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Third Committee**Summary record of the 20th meeting**

Held at Headquarters, New York, on Monday, 16 October 2017, at 3 p.m.

Chair: Mr. Gunnarsson (Iceland)**Contents**Agenda item 72: 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
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The meeting was called to order at 3.10 p.m.

Agenda item 72: Promotion and protection of human rights (A/72/40) and (A/C.3/72/9) (continued)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (A/72/127, A/72/128, A/72/131, A/72/132, A/72/133, A/72/135, A/72/137, A/72/139, A/72/140, A/72/153, A/72/155, A/72/162, A/72/163, A/72/164, A/72/165, A/72/170, A/72/171, A/72/172, A/72/173, A/72/187, A/72/188, A/72/201, A/72/202, A/72/219, A/72/230, A/72/256, A/72/260, A/72/277, A/72/280, A/72/284, A/72/289, A/72/290, A/72/316, A/72/335, A/72/350, A/72/351, A/72/365, A/72/370, A/72/381, A/72/495, A/72/496, A/72/502, A/72/518 and A/72/523)

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1. **Mr. Al Hussein** (United Nations High Commissioner for Human Rights), referring to his report to the Human Rights Council (A/HRC/34/3), which covered the period up to and including November 2016, said that his oral statement would complement that report by describing activities up to and including July 2017 and beyond.

2. In a context of rising turmoil, he was proud that the Office of the United Nations High Commissioner for Human Rights (OHCHR) had made a real difference in many countries by helping national authorities, democratic institutions and civil society to uphold human dignity and rights.

3. The OHCHR country office in Cambodia was its oldest field presence, and its work over the years illustrated how trust could be built with partners following in-depth monitoring work through well-targeted and demonstrably useful technical cooperation. Projects initiated with partners in 2008 to improve essential infrastructure in a number of prisons had evolved into support for broader prison reform initiatives, which had in turn fed into a wider dialogue on criminal justice and rule of law policy.

4. OHCHR was currently helping the authorities in Cambodia to expand a criminal case database to ensure nationwide coverage by 2019 and thus facilitate case management within courts and between prisons and courts. It was also training judges and lawyers in human rights law; providing substantive contributions to the long-term improvement of detention conditions, including through advocacy work on reducing pretrial detention; and providing technical assistance for developing a legal aid policy and clearing the backlog of prisoners pending appeal. He remained hopeful that, by building on this solid experience of cooperation, it would be possible to address civil and political rights concerns in Cambodia in the lead-up to the 2018 elections and beyond.

5. The issue of gender-related killings in El Salvador and Panama had been identified as a priority by the OHCHR regional office in Central America in 2010. By the following year, with the help of judges, prosecutors, lawyers, police, forensic experts, victims and civil society, OHCHR had drawn up a specific protocol for the investigation of femicide in El Salvador. Building on the usefulness of that protocol, the regional office had launched a region-wide consultation process, and, together with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), OHCHR had supported the development of a model protocol for the investigation of gender-related killings of women. The model protocol had been widely adopted by justice officials across the region and was included in training programmes in numerous countries, including in Argentina, Costa Rica, El Salvador and Panama. In coordination with the United Nations Development Programme (UNDP), OHCHR had also recently set up virtual training on the model protocol, with the first online session held in Argentina in March 2017 and a second under way for 220 public officials in Central America.

6. His Office had been deeply involved in promoting human rights-based approaches to migration at the global, regional and national level and had played a leading role in supporting the historic negotiation of a global compact on safe, orderly and regular migration. With other United Nations agencies, OHCHR had developed guidelines and a compendium of good practices to help States and other stakeholders respond more effectively and appropriately to the needs of vulnerable people on the move who were not able to benefit from refugee standards but whose rights must nonetheless be protected.

7. His Office had fielded monitoring missions to a series of European border and transit locations,

including in Bulgaria, France, Greece, Italy and the former Yugoslav Republic of Macedonia, to assess the human rights protection needs of migrants on the basis of the Recommended Principles and Guidelines on Human Rights at International Borders developed by his Office in 2014. The regional office for Europe continued to provide technical assistance to the European Union and its Member States with a view to further integrating human rights in their external and internal action, including as part of the European Union's recent midterm review of the European Agenda on Migration. Other recent work had focused on ensuring respect for due process and other international standards in returns procedures. OHCHR had delivered training to frontline responders, government officials and national human rights institutions on specialized and practical aspects of human rights law, including to personnel of the European Union naval force in the Mediterranean on the human rights of migrants and human rights in law enforcement.

8. His Office also worked very closely with United Nations partners and national authorities in all other regions to integrate the human rights of migrants in all their programming. Just the previous week, OHCHR had completed a mission to assess migrants' protection needs in El Salvador, Guatemala, Honduras and Mexico. In Tunisia, his Office had helped organize a national consultation to assess indicators for gauging respect for migrants' rights to health, education and decent work. In conjunction with the United Nations Support Mission in Libya (UNSMIL), OHCHR had recently published a report on the shocking abuses and violations suffered by migrants in Libya — which he had discussed with the authorities in Tripoli the previous week — as a baseline to guide policy and practice. His Office had also conducted a monitoring mission to Nauru and met with migrants stranded both in Nauru and on Manus Island in Papua New Guinea, and continued to share its concerns and recommendations with the Government of Australia.

