries concerned.

31. **Mr. Kelly** (Ireland) said that while the recent elections had been peaceful and efficiently organized, there had been no systemic improvement with regard to human rights, democratic principles and the rule of law. The released political prisoners had not had their civil or political rights restored and there were serious restrictions on freedom of assembly, expression and association, including barriers to the registration of political parties.

32. Noting that such restrictions meant that the elections could not be viewed as compliant with international human rights standards, he urged Belarus to fully implement the recommendations of the Special Rapporteur, the Office for Democratic Institutions and Human Rights and the Council of Europe. He would be interested to know what key steps should be taken by the Government of Belarus to ensure genuine and

sustainable reform of the electoral process in line with international human rights standards.

33. **Ms. Clayton** (United Kingdom) said that while the elections had been peaceful, they had fallen far short of international commitments. Her delegation had particular concerns about the restrictive legal framework, candidates' access to media, voter registration, lack of transparency and irregularities in counting and tabulation. Recalling that Belarus had stated its willingness to engage with the international community, she urged the authorities to implement the recommendations of the Office for Democratic Institutions and Human Rights and to undertake comprehensive electoral reforms.

34. Noting that Belarus was the only country in Europe still applying the death penalty, she also urged the authorities to commute all remaining death sentences and impose a moratorium on executions as a first step towards abolition of the death penalty.

35. The full enjoyment of the right to freedom of opinion and expression should underpin any electoral process. The United Kingdom would work with like-minded partners to encourage the Belarusian authorities to implement reforms for a more democratic and pluralistic election process, and would be interested to know the views of the Special Rapporteur on the relevant priorities.

36. **Mr. Mikayilli** (Azerbaijan), recognizing the efforts Belarus had made to improve its human rights record, said that the country had achieved almost all of the Millennium Development Goals, acceded to most of the core human rights instruments and was fulfilling its reporting obligations, including the successful completion of the second cycle of the universal periodic review in 2015. In addition, the Government had extended an invitation to OHCHR to visit Belarus.

37. Such achievements, which were not reflected in the report, were testament to the country's determination to engage with the United Nations human rights machinery and deserved greater recognition. Noting that human rights issues should be addressed in an impartial, objective, non-selective and non-politicized manner, he said that country-specific procedures did not advance human rights. Instead, he pointed to the universal periodic review, which had proved a successful intergovernmental mechanism for

addressing human rights issues. It was important to implement the recommendations contained in the report of the Working Group on the Universal Periodic Review.

38. **Mr. Zhemenev** (Kazakhstan) said that the report did not provide a comprehensive overview of the human rights situation in Belarus. It should have included the constructive and strengthened cooperation between Belarus, United Nations treaty bodies and OHCHR. The efforts to improve national legislation should also have been appropriately acknowledged. The universal periodic review provided an objective and reliable assessment of all countries and, in view of the increased engagement of Belarus, there was no need for prolongation of the country-specific mandate.

39. **Mr. Said** (Eritrea) said that the universal periodic review remained the best platform to enhance cooperation and partnership in the promotion of human rights as country-specific mandates were politicized, confrontational and counterproductive. They served only to vilify and antagonize countries, while derailing efforts to improve human rights situations. The repeated efforts to bring human rights issues, particularly country-specific resolutions, before the General Assembly was a duplication of work and an ineffective use of time and resources. Eritrea welcomed the initiatives taken by the Government of Belarus to improve the human rights of its citizens.

40. **Mr. Muhamedjanov** (Tajikistan) said that solutions to human rights problems should be based on cooperation and dialogue, and should comply with the international legal framework. Such an approach would help States to carry out their obligations under international treaties and to develop their national institutions.

41. **Mr. Warraich** (Pakistan) said that States bore the primary responsibility for promoting and protecting the human rights of their citizens. Any external interference through country-specific measures was counterproductive and contrary to the spirit of constructive engagement.

42. **Mr. Haque** (Bangladesh) said that country-specific resolutions did not contribute to the overall improvement of the human rights situations of the countries involved, and did not take account of different levels of development, religious backgrounds,

cultures or national challenges. The initiatives taken by Belarus were commendable, including its national human rights action plan.

