



# General Assembly

Seventy-third session

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Friday, 2 November 2018, 3 p.m.  
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Official Records

*President:* Ms. Espinosa. . . . . (Ecuador)

*In the absence of the President, Mr. Beleffi (San Marino), Vice-President, took the Chair.*

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

## Agenda item 69 (continued)

### Report of the Human Rights Council

#### Report of the Human Rights Council (A/73/53 and A/73/53/Add.1)

**Mr. Sarmantayev** (Kazakhstan): We would like to welcome His Excellency Mr. Vojislav Šuc, President of the Human Rights Council, and thank him for briefing us on the work and achievements of the Council in 2018 (see A/73/PV.31). We would also like to take this opportunity to congratulate Ms. Bachelet on her appointment as the next High Commissioner for Human Rights and all the newly elected Human Rights Council members and wish them all success in their important work.

Over the 12 years of its existence, the Council has proved to be the key United Nations human rights institution contributing to the promotion and the protection of human rights at both the global and the national levels. The Council has also demonstrated its ability to respond rapidly to human rights violations in various parts of the world. Kazakhstan is convinced that the work of the Council should continue to be guided by the principles of universality, impartiality, objectivity, non-selectivity and constructive international dialogue with a view to promoting and protecting all human rights — civil, political, economic, social and cultural.

The Council serves as the main forum for dialogue on the thematic issues in the sphere of human rights. The Council also brings to the attention of the international community the human rights situations in many countries and thematic concerns that require particular attention.

In order to be effective and lead to positive results on the ground, the Council's work on country situations should be based primarily on the issues of technical cooperation and capacity-building, instead of increased monitoring and investigation activities. In that sense, dialogue and the constructive engagement of the Council's country-specific mechanisms with States should be at the heart of its activities.

We believe, as many others do, that the Universal Periodic Review is truly the most effective, impartial and depoliticized mechanism of the Human Rights Council; it has its own dynamic and most importantly, is universally recognized. We take an active part in the Universal Periodic Review session and are preparing to go through our own third cycle in fall of 2019.

Kazakhstan has also been actively cooperating with the Human Rights Council's special procedures. As members may know, my country is among those that have issued them a standing invitation, which confirms our openness and strong commitment to the promotion and protection of all human rights in our country. In that regard, I would like to note that we are expecting the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while

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countering terrorism, Ms. Fionnuala Ní Aoláin, to visit Kazakhstan in May 2019.

In March, Kazakhstan submitted its fifth periodic report to the United Nations Committee on the Elimination of Discrimination against Women. In November, we are planning to submit our fourth periodic report on the implementation of our obligations under the United Nations Convention against Torture and our eighth, ninth and tenth periodic reports to the United Nations Committee on the Elimination of Racial Discrimination. Next year, we are also expecting to discuss our reports in the United Nations Committee on Economic, Social and Cultural Rights and the United Nations Committee on the Rights of Persons with Disabilities.

Kazakhstan fully supports the work of the Human Rights Council in promoting, justice, dignity and equality for all. I take this opportunity to inform members of the Assembly that we are putting forward our candidacy for the Human Rights Council starting in 2022.

In conclusion, let me confirm Kazakhstan's commitment to the protection of fundamental human rights and freedoms, and further close interaction with all mechanisms of the global human rights network.

**Mr. Yelchenko (Ukraine):** At the outset, I would like to convey the sincere appreciation of my delegation to the President of the Human Rights Council (HRC), the Ambassador of Slovenia, Mr. Vojislav Šuc, for his able and effective management of the HRC's activities, and particularly for his leadership in the preparation process to the review of the functioning of the HRC.

Ukraine attaches great importance to the review of the HRC's work. We are convinced that the result of the review should improve and strengthen the effectiveness of the Council and its ability to protect human rights. In that regard, I would like to underline the importance of strengthening the prevention aspect of the Council's activities. We believe that the Council should increasingly strengthen the preventive dimension of its activity and address, in a timely and proactive way, emerging human rights situations in order to prevent grave human rights violations, crimes against humanity and genocide.