9. On two occasions in 2017, in response to large-scale movements of people from the Rohingya community in Myanmar to Bangladesh, he had sent expert teams to interview refugees in Bangladesh, report on violations and assess the current situation and the challenges ahead. Although the Government of Myanmar had consistently denied access to the region to all human rights investigators, OHCHR reports continued to provide essential and timely information to Member States and the Security Council. In the meantime, the Independent International Fact-Finding Mission on Myanmar established by the Human Rights

Council was operational. Over the longer term, his staff would continue its efforts to prevent and seek accountability for human rights violations, and would coordinate with the authorities in Bangladesh and humanitarian actors to ensure human rights were adequately incorporated into the ongoing humanitarian operations.

10. In the past year he had deployed a reporting team to Angola to interview refugees fleeing violent attacks in the Kasai provinces of the Democratic Republic of the Congo, following which the Human Rights Council had mandated a new team of international experts to investigate the situation. Given the countrywide demonstrations, and in the absence of access to the country, he had also established a team to conduct remote monitoring on the human rights situation in the Bolivarian Republic of Venezuela.

11. The full integration of accepted human rights recommendations into United Nations Development Assistance Frameworks provided very significant leverage for human rights concerns and ensured that follow-up would be coherent and consequential. In Malawi, the human rights adviser and the United Nations country team had advanced the implementation of recommendations made by the Special Rapporteur on the right to food by supporting the review and revision of the draft food and nutrition law. Their work had involved technical and legal advice, briefings for members of Parliament and nationwide consultations. OHCHR was also helping the Government implement recently adopted landmark legislation aimed at increasing women's access to land.

12. Peace could not be established and sustained in the absence of human rights protection, and human rights were pivotal to the work of United Nations peacekeeping missions. In Mali, in a highly volatile environment that included attacks by numerous armed groups, the Human Rights Division of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) ensured swift and in-depth investigations into serious reports of violations, including of international humanitarian law; monitored the conditions of conflict-related detainees; supported the establishment of effective transitional justice mechanisms; and advised parties to the 2015 peace agreement. The Human Rights Division also focused on promoting proportionate and targeted counter-terrorism operations in compliance with international legal obligations and the human rights due diligence policy on United Nations support to non-United Nations security forces, and advised the authorities on ways to end the discriminatory treatment of specific communities, which had contributed to the growth of

violent extremism. To support progress towards accountability and transitional justice, a mapping report on alleged violations committed in Mali between 2012 and 2014 would be issued in the coming months.

13. The conflict in the Syrian Arab Republic remained the most devastating of the era, a tragedy of historic proportions. Faced with the Government's refusal to allow access to the country, his Office had established a Syria Team — a virtual country office — located in Beirut, Gaziantep, Amman and Geneva. It included monitoring teams and human rights advisers to the United Nations country teams and humanitarian operations. In 2017, his Office had supported the establishment and operationalization of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since 2011, a new and unique body mandated by the General Assembly to collect, consolidate, preserve and analyse evidence of alleged crimes committed in the Syrian Arab Republic with a view to facilitating future criminal proceedings.

14. He hoped that he had successfully portrayed the range and importance of the practical impact of the work performed by his colleagues in the field, particularly in countries where field presences were well established. In addition to drawing on the expertise in monitoring and guidance developed by his Office, such work drew on the recommendations of the human rights mechanisms, including the treaty bodies, special procedures and the universal periodic review. His Office was determined to do everything in its capacity to ensure comprehensive implementation of the recommendations issued by all human rights mechanisms, including during the third round of the universal periodic review.

15. With regard to the treaty body strengthening process, the General Assembly had already recognized the need for the treaty bodies to move closer to the field, and specialized colleagues deployed to OHCHR regional offices had been able to help States fulfil their obligations. OHCHR support for the establishment of national mechanisms for reporting and follow-up was another tool, and OHCHR would continue to engage with United Nations country teams and others to ensure that recommendations fed into their work. The Secretary-General's reform efforts, and his commitment to prevention and to the 2030 Agenda for Sustainable Development, presented a tremendous opportunity to ensure that human rights were no longer viewed as ancillary but rather were recognized as

central to successful and sustainable development, peace and security.

16. The OHCHR office in New York had expanded slightly and was working with Member States and United Nations colleagues to help bring a human rights perspective into the other two pillars of the organization: peace and security, and development. Much progress had been made in that regard. The head of the New York office was also responsible for the system-wide coordination of United Nations efforts to address and prevent reprisals against people who cooperated with the Organization. He had presented the Secretary-General's report on that important topic to the Human Rights Council the previous month.

17. International human rights standards could and must continue to be translated into programmes on the ground. The world's people were crying out for more justice, greater accountability and more respect for civil, cultural, economic, social and political rights, as well as the right to development.

18. **Mr. Duque Estrada Meyer** (Brazil) said that all individuals must be able to live with dignity and according to their personal convictions and choices. His delegation had been pleased to see the enhanced focus of OHCHR on the rights of migrants and on countering xenophobia; in order to safeguard the rights of all migrants regardless of migratory status, a human rights perspective must form the basis of the global compact for safe, orderly and regular migration. Brazil also supported OHCHR efforts to promote the equal rights and fair treatment of the lesbian, gay, bisexual, transgender and intersex community globally and to protect people from discrimination and violence based on their sexual orientation and gender identity, in particular the Free and Equal campaign.