43. **Mr. Shadiev** (Uzbekistan) said that the Special Rapporteur's mandate did not fully comply with the mandate of the Human Rights Council for cooperative and equal dialogue with States. It was unacceptable to replace the universal periodic review with such double standards, which complied with neither relevant Security Council resolutions nor the principles of universality and objectivity. The resolution on Belarus was counterproductive and would not help to ensure the continued enjoyment of human rights. In view of the consistent cooperation of Belarus with the Human Rights Council and other United Nations bodies, it should not be subject to monitoring or country-specific procedures.

44. **Mr. Forax** (Observer for the European Union) said that the focus on human rights in Belarusian electoral processes was particularly welcome. It was regrettable that the Government of Belarus had refused to cooperate with the mandate. Despite some positive developments, he noted with concern that the political and civil rights of former political prisoners had not been restored, preventing them from participating in the elections held in September 2016. The Government should carry out the necessary reforms, including the abolition of the death penalty. As existing legislation could be amended easily to allow free and fair elections, he asked how the international community could encourage the President of Belarus to engage in a serious dialogue about truly competitive elections.

45. **Mr. Yang Junzhi** (China) said that his delegation opposed the forcible establishment of country-specific measures without the consent of the country concerned. By focusing solely on civil and political rights in Belarus while ignoring progress in realizing economic, social and cultural rights and the right to development, the report was not in line with the principles of objectivity, impartiality and subjectivity. Part of the report undermined the legislative and judicial sovereignty of Belarus, and contravened the Charter of the United Nations. The active participation of Belarus in the universal periodic review and its interaction with human rights bodies and Member States reflected its proactive approach to international cooperation and its dedication to promoting and

protecting the human rights of its citizens. The international community should examine the progress made by Belarus and engage in constructive dialogue to resolve differences.

46. **Mr. Ri Song Chol** (Democratic People's Republic of Korea) said that his delegation opposed all politically motivated and confrontational country-specific measures, which were used to interfere in the internal affairs of countries and divide societies. The right of all States to choose and develop political systems suited to their own context must be respected and supported.

47. *Ms. Węgrzynowska (Poland), Vice-Chair, took the chair.*

48. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) said that special procedures should not be applied without the consent of the country involved. The politically motivated creation of country-specific instruments, reports and resolutions violated the principles of universality, objectivity and impartiality, and undermined the credibility of the Human Rights Council. The universal periodic review should be used to facilitate cooperation and conduct dialogues.

49. **Mr. Qassem Agha** (Syrian Arab Republic) said that his country categorically rejected the report of the Special Rapporteur, which was a clear example of direct interference in the internal affairs of States. Furthermore, the report undermined the credibility of the political and legal terms of reference in the area of international relations, particularly given the fact that international consensus had already been reached on a mechanism for dealing with human rights issues, namely the universal periodic review of the Human Rights Council.

50. It was not clear why the matter had been brought before the Committee, which was supposed to deal with social and humanitarian affairs, or why selective accusations were made against States that had their own cultures, customs and successes in the field of human rights.

51. The Special Rapporteur did not enjoy a mandate to observe elections. Indeed, by calling into question the credibility of the democratic elections that had taken place in Belarus in 2015 and 2016, in which the Belarusian people had made their wishes clear, the Special Rapporteur had exceeded his mandate to an

alarming degree. The will of the Belarusian people must not be held hostage to the Special Rapporteur's concerns and recommendations.

52. His Government reaffirmed its principled position and categorically rejected the selective use of human rights issues as a means of interfering in the internal affairs of States on humanitarian and legal pretexts.

53. **Ms. Sabja** (Plurinational State of Bolivia), speaking in her national capacity and on behalf of Nicaragua, said that her Government opposed politicized reports on specific countries and the selective adoption of human rights decisions against countries of the South. The promotion and protection of human rights could only be achieved through cooperation and constructive dialogue with the countries concerned.