The persistence of human rights violations around the globe clearly demonstrates the need to focus more attention on preventive action. Regrettably, oftentimes

we can see that the norms of international human rights law and international humanitarian law are breached and flouted with impunity.

In 2010, Ukraine initiated the introduction of an element of prevention into the work of the Human Rights Council and advocated the adoption of Human Rights Council resolutions on the role of prevention in the promotion and protection of human rights. We are grateful to the core group countries for their cooperation in supporting and developing that subject. Preventive measures and strategies are progressively gaining importance as an effective tool to avert preventable threats and emergencies in the human rights sphere. Due to the fundamental and overarching nature of prevention, broad interregional dialogue and holistic consideration are necessary.

The elaboration of an agreed concept of prevention and applicable guidance, endorsed by the United Nations, could assist in providing an adequate level of human rights protection and strengthening well-developed conflict prevention mechanisms at the United Nations. The Human Rights Council has a crucial role to play in achieving that objective. We are ready to continue and strengthen cooperation with all interested stakeholders in order to deepen the concept of prevention and fully exploit the preventive potential of the Council.

Ukraine highly appreciates the contribution of the Human Rights Council and its special procedures to address the current human rights situation in Ukraine, including in the occupied Crimea. Ukraine is interested in and open to a broad and inclusive interaction on that track, and in that spirit we initiated HRC resolution 26/30, entitled "Cooperation and assistance to Ukraine in the field of human rights". We appreciate the support of the United Nations Member States and international institutions for our human rights aspirations. We also believe that such international support should include efforts to counter human rights violations committed as a result of Russian aggression, including in particular in the occupied territories.

Ukraine attaches exceptional importance to the implementation of resolutions 71/205 and 72/190 on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, in particular the provisions providing for the international monitoring of the situation in Crimea, where human

rights have been under constant attack by the Russian occupying Power since 2014.

We commend the work of the human rights monitoring mission in Ukraine and commit to continuing our close cooperation with the mission. The mission's recommendations for Ukraine help us make progress in achieving the highest international standards in the field of human rights. We also note the tremendous efforts of the High Commissioner's Office in preparing the second dedicated thematic report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, pursuant to resolution 72/190.

Despite having been denied entry to the Ukrainian peninsula by the Russian Federation, the monitoring mission had multiple reliable sources of information to conduct quality monitoring of human rights developments in the occupied Crimea. At the same time, acknowledging the efforts of the Office of the United Nations High Commissioner for Human Rights in monitoring the situation at development distance, we continue to insist on and call for direct reporting from the ground.

The continuing aggression of the Russian Federation not only negatively affects the security and humanitarian situations in the Luhansk and Donetsk regions, but also seriously undermines the basic human rights and fundamental freedoms of the civilians remaining in the territories not under Ukrainian Government control. The grave violations and abuses of human rights and fundamental freedoms committed by the Russian occupation administrations in Donbas and Crimea must not be ignored. Russia must abide by its obligations as an occupying Power and prevent humanitarian crises in the territories under its temporary control.

Ukraine fully supports the system of special procedures as a unique independent monitoring mechanism within the Human Rights Council and as an integral part of the United Nations human rights machinery. We firmly believe that cooperation and transparency are crucial to the promotion and protection of human rights. With that in mind, Ukraine has long time maintained an open invitation to all Human Rights Council's special procedures.

We would like to thank Mr. Nils Melzer, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Mr. Juan Pablo Bohoslavsky, Independent Expert on the effects of

foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights; and members of the Working Group on Enforced or Involuntary Disappearances for the missions they have conducted in Ukraine over the past year. The Ukrainian authorities are fully committed to providing the integrity of visits of all special procedures and other monitoring mechanisms in order to ensure the full implementation of their mandates.

In conclusion, let me reiterate that Ukraine remains committed to actively engaging further in the work of the Human Rights Council.