19. It was unfortunate that the important work the Office had done in relation to the International Decade for People of African Descent had been omitted from the report. In June 2017, the Human Rights Council had adopted resolution 35/30 on consideration of the elaboration of a draft declaration on the promotion and full respect of human rights of people of African descent. As the midterm review of implementation of the International Decade was approaching, it was important to redouble efforts to deliver meaningful results.

20. **Mr. Yao Shaojun** (China) said that OHCHR should strictly abide by the purposes and principles of the Charter of the United Nations, respect the sovereignty and territorial integrity of all countries, refrain from interfering in States' internal affairs and avoid making irresponsible comments or acting outside

its mandate. OHCHR should also fully respect differences in stages of development and in historical and cultural traditions and should promote international cooperation for human rights on the basis of equality and mutual respect. More attention should be paid to economic, social and cultural rights and the right to development, since they were especially relevant to developing countries. Furthermore, OHCHR should avoid politicizing human rights, renounce the practice of openly exerting pressure and respect and maintain the intergovernmental nature of United Nations human rights mechanisms. Greater transparency was needed; the views of Member States should be sought more broadly and their perspectives should be reflected in a balanced manner when formulating and implementing the biennial budget and management plan.

21. China would be interested in hearing what specific measures would be taken to increase the representation of developing countries in OHCHR staffing and how OHCHR would invest more human and financial resources in the units responsible for economic, social and cultural rights and the right to development.

22. **Mr. Rabi** (Morocco) said that his delegation welcomed the emphasis placed by OHCHR on supporting migrants and combating xenophobia. A human rights perspective must be integrated into the discussions on migration and especially into the drafting of the global compact for safe, orderly and regular migration. He asked how OHCHR would contribute to that process and wondered how the Office envisaged the protection of migrants and their rights in the global compact. His delegation would also like more information regarding the multi-stakeholder initiative launched by the Office to develop principles and directives on the human rights of migrants in vulnerable situations.

23. Morocco greatly appreciated the High Commissioner's commitment to helping States fulfil their international obligations and implement the recommendations issued by human rights mechanisms. His delegation encouraged OHCHR to explore new avenues for tripartite cooperation on technical assistance involving the Office, the States that had requested assistance and countries recognized for their good practices.

24. Special procedures were an important tool for supporting Member States in their efforts to promote and protect human rights. They should be viewed more positively, since they were a cooperative rather than investigative mechanism, and States should take

ownership of the recommendations of special procedures mandate holders and of their implementation. His delegation wondered what steps OHCHR could take in that regard.

25. **Ms. Al-Temimi** (Qatar) said that her country agreed with the High Commissioner on the role played by human rights promotion in combating violent extremism, as reflected in the report of the High Commissioner to the Human Rights Council. In September 2017, Qatar had signed a memorandum of understanding with the Qatari company Silatech on training and capacity building for youth in the context of the United Nations Global Counter-Terrorism Strategy. Qatar had implemented human-centred policies that promoted respect for human rights and the rule of law, and had incorporated human rights principles into its national development plans and international policies.

26. Unilateral measures that did not adhere to the principles of international law, undermined neighbourly relations between countries and violated the principle of peaceful resolution of disagreements through dialogue threatened the human rights of the peoples concerned and ran counter to international efforts at cooperation. Despite the illegal unilateral embargo imposed on Qatar, which violated international law and the Charter of the United Nations, the country would continue on its course with respect to promotion of human rights and the free press.

27. **Ms. Morton** (Australia) asked, in the light of the increasing attacks on civil society and human rights defenders around the world, how States could best work together to ensure space for civil society engagement on human rights issues, including at Headquarters and through the Human Rights Council.

28. Over the past year, Australia had welcomed visits by five special procedures and appeared before the Committee on Economic, Social and Cultural Rights. It encouraged all countries that had not already done so to issue a standing invitation to special procedures. Australia noted the unprecedented workload of the Human Rights Council over the past year and was committed to working with OHCHR and the international community to help to strengthen the Council. It welcomed the increased advocacy by OHCHR for the abolition of the death penalty and opposed the death penalty in all circumstances for all people. Its reintroduction in countries would be a significant step backwards for human rights and would amount, in some cases, to a breach of international human rights obligations.

29. **Mr. García Moritán** (Argentina) said that his country would continue to be a firm defender of the independence, work and achievements of OHCHR in the promotion and protection of human rights around the world. The United Nations system, with the support of OHCHR, should continue to integrate those who were historically the most marginalized in society. Without adequate and predictable financing of OHCHR and the Human Rights Council, the United Nations would be unable to fulfil its mandate. As part of the United Nations reform process, the three pillars of the Organization should be taken into account and actions should be strengthened to achieve a peaceful, developed world in which full respect for the human rights of all was guaranteed.

30. He asked whether the existing international legal framework was sufficient to effectively protect and promote the enjoyment of all human rights by older persons, who constituted the fastest-growing social group in the past 30 years.

31. **Mr. Mažeiks** (Latvia) said that OHCHR should remain an independent and persistent voice speaking out in defence of human rights around the world. However, countries that had committed egregious human rights violations should not be members of the Human Rights Council and the credibility of the Council was undermined when it responded more swiftly to some human rights crises than to others. He asked what changes should be made within the Council to enhance its credibility and effectiveness. Latvia was a strong advocate of cooperation between States and special procedures mandate holders through its annual initiative to promote standing invitations, the number of which had doubled over the past 10 years. Extending standing invitations was an important first step in strengthening such cooperation and he urged all States to do so.