54. *Ms. Mejía Vélez (Colombia), Chair, resumed the chair.*

55. **Mr. Haraszti** (Special Rapporteur on the situation of human rights in Belarus) said that the chapter in the Belarusian penal code criminalizing certain activities could be abolished immediately to better represent and support the rights of civil society. It was also within the President's jurisdiction to allow the registration of human rights and civil society organizations that were currently unregistered, as the continued rejection of registration requests made by the most important organizations criminalized their activities.

56. Election monitoring was carried out under the provisions of the Universal Declaration of Human Rights and articles 21 and 25 of the International Covenant on Civil and Political Rights. Although OSCE observers had been invited to Belarusian elections, parliamentary elections, in particular, had not complied with the 32 recommendations made by the Office for Democratic Institutions and Human Rights, and only two unimportant procedural recommendations had been partially observed. Belarus could improve its elections by cooperating fully with OSCE and complying with all recommendations.

57. With regard to labour rights and how international cooperation could help to improve the rights of civil society, a simple solution would be to allow international civil society organizations to

participate in round tables to establish how the human rights situation could be improved. Dialogue should be the basis for improving human rights, and the Special Rapporteur's mandate was based on cooperation and not confrontation, isolation or antagonism, as had been alleged. He was ready to work with Belarus, beginning with any human rights issues the country itself identified, and broaden cooperation. An important step could be for the delegation of Belarus to provide a copy of the newly issued action plan as a gesture towards such cooperation.

58. **Ms. Keetharuth** (Special Rapporteur on the situation of human rights in Eritrea), briefing the Committee in her capacity as a member of the former Commission of Inquiry on Human Rights in Eritrea, said that the Commission had concluded in its final report ([A/HRC/32/47](#)) of June 2016 that there were reasonable grounds to believe that Eritrean officials had committed crimes against humanity since 1991. Crimes of enslavement, imprisonment, arbitrary arrest and detention, enforced disappearances, torture, persecution, rape, sexual violence, abortion intentionally induced by assault, and murder had been committed directly or indirectly by State, military and security force officials. The Commission had identified and compiled files on alleged perpetrators to help ensure accountability in the future.

59. There had been no material changes that could improve the human rights situation. There was still no constitution, parliament, free press or NGOs, and indefinite or arbitrary duration of national service persisted. The population lived in fear and the Government still controlled their daily lives. The enjoyment of all human rights and fundamental freedoms by Eritreans was virtually impossible. The rule of law was not supreme. The Government and its agents must be subject to the law; citizens whose rights were breached must have access to a properly constituted, independent court staffed by professional judges not fearful of retribution. Ordinary people should not fear arrest, detention or disappearance for using the justice system.

60. The Government of Eritrea had denied repeated requests by the Commission for country visits and unhindered access to sites to gather information and conduct investigations. The Commission had based its findings on substantially corroborated information



from many individuals who had suffered human rights violations in Eritrea. The Commission had concluded that the Government had neither the political will nor the institutional capacity to prosecute the crimes it had documented, and had therefore recommended that the Security Council should refer the situation to the International Criminal Court and that the African Union should establish an accountability mechanism. The Commission had also asked Member States to prosecute or extradite suspects on their territories, and the Security Council to impose travel bans and freeze the assets of individuals suspected of crimes against humanity.

61. Turning to her mandate as Special Rapporteur on the situation of human rights in Eritrea, she intended to focus for the next year on measures to ensure accountability for the crimes identified in the report. The Commission recommended that Member States and international organizations should keep Eritrea under scrutiny until human rights progressed consistently and were central in all engagement with the State.

62. Although some foreign delegations, journalists and others recently invited to Eritrea, including OHCHR, had reported signs of increasing engagement with the international community, the Committee had been mandated by the Human Rights Council to investigate systematic, widespread and gross human rights violations that generally took place in isolated locations and behind closed doors. Regrettably, she had not noted any substantial change in the Eritrean human rights situation.

63. The Government had refused to cooperate with the Special Rapporteur and the Commission, and rejected findings of ongoing gross human rights violations and crimes against humanity. Denial of those violations was not a good strategy and did not allow for them to be addressed in a cooperative manner. She hoped that the strengthened links with Eritrea would offer space for Member States and international organizations to assist the Government in respecting its obligations under international law and ending the persistent human rights violations.