**Mr. Sukhee** (Mongolia): At the outset, I would like to express our sincere appreciation to Ambassador Vojislav Šuc, President of the Human Rights Council, for his leadership and presentation of the report of the Human Rights Council (A/73/53 and A/73/53/Add.1) to the General Assembly today.

My delegation commends the Human Rights Council as a key platform for constructive dialogue and cooperation on promoting human rights. The current report of the Council paints a realistic picture of the current human rights situations and challenges worldwide and recommends possible ways and instruments to defend human rights, equality and dignity and combat intolerance, discrimination and violence.

With the strong and wide support of Member States, Mongolia joined the Human Rights Council in 2016 for the first time. The Council possesses a unique mandate to promote universal respect for human rights and fundamental freedoms, guided by the principles of universality, impartiality, objectivity and non-selectivity. Human rights are a universal value, and as a member of the Human Rights Council we are committed to promoting human rights for all. In that regard, I am pleased to note that my Government has supported the Human Rights Council's initiatives aimed at protecting the rights of the child, women and persons with disabilities, the freedom of expression and the freedom of assembly and association as priority issues outlined in our voluntary pledges.

Mongolia has been a strong supporter of the Council's mechanisms. We have therefore extended a standing invitation to and constructively cooperated with the special procedures mandate-holders since early 2004. Since then, we have received visits of the Special

Rapporteurs on the right to food, on torture, on the right to education, on extreme poverty and on human rights, as well as a visit of the Working Group on business and human rights. Most recently, the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and the Special Rapporteur on the human rights to safe drinking water and sanitation paid visits to my country. Furthermore, we have accepted a request from the Special Rapporteur on the situation of human rights defenders and the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights to pay a working visit to Mongolia in 2019.

We will continue to attach importance to the treaty body reporting. We appreciate the fact that more committees are adopting the simplified reporting procedure, which we consider to be practicable and effective both in terms of the workload of the committees and member States, like Mongolia, that face capacity restraints.

One of the major achievements of the Human Rights Council is indisputably the Universal Periodic Review (UPR) — an effective mechanism to assess the human rights situations of all the States Members of the United Nations. We remain firmly committed to the UPR process. In order to fulfil our commitment, the recommendations have been translated into the national plan of action for 2016-2019. In July 2018, we launched a technical assistance project, with the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR), to advance the implementation of the action plan, which, inter alia, includes establishing a national preventive mechanism, developing mandatory training programmes on human rights, establishing a national mechanism for reporting and follow-up, and creating a national recommendations tracking database. We are of the view that OHCHR has a key role to play in disseminating and advancing best practices for enhancing national capacity, including, inter alia, strengthening the potential of national human rights institutions by providing technical assistance in support of the efforts of States so as to allow them to fulfil their human rights obligations.

As a member of the Council, we attach great importance to the ongoing discussions on strengthening the efficiency of the Council. We consider that the

strengthening of the Human Rights Council should primarily focus on enhancing its contribution to the promotion and protection of human rights. However, we resolutely support the view that any agreement reached on long-term efficiency measures should be adopted by a consensual decision. Mongolia stands ready to provide its support for initiatives aimed at improving the working methods of the Council in a manner that is beneficial to all States, as well as other relevant stakeholders.

In conclusion, I reaffirm the firm commitment of my Government to working closely with the High Commissioner and her Office.

**Ms. Feldman** (Australia): Australia thanks the President of the Human Rights Council (HRC) for the presentation of his report of the Council (A/73/53 and A/73/53/Add.1).

As a member of the HRC, Australia is pleased to take this opportunity to reaffirm its commitment to the Council as a leading component of the multilateral human rights system. We commend the President for his determined and ongoing leadership in efforts to strengthen the Human Rights Council and improve its efficiency. Australia will continue to engage constructively in those efforts by supporting outcomes that enhance the Council's core mandate of promoting and protecting human rights and preventing and addressing human rights violations. Australia also believes that measures taken must not hinder the ability of civil society or small States, including those not present in Geneva, to engage in the work of the Council. Australia has supported a range of proposals under discussion, including capping the number of panel discussions, improved transparency on potential budget impacts and biennializing or triennializing resolutions. We remain open to further creative and constructive ideas from member States to strengthen the Human Rights Council.