32. **Ms. Eckels Currie** (United States of America) said that her delegation was grateful to the High Commissioner for emphasizing the need to reform the Human Rights Council and the fact that future members of the Council had a particular duty to uphold the highest standards in the promotion and protection of human rights and to cooperate fully with the Council. States involved in egregious violations of human rights had no place at the Council. Her delegation was therefore concerned by the continued membership of the Bolivarian Republic of Venezuela and Burundi, in light of their domestic situations and their lack of cooperation with special procedures mandate holders, and deeply regretted the election of the Democratic Republic of the Congo. To help restore the Council's credibility, Member States should work

towards meaningful reform of the Council during the current session of the General Assembly.

33. The United States welcomed the continued leadership of OHCHR in combating violence and discrimination against vulnerable persons through efforts such as the Free and Equal campaign, and condemned the continued criminalization of same-sex conduct, especially the use of the death penalty, which was a moral outrage. Her delegation was also grateful to OHCHR for continuing to be a voice for those who could not speak out in countries such as Burma and Syria. Civil society participation was critical and Member States must ensure that civil society organizations were able to engage with the United Nations without fear of reprisals. She would like to know what should be done to ensure that the worst human rights violators could no longer serve on the Human Rights Council and how reprisals against civil society could be prevented.

34. **Ms. Kirianoff Crimmins** (Switzerland) said that Switzerland was concerned by the chronic underfunding of OHCHR and by the resulting negative impact on its activities. In order for the Office to realize its full potential and properly perform its role in the promotion and protection of human rights and in conflict prevention, all Member States must commit to strengthening its financial base. Switzerland would therefore continue its efforts in the Fifth Committee to ensure that the human rights pillar received from the regular budget the necessary resources to carry out all the mandates conferred upon it by Member States and to strengthen the links with the other United Nations pillars. Without greater coherence between the three pillars, the United Nations might be unable to properly support Member States or have a real impact. Lastly, she asked how the Human Rights Council could better fulfil its mandate in the areas of prevention and early action, and what the High Commissioner expected of States in that regard.

35. **Mr. Taranda** (Belarus) said that his country welcomed its long-standing cooperation with OHCHR in countering trafficking in persons through a human rights-based approach. It was interested in expanding its project activities with OHCHR, but its proactive steps in that direction had not been met with support from the Office. Belarus hoped that, following the OHCHR technical mission to Belarus in October 2017, priority areas for such cooperation could be jointly identified. In the dialogue that had taken place during the mission between OHCHR experts and representatives of the Government, United Nations agencies and civil society, all participants had underlined their keen interest in any kind of support,

including advisory support, which the Office could provide to Belarus in the implementation of its human rights action plan.

36. The monitoring of country situations would be effective and requested directly by States if it were impartial and not imposed by politicized mechanisms, such as the Special Rapporteur on the situation of human rights in Belarus.

37. **Mr. Ramírez Carreño** (Bolivarian Republic of Venezuela) said that the absolute, universal, inalienable, indivisible, inviolable and progressive nature of all human rights was reflected in his country's Constitution, which prohibited the death penalty, enforced disappearance, torture and life imprisonment. That fact had been recognized by the General Assembly and hence the Bolivarian Republic of Venezuela had been elected to the Human Rights Council for two terms. His Government was willing to cooperate with OHCHR and its mechanisms provided that the Office carried out its work in strict compliance with the mandate established by the General Assembly, in accordance with the principles of objectivity, non-selectivity, non-politicization and transparency in its working methods, and by avoiding double standards. His delegation was concerned that, when a mandate was created, reports were produced that exploited the subject of human rights for political ends. In particular, a report issued at the end of August 2017 lacked methodological rigour and contained a number of statements intended to destabilize the country; serious crimes committed by violent groups had been omitted, including the fact that more than 20 individuals had been set on fire and nine of them had died. It was unbelievable, cynical and outrageous that the United States claimed to be the moral reference in the area of human rights, given that it employed the death penalty and torture, repressed its African-American population and bombed, invaded and destabilized other countries, and given the existence of the prison at Guantanamo. The Bolivarian Republic of Venezuela was ready to cooperate with the Office provided that it acted in a balanced manner, as shown by the fact that his Government had invited three rapporteurs to visit the country in the coming months.

38. **Mr. Yaremenko** (Ukraine) said that his delegation supported the human rights monitoring mission in Ukraine and welcomed the first thematic report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, pursuant to General Assembly resolution [71/205](#). The provisions of that resolution needed to be further implemented. He asked what further steps could be taken to ensure

access to the Crimean peninsula for the monitors and the implementation of the recommendations by the Russian Federation.

39. **Ms. Andreyeva** (United Kingdom) said that her delegation appreciated the links the High Commissioner had drawn between human rights and the Secretary-General's wider reform agenda focused on prevention. Her country was very supportive of the emergency response and early warning aspects of OHCHR work; she wondered how Member States could assist OHCHR further and what more was needed at the United Nations-wide level to ensure that human rights were recognized as key to building and maintaining peaceful societies.