64. The Commission had recommended that Member States should provide fleeing Eritrean nationals with refugee status, respect the principle of non-refoulement and refrain from forced repatriation. The overall

recognition rate for Eritrean asylum seekers in European countries remained high. However, she was concerned at increasing reports of Eritreans being repatriated with inadequate monitoring of their subsequent situation, as the Commission had documented the arrest, detention, ill-treatment and torture of forcibly repatriated individuals.

65. She intended to carry out her mandate by promoting the implementation of the recommendations with those engaging directly with the Government of Eritrea; continuing her cooperation with the other human rights mandates of the Human Rights Council; closely monitoring Eritrea's efforts to implement the recommendations made during its second universal periodic review; updating the international community on any changes in the human rights situation in Eritrea; and addressing any reprisals against those that had cooperated with the Commission or with her mandate as Special Rapporteur, with appropriate follow-up.

66. It was her hope that the General Assembly would address the human rights situation in Eritrea and submit the report of the Commission to the Security Council for possible referral to the International Criminal Court. At the same time, she hoped that engagement with the Government of Eritrea would help to make a difference in the lives of its people. The current situation could not be allowed to continue. Expectations were high that the international community would hear the victims' calls for justice. She reassured the Government that she remained open to meaningful and constructive dialogue and was available to visit the country prior to her report to the Human Rights Council in June 2017.

67. **Mr. Poveda Brito** (Venezuela), speaking on behalf of the Non-Aligned Movement, said that matters relating to human rights must be discussed fairly in a global context that avoided confrontation, with objectivity and respect for national sovereignty and territorial integrity, non-interference in internal affairs of states, and considering the particular circumstances of each country. The Movement had reiterated its unequivocal condemnation of moves to undermine human rights and fundamental freedoms, and stressed the role of the Human Rights Council and subsidiary bodies of the General Assembly responsible for examining the human rights situation in all countries as

part of the universal periodic review on the basis of cooperation and constructive dialogue.

68. **Mr. Gebreab** (Eritrea) said that he wished to remind delegates that the mandate of the Commission of Inquiry had been terminated at the thirty-first session of the Human Rights Council in Geneva in July 2016. The Human Rights Council was the most appropriate international forum for the discussion of human rights on the basis of universality and equality. Eritrea was currently on the agenda of the Third Committee only because of double standards and selective, politically motivated, country-specific approaches.

69. Eritrea was a safe, peaceful and stable nation with an evolving political system, which had nonetheless suffered setbacks. It was working to build a justice system focused on broad popular participation, including the equitable participation of women, in the form of locally elected community courts. The foundation for broad growth was gradually being established, and available resources were used judiciously and effectively. While Eritrea favoured international dialogue, engagement and cooperation, the policy of seeking to isolate and undermine the country had limited its role and deprived the Horn of Africa of its positive contributions.

70. Emphasizing national ownership and national responsibility, Eritrea prioritized the domestic mobilization of human and financial resources in nation building, and observed the same principle in human rights. Despite hostility and challenges, work was being carried out to advance the political, civic, economic, social and cultural rights of Eritreans, whose life expectancy and quality of life had improved. Free universal education was provided and improvements had been made in health and the rights of women and children. Policies on citizenship, unity in diversity and prioritizing disadvantaged areas and sections of the population had strengthened national unity and solidarity.

71. It was hoped that Eritrea could achieve the Sustainable Development Goals ahead of schedule, build a nation worthy of the sacrifices that had been made to create it, and contribute to a peaceful, cooperative and integrated Horn of Africa region. Alongside participation in the universal periodic review process, Eritrea cooperated effectively with the

United Nations and its human rights bodies, as well as other partners, to implement the recommendations it had accepted. Eritrea was a critical and effective participant in combating human trafficking and providing solutions to irregular migration.