While Australia recognizes that efficiencies can and must be found, United Nations Member States must also ensure that the Human Rights Council is adequately resourced to carry out its mandate. Efforts to improve the efficiency of the Human Rights Council are closely linked to those to improve its effectiveness. We remain committed to strengthening the Human Rights Council through cooperation, transparency and objectivity — a point Australia made in its incoming member's pledge, delivered during the HRC's first session in 2018. We



hope to see that pledge taken up by all members, and we invite all States recently elected to the Council for the term 2019-2021 to adopt the pledge at the fortieth regular session of the HRC.

We continue to stress the need for stronger processes to ensure that HRC members uphold the highest human rights standards. We should also strengthen civil society engagement and reduce the number of resolutions and proliferation of mandates to allow States to focus on implementation as the crucial next step in improving human rights. Australia was proud to sponsor the non-governmental organization-led event for Council candidates held here in New York in September to promote greater transparency. We urge all States seeking election to the HRC to participate in such events.

**Mr. Giorgio** (Eritrea): Eritrea welcomes the opportunity to interact with the President of the Human Rights Council and takes note of the report of the Council (A/73/53 and A/73/53/Add.1).

My delegation fully associates itself with the statement delivered by the representative of Mozambique (see A/73/PV.31) on behalf of the Group of African States.

The Human Rights Council — a subsidiary organ of the General Assembly — has the principal responsibility for ensuring universal respect for the protection of all human rights in a fair and equal manner, as enshrined in resolution 60/251. We recall that the establishment of the Council was the result of the failure of the Commission on Human Rights to effectively fulfil its mandate owing to politicization and double standards. Unfortunately, the Human Rights Council continues to suffer from the same ills that led to the Commission on Human Rights becoming defunct. If we fail to adhere to the sacrosanct principles of mutual respect and indulge in politicization and double standards, as we often do, inevitably the fate of our sole intergovernmental body on human rights will be the same as that of its predecessor.

Eritrea is an independent and constructive State actor. It believes in international peace and progress and that the promotion of human rights is optimally achieved through solidarity among nations and genuine, mutually beneficial partnerships. As a member of the Human Rights Council for the term from 2019-2021, it will work to achieve a more effective and credible Council. It will endeavour to engage in inclusive, cross-

regional and transparent dialogue on the protection and the promotion of human rights across all countries and regions.

The work of the Council continues to expand with the increased adoption of resolutions. While the efficacy of their contributions remains questionable, there is a serious need to comprehensively assess and ask ourselves whether the current work of the Council is reflective of the huge responsibility and weight that it bears in safeguarding the principles contained in the Universal Declaration of Human Rights and as the body responsible for the effective maintenance of human rights within the United Nations system.

There is also a need to uphold the intergovernmental character both of the agenda and of the working methods of the Council. Considering the importance of reassessing the work of the Council, we cannot underestimate the significance of the Office of the United Nations High Commissioner for Human Rights (OHCHR) as a leading United Nations entity in the area of human rights in supporting Member States in the realization of their human rights obligations. In that regard, OHCHR should provide equal attention to all human rights issues, as well as ensure that every member of the Secretariat fulfils its obligation to maintain the independence and integrity of the Office. Eritrea continues to advocate for OHCHR programmes to be funded from the United Nations regular budget.

Eritrea stresses the cardinal importance of promoting constructive international dialogue and cooperation in dealing with human rights issues. In that regard, we restate our firm belief in the centrality of the Universal Periodic Review in the fulfilment of States' human rights obligations and in the improvement of the situation on the ground.

Eritrea rejects the selective manner in which human rights continue to be addressed in the Human Rights Council. Eritrea opposes all politically motivated country-specific mandates, which continue to be counterproductive and a waste of resources that could have otherwise been used for the concrete promotion of human rights. In that connection, Eritrea disassociates itself from the part of the report of the Human Rights Council containing the text of Human Rights Council resolution 38/15, entitled "Situation of human rights in Eritrea".