40. The past year had marked a number of important anniversaries, including the tenth anniversary of the establishment of the Human Rights Council, which had served as a reminder of the progress that had been made and how much remained to be done to make human rights a reality for all. The United Kingdom welcomed the ongoing efforts of OHCHR to support national implementation of international obligations and recommendations. It also respected and supported the treaty monitoring bodies, special procedures and the universal periodic review as mechanisms that assisted Member States in fulfilling their obligations. Her delegation valued the High Commissioner's ability to speak out independently and to deploy resources as he saw fit, and considered his mandate's independence and integrity to be vital. It also welcomed his efforts to place human rights at the centre of United Nations responses to global crises, to monitor and investigate grave and widespread violations and abuses, and to champion the rights of the most marginalized.

41. **Mr. Hoshino** (Japan) said that his country attached great importance to the role of OHCHR as a body that promoted and protected human rights around the world. Japan had become an OHCHR partner in the area of bilateral policy coordination and very intensive discussions had taken place in July 2017 on issues such as international human rights mechanisms, climate change, ageing and health care.

42. The seventieth anniversary of the Universal Declaration of Human Rights would be marked in 2018 and Japan wished to continue to contribute to the promotion and protection of human rights. Japan supported the initiative to increase the efficiency and effectiveness of the Human Rights Council and was committed to making a positive contribution to that reform. He would like to know more about the High Commissioner's ideas in that regard, since the human rights mechanisms needed to be better coordinated to

avoid overlaps and the duplication of effort. He would also like to know the High Commissioner's view on the relationship between the 2018–2021 management plan and the United Nations reform proposed by the Secretary-General.

43. **Ms. Mballa Eyenga** (Cameroon) said that her country's comments on the proposed regional restructuring of OHCHR would be delivered in the Fifth Committee. Cameroon welcomed OHCHR efforts to strengthen national technical capacity to protect and promote human rights and to integrate human rights into development and the economic sphere. Her delegation appreciated everything that had been done by the Subregional Centre for Human Rights and Democracy in Central Africa. Nevertheless, much remained to be done to promote and protect economic, social and cultural rights, and support must be provided to stakeholders, including civil society. Greater awareness was also needed regarding corporate social responsibility. Lastly, her delegation deplored the insecurity caused by the actions of terrorist groups in the countries of the Lake Chad Basin region.

44. **Ms. Stener** (Norway) said that the High Commissioner's leadership and non-partisan voice was needed more than ever. The High Commissioner's mandate included delivery of technical assistance and capacity building in dialogue with States, as States needed adequate resources to bridge the gaps between human rights goals and on-the-ground realities. However, financial constraints meant that many requests for assistance went unmet. She asked the High Commissioner to share his views on how human rights were promoted and protected globally, and how to implement the human rights provisions of the Sustainable Development Goals.

45. **Mr. Al Hussein** (United Nations High Commissioner for Human Rights), before turning to the questions posed by the delegations, said that he wished to make two general observations. First, there were no countries with perfect human rights records. He had had occasion to comment on the human rights records of every country on the speakers' list at one time or another. Second, Office staff were not perfect and sometimes made mistakes, but when mistakes were made, they would be publicly acknowledged.

46. Regarding the underrepresentation of certain geographical regions and developing countries among Office staff, he said that the results of the human resources management scorecard, which tracked progress towards the goals set out in the management compact between the Office and the Secretary-General, showed that 18 per cent of the geographical

appointments in 2016 were from unrepresented and underrepresented Member States. Broad geographical diversity was important, and the High Commissioner would continue to encourage applications to Office positions under the staff selection and managed mobility system. Furthermore, as of December 2016, 59 per cent of Office staff were women. The promotion and protection of economic, social and cultural rights and the right to development would be important cross-cutting issues for the Office in its organizational management plan for the next four years.

47. The Office had been actively engaged in the follow-up to the United Nations Summit for Refugees and Migrants and in the process towards developing the global compact for safe, orderly and regular migration. The Office had collaborated with the Special Representative of the Secretary-General for International Migration and other United Nations agencies in a "whole of system" approach to the mainstreaming of the human rights of migrants. It had also led a multi-stakeholder, human rights-based process to develop principles and guidelines on migrants in vulnerable situations within large and/or mixed movements. The resulting 20 draft principles were derived from international human rights law and should be read in conjunction with the related conference room paper outlining a set of draft guidelines for each principle. The principles would be presented to the Human Rights Council at its thirty-seventh session.

48. Any lack of cooperation, or selective cooperation, by States with human rights mechanisms was a serious concern. In a statement to the Human Rights Council in June, he had conveyed his alarm over the refusal by several Member States to grant access to representatives of the Office or of other human rights mechanisms. Nevertheless, there had been some positive developments, such as an increase in standing invitations to special procedures mandate holders. Regrettably, not all States that had issued such invitations honoured them in practice and other States continued to refuse visits.

49. Strengthening cooperation with civil society actors and expanding networks of human rights defenders was crucial in order for the United Nations to gather information on human rights developments and identify early warning signs. Civil society actors were also key partners in implementing country-level strategies for responding to risks or violations, and when its engagement was restricted, responses to security threats, development challenges and other issues were ill-informed and weak.

50. In response to the question on the rights of older persons, he said that there were significant normative gaps in existing instruments, and national standards were weak or absent regarding age discrimination, autonomy in decision-making and freedom from abuse and neglect. Important progress was being made toward elaborating international standards on the human rights of older persons under the Open-ended Working Group on Ageing established by the General Assembly.

51. Turning to the question on potential changes to the composition or the work of the Human Rights Council to enhance its credibility, he said that the General Assembly resolution guiding the issue of membership should be observed. Member States charging the Office with selectivity were invited to provide facts in support of their claims. The Office was an equal opportunity holder of the mirror before all Member States.

