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Chair: Mr. Saikal (Afghanistan)

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

Agenda item 74: Promotion and protection of human rights (*continued*)

- (a) **Implementation of human rights instruments** (*continued*) ([A/73/40](#), [A/73/44](#), [A/73/48](#), [A/73/56](#), [A/73/140](#), [A/73/207](#), [A/73/264](#), [A/73/281](#), [A/73/282](#), [A/73/309](#))
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- (c) **Human rights situations and reports of special rapporteurs and representatives** (*continued*) ([A/73/299](#), [A/73/308](#), [A/73/330](#), [A/73/332](#), [A/73/363](#), [A/73/380](#), [A/73/386](#), [A/73/397](#), [A/73/398](#), [A/73/404](#))
- (d) **Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action** (*continued*) ([A/73/36](#), [A/73/399](#))

1. **Mr. Lynk** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967), introducing his report, said that one of the fundamental obligations of United Nations membership, as laid out in the Charter of the United Nations and in the Convention on the Privileges and Immunities of the United Nations, was for States to cooperate with the various organs of the United Nations, including special rapporteurs. However, Israel had refused to cooperate with the mandate, denying visits from the Special Rapporteur to Israel and the Occupied Palestinian Territory. The Government of Jordan had hosted his mission in June 2018, and human rights non-governmental organizations, officials of the Palestinian Authority and United Nations officers had travelled from the Occupied Palestinian Territory to Amman to meet with the Special Rapporteur. However, that was no substitute for a country visit, which would have enabled the Special Rapporteur to meet with officials from the Government of Israel and learn about their perspective.

2. The World Bank had recently described the economy of Gaza as being in free fall, and that term could be applied to the entire situation in the territory. The economy in Gaza had contracted by 6 per cent during the first quarter of 2018; its unemployment rate

had reached 53 per cent, with youth unemployment at over 70 per cent; it had extremely limited access to electrical power and drinking water; the main economic crossing between Gaza and Israel at Kerem Shalom had mostly been closed in recent months; basic health services were collapsing; and drastic cuts in international aid to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and salary cuts initiated by the Palestinian Authority had disproportionately hit the Palestinian refugees in Gaza, its largest and most vulnerable population. Gaza had become unliveable to the extent that the international community must insist that all parties, and particularly Israel, the occupying Power, bring an immediate end to the humanitarian disaster.

3. In response to the situation, the people of Gaza had organized the Great March of Return, which had begun at the end of March and still continued seven months later, in which they called for the right to return to their original homes and for an end to the Israeli blockade. In the context of those demonstrations, which were largely peaceful and unarmed, more than 230 Palestinians had been killed by Israeli security forces, including as many as 40 children, and almost 23,000 Palestinians had been injured. He joined others in the human rights community in insisting that Israel must comply with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which stipulated that weapons and lethal force could only be used as a last resort, and only in cases of imminent threat of death or serious injury. A significant majority of those deaths and injuries did not appear to satisfy that strict criterion.

4. The West Bank village of Khan al-Ahmar was being threatened with complete demolition by Israel to clear the so-called E1 corridor of the last impediments to building new settlements and annexing the area to Jerusalem. The Israeli settlements were a grave breach of international law, and civilian settlements in the occupied territory constituted a war crime under the Rome Statute of the International Criminal Court. Similarly, the annexation of territory was strictly forbidden. The occupying Power was devoting significant efforts to claiming all or much of the West Bank through an increasing number of developments, and the Knesset had recently adopted a number of laws to allow for more formal annexation steps. Other recent legislation had extended Israeli laws to the West Bank settlements, in violation of international humanitarian law.

5. A deep-rooted problem at the heart of the 50-year conflict had been the unwillingness of the international community to enforce international law. In that context, international accountability was both a responsibility

and a necessity. Compassionate peace in the Middle East would only be possible with decisive action by the United Nations, which should insist that Israel must either fully annul its annexations and relinquish its occupation or be prepared to bear the full consequences of international accountability.

6. Regular interactions with Palestinian, Israeli and international human rights defenders had given some hope for optimism. They were the living embodiment of the universal language of human rights and humanity and remained deeply committed to their crucial work, producing high-quality research and engaging in rights-based activism.

7. **Mr. Mansour** (Observer for the State of Palestine) said that, in his report, the Special Rapporteur had portrayed an ongoing human rights and protection crisis as Israel persisted with its denial, denigration and violation of the rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem. The occupying Power had undertaken non-stop colonization activities in the occupied territories, which had created further fragmentation, undermined their contiguity and diminished the viability of the two-State solution on the basis of the pre-1967 borders.