72. Eritrea had been treated unfairly by the United Nations and the international system for the previous six decades. The continuing occupation of its sovereign territory had been met with silence, and sanctions against it continued despite broad recognition that they were groundless and unjustified. Having been singled out for attacks on human rights when the violations of other States were ignored, Eritrea sought fairness and encouraged mutual solidarity and support.

73. **Mr. Thant Sin** (Myanmar) said that efforts to promote and protect human rights should be based on cooperation and genuine dialogue. Political and social stability was the key to the overall development of Eritrea. Myanmar remained confident that the universal periodic review mechanism, where all States were on an equal footing, provided the most appropriate framework for enhancing international cooperation on human rights. He encouraged Eritrea to continue its engagement with the international community in implementing accepted universal periodic review recommendations.

74. **Mr. Forax** (Observer for the European Union) said that the European Union remained very concerned about the human rights situation in Eritrea, where there were reasonable grounds to believe that crimes against humanity had been committed. He acknowledged recent positive developments such as the country's move away from the death penalty and access granted to a visiting delegation from OHCHR, which was hopefully a step towards full cooperation on human rights with the international community and all United Nations bodies. Substantial improvements in the human rights situation and accountability for crimes and human rights violations were needed, and required legal and institutional reforms that would provide a constitutional framework, improve the rule of law, end indefinite national service and address concerns regarding forced labour.

75. **Mr. Doualeh** (Djibouti) said that his country condemned the systematic, widespread and gross human rights violations in Eritrea in a climate of generalized impunity, and deeply regretted the

continued refusal by the Government to cooperate with the Commission of Inquiry and the Special Rapporteur. He asked the Special Rapporteur to elaborate on possible actions by relevant United Nations organs to implement the recommendations of the Commission of Inquiry, and on a regional mechanism to address accountability in Eritrea. He further inquired whether she had sufficient resources to fulfil her mandate, and for details of enquiries regarding the 13 Djibouti prisoners-of-war in Eritrean prisons since 2008.

76. **Ms. Brooke** (United States of America) said that her country strongly encouraged the Government of Eritrea to respond positively to United Nations mandate holders who had requested a visit, including the Special Rapporteur, and to cooperate with her efforts to promote human rights in that country. The United States of America was very concerned by reports of arbitrary detention and severe restrictions on exercising freedom of religion or belief. She inquired about the status of the Government's commitment to limit the duration of national service to 18 months, develop an independent and transparent judiciary, and release persons who had been arbitrarily detained. She also asked how the international community could best press the Government to implement its constitution, hold national elections and honour those commitments.

77. **Mr. Tumbare** (Zimbabwe) said that no country had achieved the perfect realization of human rights for its people, and consequently none had the moral authority to condemn the human rights challenges faced by another, or belittle a country's efforts at promoting human rights. When one or more countries assumed the role of human rights prefect, it polarized the debate and reduced consideration of the issue to mere politicking. Zimbabwe restated its opposition to country-specific mandates as they promoted double standards and sought to institutionalize selective treatment. The creation of a country mandate without the concurrence of the affected country was not conducive to constructive dialogue and cooperation, complicated the work of the mandate holders and undermined the balance of their reports. Zimbabwe believed that the universal periodic review remained the best forum for reviewing the human rights efforts of all States impartially and on an equal footing.

78. **Mr. Glossner** (Germany) said that he commended the willingness of Eritrea to work with the

OHCHR, and urged the Government to continue cooperating with the United Nations Development Programme (UNDP) and the European Union on implementing the universal periodic review recommendations. However, Germany remained seriously concerned about the human rights situation, as the report indicated no improvements on the most critical human rights violations and only selective cooperation with United Nations bodies. It urged the Government to take steps to implement legal and institutional reforms and ensure the accountability of perpetrators of crimes that had been and continued to be committed.

79. **Mr. Almazraei** (United Arab Emirates) said that his country welcomed Eritrea's constructive engagement with the United Nations in the area of human rights. It was important to take into account the positive steps taken by Eritrea, including its acceptance of 92 recommendations made during the second cycle of the universal periodic review of the Human Rights Council, its establishment of a mechanism to implement those recommendations, and the signing by its Government of an agreement with the United Nations to accelerate their implementation. The United Arab Emirates also commended Eritrea's engagement with OHCHR and the United Nations special rapporteurs, as well as its active cooperation with the United Nations Office on Drugs and Crime.