52. The use of intimidation against individuals who engaged with the United Nations on human rights matters was of great concern. Human rights mechanisms and staff relied on civil society and national human rights institutions for information and insight, and when government officials intimidated or harmed them, they attacked a fundamental aspect of the work of the United Nations. On the subject of measures to enhance conflict prevention and early warning, he said that country access was crucial to the work of the Office. When the Office was refused access to verify, dispute or concede information, the chances of defusing a crisis at its early stages was diminished.

53. Regarding the query from the representative of Ukraine on access to Crimea, the Office of the High Commissioner had tried unsuccessfully to gain access to the area in 2014 and twice in 2016. The Russian Federation had said that the human rights monitoring mission in Ukraine had had no mandate to visit Crimea because, in its view, the peninsula was no longer part of Ukraine. The Russian Federation was prepared to accept a mission to Crimea only after the modalities of the mission had been agreed directly with it, and without any references to General Assembly resolutions. The Ukrainian authorities supported a human rights monitoring mission office in Crimea in accordance with the July 2014 agreement between the Government of Ukraine and the Office of the High Commissioner.

54. His colleagues were providing input into various pillars of the Secretary-General's reform efforts. Annual reviews of the organizational management

plans of the Office would promote further integration of reform efforts.

55. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that greater use should be made of the role of the High Commissioner in promoting a constructive atmosphere to advance dialogue and cooperation among Member States. Any initiative to rationalize the functioning of the Office must be conducted in close consultation with Member States in a transparent manner, on the basis of universality, non-politicization and non-selectivity. Should the improvement of the functioning of OHCHR be steered by the political interests of countries that had constantly proved their disrespect for the noble cause of human rights, the working environment of the Office would become even more polarized and politicized and its credibility would be put at risk.

56. In the light of the alarming increase in racial profiling and segregation, racism, xenophobia, Islamophobia, hatred and anti-migrant rhetoric, which served as a breeding ground for mass atrocities, he asked how OHCHR apportioned its capacity in countries without any United Nations country presence.

57. **Mr. Whiteley** (Observer for the European Union) asked how the engagement of OHCHR on the promotion and protection of human rights contributed to the prevention agenda of the Secretary-General and how to ensure that civil and political rights and economic, social and cultural rights were advanced in tandem.

58. It was incumbent upon all States to support the High Commissioner's work and ensure that his Office was accorded access and equipped with sufficient resources to discharge its duties effectively and efficiently. The European Union and its member States, which had continued to be the largest provider of voluntary contributions to OHCHR in 2016, called for the further broadening of the sources of voluntary contributions.

59. **Ms. Sukacheva** (Russian Federation) said that, despite the significant progress made by many States in the promotion of fundamental freedoms and human rights, many threats remained, the most dangerous of which was the growth of terrorism and radicalism. Rather than working jointly to find solutions to the outstanding problems, certain States and United Nations human rights bodies used the issue of human rights to promote the interests and priorities of individual countries and achieve political and economic aims at the international level.

60. There had recently been growing misunderstanding between the High Commissioner and States about his mandate and his policy of making confrontational, unfounded criticisms and politically biased, groundless accusations, as well as the notable shift towards monitoring functions and his attempts to essentially become the high arbiter in the area of human rights. OHCHR was increasingly attempting to acquire powers in excess of those conventionally conferred on bodies of the Secretariat, including even imposing its views and opinions on human rights treaty bodies.

61. **Ms. Rasheed** (Observer for the State of Palestine) said that the illegal occupation by Israel of Palestinian territory, including East Jerusalem, continued in violation of international law and Security Council resolution 2334 (2016). Paragraph 17 of Human Rights Council resolution 31/36 on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, asked the High Commissioner to create of database of enterprises engaged in Israeli settlement activity in the Occupied Palestinian Territories. The High Commissioner had sent letters to over 150 companies as part of the legal verification process, giving them the right of reply before the database was published. She asked whether letters had been sent to any non-profit organizations engaging in commercial activities in Occupied Palestinian Territory. She also asked whether the High Commissioner intended to present the database to the Human Rights Council during its thirty-seventh session.

62. **Mr. Cepero Aguilar** (Cuba) said that his delegation would have liked to hear about the measures taken to avoid the politicization of human rights issues and to strengthen genuine cooperation and dialogue on the subject. The High Commissioner had applied principles and initiatives which had not been agreed and that were pending a detailed analysis by the Member States. In particular, he wished to know whether the activities mentioned in paragraphs 86 and 92 of the report to the Human Rights Council had been carried out with a governmental mandate.

63. The High Commissioner had referred to organizational changes motivated by a desire to better support the Member States. General Assembly resolution 66/257 stated that changes in structure must be approved by the Assembly, and therefore the High Commissioner should provide more information on the scope and content of the envisaged changes, given the substantial impact they could have on relations between the Office and the Member States. His delegation also wished to know what effects those

changes would have on the principle that Office activities must take place in response to a prior request for cooperation or assistance from a Member State.

64. **Mr. Mohamed** (Libya) said that his country was grateful to the High Commissioner for his visit and hoped that it had demonstrated the dire need for technical assistance for the country's security agencies and legal institutions. As the High Commissioner was aware, human trafficking networks operated in Libya, and on its own, the country could not counter the phenomenon, nor its underlying causes. Libya, a transit country, faced economic and security problems and the assistance offered fell short of the need, given the continuous influx of migrants. Libya had made an effort to unify its institutions and strengthen its national capacities in order to put an end to violations against migrants, but it was also necessary to understand the factors that prompted people to leave their homes and undertake dangerous journeys.