Finally, Eritrea reiterates its commitment to redoubling its own efforts in ensuring a dignified life for

every one of its citizens. During its term in the Council, it will work to enhance the credibility of the Council by encouraging increased dialogue and cooperation.

**Mr. Clyne** (New Zealand): New Zealand would like to thank the President of the Human Rights Council for his presentation of the annual report of the Human Rights Council (see A/73/PV.31).

We are pleased that the Human Rights Council was recently able to turn its attention to the disproportionately high maternal mortality and morbidity rates affecting women and girls in humanitarian settings. In a core group of Burkina Faso, Colombia, Estonia and New Zealand, we were proud to present resolution 39/10, entitled “Preventable maternal mortality and morbidity and human rights in humanitarian settings”. The resolution was adopted by the Human Rights Council by consensus on 28 September and enjoyed a large cross-regional group of sponsors. The Council has sent a clear message that States must ensure accountability and take responsibility for ensuring the right of women and girls to an effective remedy for violations of their rights to sexual and reproductive health. They must also guarantee the non-recurrence of those violations in humanitarian settings.

The resolution also urges States to bring laws and policies concerning sexual and reproductive health, including international assistance policies, into line with international human rights law and to repeal discriminatory laws relating to third-party authorization for health information and health-care services. We look forward to the Council’s ongoing work on this important issue. That includes a two-day meeting in 2019 to discuss good practices, gaps and challenges in the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity in humanitarian settings.

**Mr. Bin Momen** (Bangladesh): At the outset, I would like to thank the President of the Human Rights Council for presenting his reports (see A/73/PV.31).

This year, Bangladesh was once again elected to the Human Rights Council to represent the Group of Asia-Pacific States for the 2019-2021 term. We take this opportunity to once again thank Member States for their support to Bangladesh. We are fully committed to fulfilling the pledges and commitments that we have made and upholding the high objectives of the Council. The election of Bangladesh to the Council twice

throughout the terms of the current Government is a testament to Prime Minister Sheikh Hasina’s unstinting efforts to uphold the rights and dignity of people.

The delegation of Bangladesh finds the Universal Periodic Review mechanism to be a useful tool for the Human Rights Council to engage with each and every Member State on human rights issues. We did our Universal Periodic Review in May, during which the international community highly appreciated our good practices in upholding human rights. With the engagement of all concerned actors, we regularly follow up on the implementation of the Universal Periodic Review recommendations. As an elected member of the Council, Bangladesh will continue to promote such constructive mechanisms of the Council in the coming days.

It is incumbent upon all Member States to preserve the sanctity and credibility of the Human Rights Council. The Council membership reflects the diversity of the comity of nations and is integral to the ownership and effectiveness of its work. It serves no purpose to undermine the Council without appreciating the progressive, aspirational nature of its work and accomplishments. No Member State can claim to have a perfectly sound human rights record, and it is only expected that the Council will forge ahead with its work, navigating the many challenges and difficulties inherent within its membership. We urge all Member States to constructively engage with the Council’s work and ensure the provision of adequate resources for the effective delivery of its mandates. In parallel, sustained efforts must continue to enhance further efficiency and effectiveness in the Council’s work. Bangladesh will continue to advocate for not using the Human Rights Council for political expedience or retaliation.

The monitoring of the Human Rights Council’s work by media and civil society adds value to its work. It is, however, regrettable if the perception is created that this work is guided by the interests and priorities of certain Member States. It is also critical that thorough research and informed consultations be conducted before making passing comments about or ascribing scorecards to the human rights record or performance of individual Member States.

In the interest of objectivity, it is critical that Member States engage with the mandate-holders and not with the individuals embodying the mandate at any given time. It is the prerogative of the Secretary-

General to appoint the mandate-holders, and it is incumbent on Member States to facilitate the discharge of their respective mandates. We do not subscribe to the idea of refusing to engage with a mandate-holder on the basis of his or her individual identity. If questions are raised about his or her objectivity or impartiality, the concerned Member States and others concerned should continue to remain engaged in the interest of promoting a balanced approach.