80. The United Arab Emirates believed that all those positive steps underscored Eritrea's commitment to strengthening and promoting human rights within the country, and trusted that it would continue to work constructively with the United Nations and its specialized agencies to that end.

81. **Mr. Oña Garcés** (Ecuador) said that his country fully supported the work of the Human Rights Council, the competent body for examining the human rights situation. Ecuador regretted the continued abundance of practices based on political objectives and double standards that neither promoted nor protected human rights, and instead undermined relationships between States, constructive dialogue, international cooperation, and carefully designed mechanisms such as the universal periodic review.

82. **Mr. Zewdie** (Ethiopia) said that his delegation appreciated the Special Rapporteur's courageous commitment and decisiveness in reporting crimes

against humanity committed in Eritrea, and wished her further success in following up on implementation of the recommendations of the Commission of Inquiry.

83. **Mr. Yang Junzhi** (China) said that China opposed the imposition of country-specific mandates without the consent of the country concerned. Eritrea had made steady progress on human rights, actively cooperated with human rights bodies, and participated in two universal periodic reviews, accepting 92 of the resulting recommendations and accelerating their implementation. China called for objectivity, fair assessment, patience and diplomacy when examining the challenges facing Eritrea as a developing country in promoting and protecting human rights. The international community should engage in constructive dialogue and provide Eritrea with more technical assistance and capacity building support.

84. **Mr. Torbergson** (Norway) emphasized the need for proper follow-up to the resolutions on the situation of human rights in Eritrea. The Eritrean Government should enact the 1997 Constitution and ensure that human rights were respected in accordance with its international obligations. It should engage with the international community and the United Nations; in particular, it should grant OHCHR a greater role, in line with the request made by the Human Rights Council, and consider inviting OHCHR to establish an office in Eritrea. Further, the Government should consider extending invitations to special rapporteurs working on civil and political rights. His Government remained committed to strengthening its engagement with Eritrea, including through assisting with the implementation of the recommendations that had arisen from the universal periodic review. He asked what first steps the Eritrean Government should take to improve the human rights situation.

85. **Ms. Thomas** (Cuba) said that the universal periodic review of the Human Rights Council was the appropriate mechanism for promoting and protecting human rights. Consequently, her Government continued to oppose country-specific procedures — which, incidentally, were always implemented against countries of the South. The African regional and subregional organizations concerned should be given another opportunity to attempt to resolve the problems in Eritrea.

86. **Ms. Belskaya** (Belarus) reiterated her country's position that country-specific mandates created artificial barriers to constructive dialogue with the States concerned, while violating the principle of objectivity and strengthening confrontation. In addition to the country visit made by OHCHR, Eritrea had made welcome efforts to fulfil the recommendations of the universal periodic review and sign an agreement with United Nations treaty bodies. A dialogue with Eritrea should be carried out without any outside influence or pressure from the country mandate.

87. **Ms. Sabja** (Plurinational State of Bolivia), speaking also on behalf of the Government of Nicaragua, said it was a matter of concern that the Third Committee continued to bend to the will of certain Member States, appointing special rapporteurs on specific developing countries as a means of applying political pressure. The practice violated the principles of objectivity and universality. The human rights situations in specific countries should not be examined by the Third Committee, but addressed by the parties concerned through cooperation and dialogue. The Human Rights Council was the United Nations body mandated to examine human rights matters in every country, through the universal periodic review process, which was based on the principles of non-selectivity, impartiality, objectivity and universality.

88. **Ms. Clayton** (United Kingdom) said that if the exodus of Eritreans was to end, it was necessary to address the human rights violations and the overall lack of economic opportunity. The United Kingdom was working with the Eritrean Government to improve the human rights situation in the country. Changes her Government hoped to see included amendment of the indefinite national service requirements, full implementation of the national Constitution and cooperation with international human rights bodies. The Eritrean Government should build on its recent progress, particularly by honouring its international human rights obligations — which included cooperating with the Special Rapporteur. She asked how the international community could assist the Government of Eritrea to fully implement its revised Constitution and strengthen respect for human rights in the country.