65. **Mr. Mikayilli** (Azerbaijan) said that the number of displaced persons in the world, 65 million, was the highest seen since the Second World War. It was regrettable that the issue of internally displaced persons, which amounted to two-thirds of that number, had not attracted adequate attention. The New York Declaration on Refugees and Migrants recognized the need for effective strategies to ensure protection and assistance for such persons and to prevent displacement. He asked the High Commission what his Office intended to do to address the matter.

66. **Ms. Fargalo** (Liberia) said that her Government had recently signed an agreement with the Office of the High Commissioner to create a Liberian human rights office in 2018. That agency would promote the human rights protocols established by the Economic Community of West African States and would help Liberia strengthen its existing human rights mechanisms.

67. **Ms. Habtemariam** (Ethiopia) said that her delegation welcomed the High Commissioner's technical assistance to Member States and hoped it would continue. Ethiopia had received such assistance and other support for its drafting of its second human rights plan of action. Ethiopia also commended the Office for its attention to the issue in the context of the high-level plenary meeting on addressing large movements of refugees and migrants.

68. The High Commissioner's report to the Human Rights Council stated that the Office required adequate resources to fulfil its mandate. She asked if the mandate had been affected by the earmarking of funds, and, if so, which programmes were earmarked, and

what was the impact on implementation. She also asked the High Commissioner to share his views on the gaps that existed at the international level with respect to the protection of migrants, and what concrete measures Member States could take with respect to that issue.

69. **Mr. Moussa** (Egypt), speaking on behalf of the African Group, said that the Group noted that the report of the High Commissioner submitted pursuant to General Assembly resolution 48/141 provided an overview of the work of the Office of the High Commissioner for Human Rights from 1 December 2015 to 30 November 2016, a period that had ended almost a year earlier. He asked why no report similar to that submitted during the previous session (A/71/36) had been prepared for the current session.

70. Speaking in his capacity as the representative of Egypt, he said that the human rights agenda should be guided by the principles of universality, non-selectivity, impartiality and transparency, while taking into account cultural, social and religious differences between societies. Polarization, politicization and double standards undermined trust and the advancement of human rights. His delegation therefore expressed concern about the inclusion in the report of matters such as the abolition of death penalty and discrimination on the basis of sexual orientation and gender identity, which did not have the support of the wider international community.

71. **Mr. Giorgio** (Eritrea) said that Eritrea was grateful for the visits of OHCHR to the country and was committed to further consolidating its partnership with the Office. Growing politicization and double standards in addressing human rights continued to be witnessed in his region. Countries that were known for egregious violations of human rights and felt that they were beyond reproach had had the audacity to table a politically motivated country-specific resolution against his country, making a mockery of human rights instruments, undermining human rights objectives and causing victims of human rights violations to suffer.

72. **Ms. Ali** (Singapore) said that the High Commissioner, in his presentation, had referred to the report made to the Human Rights Council instead of introducing a report to the General Assembly, as in past years. Her delegation sought clarification on that practice for three specific reasons. First, there appeared to be a gap in the reporting timeline of the activities of the Office that covered November 2016 to July 2017, which would have been the traditional period covered by the report to the General Assembly. Second, as the Human Rights Council was a subsidiary organ of the

General Assembly, it was therefore incumbent upon the High Commissioner to report to the General Assembly. Third, the General Assembly was the only United Nations body with universal membership. She asked the High Commissioner why there had been a break with past practice, and whether the Office intended to continue the current practice.

73. **Mr. Djani** (Indonesia) said that OHCHR must receive the political and financial support necessary to enable it to discharge its mandate in a coherent, effective, objective, independent and non-politicized manner. Technical assistance and capacity-building should be unremittably provided by OHCHR upon the request of countries to complement their efforts in improving national human rights machineries.

74. His delegation looked forward to hearing more about the OHCHR management plan, in particular the strategies and priorities for the forthcoming four-year period and the expected accomplishments.

75. States had diverse policies, approaches and priorities in dealing with the many facets of human rights. Indonesia therefore hoped that constructive dialogue and meaningful engagement would continue to form part of efforts to maintain human rights progress.

76. **Mr. Qassem Agha** (Syrian Arab Republic) said that the High Commissioner should carry out the mandate entrusted to him by the General Assembly, respect the sovereignty of Member States and refrain from politicizing human rights, which allowed them to become a pretext for interfering in the internal affairs of Member States. The High Commissioner should be reminded that the Member States had agreed that consideration of human rights issues should take place in Geneva through the universal periodic review.

77. Syria had hoped that all gross human rights violations carried out in Syria by Islamic State in Iraq and the Levant and the Nusrah Front, as well as Israeli violations in the Syrian Golan, would be monitored, and had further hoped that unilateral sanctions on the Syrian people would be lifted. It was incumbent upon the Office of the High Commissioner to be neutral and transparent, and to send fact-finding missions, not technical committees, to monitor the massacres of Yemeni children carried out by Saudi Arabia. Furthermore, the blockade of the Yemeni port of Hudaydah was a humanitarian threat to the people of Yemen and must be lifted.