During the Council's most recent session, Bangladesh took an evident interest in the follow-up to the work of the independent international fact-finding mission on Myanmar. We reiterate our appreciation to the fact-finding mission for its authoritative work in documenting evidence-based information on the gravest crimes under international law committed against the Rohingya and other people forcibly displaced from Myanmar's Rakhine state. We believe that the Council took decisive action yet again in renewing the mandate of the fact-finding mission and in deciding to establish an ongoing investigation mechanism to collate, analyse and preserve the evidence of atrocity crimes against the Rohingya and others affected.

We have always maintained that the possibility for the repatriation of the Rohingya to their place of origin in Myanmar can be realized only in an environment that restores their safety, dignity, human rights and fundamental freedoms. We see the Human Rights Council's engagement to be an effort to safeguard the interests of the Rohingya and other minorities in Kachin and Shan states from the systematic human rights violations to which they had been subjected to date. The outright rejection of the Council's overtures to Myanmar can be construed by those affected as a continued denial by the concerned State of the human rights and fundamental freedoms of the Rohingya, including their pathway to citizenship. We regret Myanmar's non-cooperation to date with the fact-finding mission and the Special Rapporteur on the situation of human rights in Myanmar. The question of the objective of the mission or the Special Rapporteur can be raised only if Myanmar constructively engages with them.

Accountability can serve as an important confidence-building measure for the Rohingya to return voluntarily, without which their repatriation would not be sustainable. While our continued efforts and readiness for the safe, voluntary and dignified repatriation of Rohingyas to their original place

of abode in the Rakhine state are about to come to fruition, one should not be oblivious to the imperative need to ensure accountability for the gravest atrocities perpetrated against them. Accountability is crucial to the implementation of the bilateral instruments and should therefore be pursued in earnest. We would like to reiterate our commitment to working closely with the Human Rights Council in the coming days.

**The Acting President:** We have heard the last speaker in the debate on this item.

Before giving the floor to speakers in exercise of the right of reply, may I remind members that statements in the exercise of the right of reply are limited to 10 minutes for the first intervention and 5 minutes for the second, and should be made by delegations from their seats.

**Mr. Ju Hyok So** (Democratic People's Republic of Korea): My delegation would like to exercise its right of reply with regard to the statement made by the observer of the European Union (EU).

We condemn the politicized allegations made by the EU against the Democratic People's Republic of Korea, which bear no relation to the genuine protection and promotion of human rights. My delegation strongly rejects the forcibly adopted, anti-Democratic People's Republic of Korea resolutions of the Human Rights Council, as well as its Special Rapporteur, the Group of Independent Experts on Accountability pursuant to Human Rights Council Resolution 31/18 on the situation of human rights in the Democratic People's Republic of Korea, and the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea (A/HRC/25/63), because they are based on lies and information that are fabricated to tarnish and overthrow the Democratic People's Republic of Korea. Those lies and information are fabricated by defectors in line with the plotted scenario of the hostile forces, with the worst coming from the mouths of the human scum criminals who have betrayed their motherland, abandoned their families and escaped after committing crimes — all to earn money.

It is disrespectful towards and a mockery of the international community for the EU and Western countries to spread without hesitation the lies and sophistry of those worthless defectors in this international Hall. It is the EU and Western countries that have committed vicious human rights violations throughout the world, such as Islamophobia,

xenophobia, the humiliation of ethnic minorities, sexual violence and so on. The current global refugee crisis is attributable to the Western countries. My delegation strongly requests that the EU and Western countries do not fuss over the non-existent Democratic People's Republic of Korea human rights issue, but focus instead on solving their own miserable human rights situations.

**The Acting President:** The General Assembly has thus concluded this stage of its consideration of agenda item 69.

*The meeting rose at 3.40 p.m.*