89. **Mr. Haque** (Bangladesh) said that country-specific resolutions were ineffective and failed to take into account national specificities such as levels of development, religious history, culture and unique challenges. The Government of Eritrea should be commended for the measures it had taken to protect and promote human rights and for its constructive engagement with countries and organizations, including the Human Rights Council and OHCHR.

90. **Ms. Laissue** (Switzerland) called on the Eritrean Government to take immediate, concrete steps to put an end to the ongoing grave human rights violations. The special procedures of the Human Rights Council facilitated the tangible strengthening of respect for human rights in countries, but for them to work the Special Rapporteur must be granted unrestricted access to Eritrea.

91. She asked how the Special Rapporteur would ensure compliance with the recommendations made by the Commission of Inquiry on Human Rights in Eritrea, given that she had not been given access to the country, and how Member States could support her to fulfil her mandate. Did the Special Rapporteur intend to take any particular actions to make the most of the relative openness shown by the Eritrean Government, at its last universal periodic review, with regard to the follow-up of certain recommendations?

92. **Ms. Kurbet** (Russian Federation) reiterated its opposition to the politicized country-specific resolutions of United Nations treaty bodies. Such counterproductive and confrontational measures discredited the work of the United Nations and did not comply with principles of cooperation, non-selectivity, impartiality and objectivity. As the measures did not improve human rights situations in the field, there should instead be close cooperation between States and a professional, respectful and calm dialogue. The universal periodic review was best suited to enabling a non-politicized and constructive environment to discuss human rights situations and help countries to carry out their obligations. The international community could encourage such aspirations by conducting dialogues with countries, rather than isolating them.

93. **Ms. Arshad** (Pakistan) said that States were responsible for protecting their citizens' human rights, in accordance with their international obligations.

External interference through country-specific mandates was counterproductive. Her delegation welcomed the commitment of the Eritrean Government to meet its international obligations, illustrated by its participation in the universal periodic review process, and hoped that it would continue to make progress.

94. **Ms. Ndayishimiye** (Burundi) said that mandates and commissions of inquiry targeting specific countries were counterproductive. Her delegation was concerned by the politically motivated use of human rights instruments. The universal periodic review was the appropriate United Nations mechanism to improve respect for human rights; it was constructive, and as likely to yield results in Eritrea as elsewhere. The politicization of human rights issues and the targeting of specific countries led to conflicts, which in fact hindered the development of the countries concerned.

95. **Mr. Dehghani** (Islamic Republic of Iran) reiterated his Government's principled position: the duplicative, politically motivated practice of considering countries' specific situations in the Third Committee breached the principles of impartiality, universality, non-selectivity and non-interference, as well as undermining cooperation and dialogue among States. The universal periodic review was the appropriate mechanism for the examination of the situation of human rights in all Member States — on an equal basis and with their governments' full participation.

96. **Mr. Moussa** (Egypt) said that at the September 2016 summit of the Movement of Non-Aligned Countries, heads of State and government had restated their concern regarding the selective adoption of country-specific resolutions by the Third Committee, as well as by the Human Rights Council. The universal periodic review was the main intergovernmental cooperative mechanism for the review of national-level human rights issues, and had been established to eliminate subjectivity, politicization and double standards. Respect for human rights should be strengthened through a cooperative, non-confrontational process of building States' capacity to protect human rights, in accordance with their international obligations and without interference.

97. **Ms. Sánchez de González** (Venezuela) restated her Government's disapproval of the application of special procedures without the consent and

involvement of the Governments concerned. Any politically motivated adoption of human rights instruments or resolutions constituted a violation of the principles of the Charter of the United Nations and of objectivity, non-selectivity, impartiality and universality. Moreover, such measures risked undermining the credibility of the Human Rights Council, whose universal periodic review was the appropriate mechanism for cooperative examination of human rights issues.