78. **Mr. Ri Song Chol** (Democratic People's Republic of Korea) said that his delegation hoped that the Office of the High Commissioner would take measures to

prevent the politicization of human rights issues and avoid double-standards when carrying out its work. In April 2016, 12 female citizens of the Democratic People's Republic of Korea had been abducted and taken into the Republic of Korea. Although the parents of the women and the Government of the Democratic People's Republic of Korea had asked the Secretariat and the High Commissioner several times to intervene, the incident, a clear violation of human rights and a humanitarian issue, had not been addressed. The parents had requested information on their daughters' status, but none had been forthcoming. He asked the High Commissioner to elaborate on the measures his Office would take to solve the problem.

79. **Mr. Paudyal** (Nepal) said that, despite limited means and capacity, his country continued to work closely with the special procedures mechanisms and treaty bodies and had maintained a good record of compliance with its reporting obligations and its implementation of the recommendations and observations of treaty bodies. Having been elected to the Human Rights Council for the term from 2018 to 2020, Nepal looked forward to working constructively with the High Commissioner in the Council.

80. **Mr. Al Hussein** (United Nations High Commissioner for Human Rights) said that the Office engaged with countries with no United Nations country team presence from its offices in Geneva or regional offices, and its regional restructuring was aimed at ensuring increased global coverage. It also engaged through remote monitoring, capacity-building, training workshops, technical cooperation and visiting missions.

81. The best prevention tool was the Universal Declaration of Human Rights and related treaties, and using international human rights laws as a framework to advance peace was useful in detecting human rights violations that could lead to conflict and identifying how to avert violent conflict and rebuild after a war.

82. With regard to ensuring that all rights were advanced in tandem, in the report to the Economic and Social Council on early warning and economic, social and cultural rights, guidance and tools had been developed to help to integrate economic, social and cultural rights into human rights analysis. Those tools were being piloted to help the Office and its partners to analyse situations taking into account the indivisibility of all human rights, to identify violations of economic, social and cultural rights that could lead to violence, social unrest and conflict and to strengthen the capacity to develop analysis and programmes for prevention and effective response.

83. In response to the comments of the Russian Federation and the Syrian Arab Republic, OHCHR had wasted no effort in continuously and unequivocally condemning the actions of terrorist groups. Member States themselves still retained the primary responsibility for ensuring that their obligations and international human rights standards were met. The differences in opinions between certain Member States and the Office in respect of General Assembly resolution 48/141 would remain as long as the Office remained. OHCHR played an important role as a sentinel, holding a mirror up to the conduct of Member States, and if it and the human rights pillar did not exist, the world would be in a much more turbulent state than it already was. His Office did not discriminate between large and small or strong and weak States and approached its work fairly.

84. The implementation of the 2030 Agenda for Sustainable Development must be guided by the Declaration on the Right to Development. The Office would continue its concerted effort to mainstream the right to development into the work of the Organization and to provide full support to the Special Rapporteur and Working Group on the Right to Development.

85. The Human Rights Up Front initiative was a system-wide initiative that called for a cultural shift for all staff and a recommitment to the founding principles of the Organization, especially human rights. The plan was aimed at strengthening United Nations action to prevent and respond to situations at risk of or subject to serious violations of international human rights and humanitarian law.

86. The Office continued to support the work of the Special Rapporteur on the human rights of internally displaced persons and to address the human rights protection concerns of internally displaced persons in the Inter-Agency Standing Committee on Post-War and Disaster Reconstruction and Rehabilitation.

87. He urged States to take targeted action in the development of the global compacts on refugees and for safe, orderly and regular migration to address the human rights protection gaps for migrants in vulnerable situations, to challenge the criminalization of migrants and to move to end immigration detention, confront xenophobia against migrants and refugees and initiate a paradigm shift in the governance of migration.

88. He was grateful to all Member States who helped with extrabudgetary contributions, whether earmarked or not. Much of the earmarked funds went to carrying out mandated activities for which the Office had not received any or adequate funds. Ensuring adequate and

increased regular budget funds was the best solution to reduce its dependency on extrabudgetary funds.

89. On the basis of resolution [48/141](#), the Office had traditionally submitted annual reports to the Human Rights Council, covering the period from 1 December to 30 November, and to the General Assembly, covering the period from 1 July to 30 June. Given that producing two reports covering an overlapping period required countless staff hours and resources, it had been decided, on a pilot basis, to streamline the process in 2017 by issuing a note by the Secretariat ([A/72/36](#)) referring to the annual report of OHCHR to the Human Rights Council ([A/HRC/34/3](#)). His oral statement to the Third Committee would complement that report by referring to the activities of the Office up to July 2017. Such an approach saved resources in terms of translation and reproduction without sacrificing the information available to Member States. The Office was open to reverting to the previous practice in the following year should Member States be dissatisfied with the new format.

90. Although the management plan for the forthcoming four years had not yet been concluded, the Office had embarked on a planning process to elaborate its vision for 2018 to 2021. The plan would be grounded in the strategic framework of the Secretary-General and would seek to ensure that its scarce resources were spent on areas in which it could have an impact on the lives of people. In 2017, the Office had convened stakeholder consultations, including with Member States, to inform its decisions on the programme.

91. The issue raised by the Democratic People's Republic of Korea had been brought to his attention in an official letter, which had been taken most seriously, and the Office would respond in due course.

92. In response to the question from the State of Palestine, the report would be produced by the end of December 2017.

The meeting rose at 5.30 p.m.