98. **Mr. Gebreab** (Eritrea) expressed his thanks to the Movement of Non-Aligned Countries, and to all States that had taken a principled stance, for their solidarity. Those States which had made unsubstantiated allegations against his Government should adjust their views, seek to work cooperatively with his Government and stop applying double standards when considering human rights matters.

99. The Government of Ethiopia was in no position to criticize his own Government, given that it continued to commit crimes against humanity. It was massacring its own people, and had imprisoned tens of thousands of its citizens, eliminated freedom of expression and declared martial law. The examination of Eritrea by the Third Committee, when such atrocities were being committed by the Government of Ethiopia, demonstrated the existence of double standards.

100. **Mr. Zewdie** (Ethiopia) said that the recent mayhem in Ethiopia was a consequence of policies adopted by the Eritrean Government, which sought to destabilize the horn of Africa by continuing to train terrorists and deploy them in Ethiopia and in the region more generally. His country's situation was not relevant, however: the current agenda item concerned Eritrea and its progress.

101. **Ms. Keetharuth** (Special Rapporteur on the situation of human rights in Eritrea) said that, as many representatives had highlighted, the Eritrean Government had begun to engage constructively with the international community and the United Nations. However, it was essential that any engagement should lead to tangible improvements for the people of Eritrea, be predicated on respect for human rights, bring an end to impunity for perpetrators of human rights violations and result in concrete, time-bound measures — such as opening the doors of prisons

where people had been kept incommunicado for over 15 years. The Government must commit to concrete actions to solve problems related to forced labour, closed-off prisons and compulsory national service. Furthermore, it must build trust not only with the international community, but with its own people. People must be free to choose how to live: the education system should not funnel Eritreans into national service, for instance. There were intricate links between the ongoing human rights violations, development, and the enjoyment of economic, social and cultural rights. Development did not give governments licence to violate the rights of their own people.

102. She had provided details of how she intended to give effect to the recommendations of the Commission of Inquiry in her report. The Government of Eritrea must not be selective in granting United Nations bodies access to the country. It was true that the Government had allowed OHCHR access to a prison, but it was a model prison, and not representative, and only 15 minutes' access had been allowed: real monitoring of detention conditions took much longer. She would continue to pursue her mandate energetically to give a voice to Eritrean citizens within the United Nations.

103. **Mr. Lynk** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967), introducing his report ([A/71/554](#)), said that the Government of Israel had made no written response to his request to be allowed to visit Israel and the Occupied Palestinian Territory. However, the cooperation of all States was a fundamental obligation of United Nations membership, anchored in Articles 104 and 105 of the Charter of the United Nations and article VI (section 22) of the Convention on the Privileges and Immunities of the United Nations.

104. Among issues of concern that deserved attention, he noted the significant upsurge in violence in the West Bank and East Jerusalem over the past 12 months. Much of the violence was against civilians, with little accountability. There had been an alarming rise in the use of administrative detention, in particular of Palestinian children under age 18. Another issue was the use of collective punishment, including the reinstatement of the practice of punitive home demolitions, geographic closures of parts of the Occupied Palestinian Territory and forcible transfers in

Area C of the West Bank. Lastly, the people of that territory had been prevented from enjoying the right to development. They lacked any secure transit access — whether by land, sea or air — to the outside world. All of its borders, with one exception, were controlled by Israel; consequently the ability of Palestinians to move freely and trade reliably with the world and with each other was severely circumscribed. Moreover, because of power and water supply cuts, living conditions in the territories were hardly bearable.

105. His primary recommendation was that Israel should fully end the occupation at the earliest possible moment. It was impossible to justify its continuation by law or any measure of justice, and impossible to separate the occupation from the array of human rights and humanitarian violations that plagued the conflict. Despite the bleakness of the situation, there was some hope in the form of a vibrant community of human rights defenders and humanitarian workers who continued to work to improve the existence of those living in the Occupied Palestinian Territory; if a just and compassionate peace ever came to the Middle East, it would owe much to those fearless advocates.

*The meeting rose at 5.55 p.m.*