8. The long list of violations committed by Israel indicated just how pervasive they were, sustaining and entrenching the illegal occupation in direct contravention and grave breach of international law, including humanitarian and criminal law, the Charter prohibition on the inadmissibility of the acquisition of territory by war, the relevant United Nations resolutions and the repeated demands of the international community to bring the unlawful situation to an end.

9. His delegation appreciated the assessment of the Special Rapporteur of the continued deterioration in nearly all aspects of life for the Palestinian people in Gaza as a result of the illegal and immoral blockage by Israel and its continuing lethal attacks against unarmed peaceful protestors in Gaza. As stated in his report, the practice of responding with deadly force to demonstrations was at odds with human rights law, and killings resulting from the unlawful use of force may constitute wilful killings, which was a grave breach of the Geneva Conventions relating to the protection of victims of international armed conflicts.

10. The Special Rapporteur had explored the trends of the de jure annexation of East Jerusalem by Israel and its de facto annexation of the West Bank, their incompatibility with international legal norms and their foreclosing on the right of the Palestinian people to self-determination. In that context, he asked the Special

Rapporteur to elaborate on the increasingly aggressive attempts by Israel to escalate their de facto annexation into de jure annexation and whether he could provide examples, including of attempts to legalize illegal acts through so-called annexation legislation.

11. His delegation condemned the refusal of Israel to cooperate with the mandate of the Special Rapporteur and called on the Secretary-General, the Office of the United Nations High Commissioner for Human Rights and Member States to take measures to ensure that his mandate was not obstructed and that Israel was brought into compliance.

12. **Ms. Inanc-Ornekol** (Turkey) said that her country regretted that the inalienable rights of the Palestinian People were under serious threat. Systematic efforts had been made in recent times to pressure Palestinians into accepting the status quo by enforcing hardship and humiliation through a campaign that included the violation of their most fundamental human rights. UNRWA, which provided vital services to meet the basic needs of Palestinian refugees and worked towards stability in the region, was the most recent target of the efforts being made by Israel to collectively punish Palestinians. As the Chair of the Advisory Commission and the Working Group on the Financing of UNRWA, Turkey had decided to increase its annual contribution to the Agency and called for other donors to do so.

13. She asked what the implications might be for Palestinians if the Government of Israel implemented the 13,000 demolition orders that were pending against structures in Area C.

14. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela), speaking on behalf of the Non-Aligned Movement, said that his country reaffirmed its support for the people of the State of Palestine and conveyed its condolences for the suffering that they had endured since 1967 under the military occupation of Israel. The time had come to remedy the historic injustice and for lasting peace to be achieved for the benefit of the Palestinian and Israeli peoples, as well as for the entire region and international community. His delegation condemned the Israeli military occupation of the Palestinian territories, which had led to thousands of Palestinian people, including children, being killed or wounded and to the widespread destruction of property, infrastructure and arable land.

15. During the eighteenth ministerial meeting of the Non-Aligned Movement, ministers had reiterated their deep concern about the serious situation in the Gaza Strip and the protracted impact of the Israeli occupation. The worsening of the humanitarian crisis, which had led to more than 2 million Palestinian civilians being

isolated and besieged owing to the illegal decade-long blockade, represented a grave violation of international humanitarian law and international human rights law. The Non-Aligned Movement called for the complete and immediate lifting of the blockade and expressed concern that Israel had not been brought to justice for the violations it had committed, which fostered impunity, worsened the situation on the ground and eroded the possibility of peace on the basis of a two-State solution within pre-1967 borders. The Non-Aligned Movement also called for international action, particularly by the Security Council, to guarantee accountability and the cessation of violations committed by the occupying Power. It issued an appeal for urgent efforts to be undertaken to afford greater support to the development and strengthening of Palestinian institutions with a view to ensuring the independence of the Palestinian State. Lastly, it reaffirmed its commitment to supporting the Palestinian people in their search for justice and in the realization of their inalienable rights, including the right to self-determination and freedom in the Independent State of Palestine within pre-1967 borders, with East Jerusalem as its capital.

16. **Ms. Sukacheva** (Russian Federation) said that the human rights situation in Palestine and other occupied Arab territories remained dismal and there were few signs that a political settlement was on the horizon. Israel's expansion of its settlements was exhausting the patience of the Palestinian people and had increased the risk of an escalation of violence. Recent events on the border between Israel and the Gaza Strip demonstrated the volatility of the situation. The Russian Federation condemned the use of terror and called on all parties to refrain from confrontational approaches and aggressive rhetoric. Force should be used only when appropriate and investigations should be launched whenever it was used indiscriminately. There was no alternative to a two-State solution to the Palestinian question, whereas a unilateral approach was likely to result in conflict. The Russian Federation categorically rejected revisionist attempts to reinterpret the international legal framework regarding the Palestinian-Israeli issue. An end to Israeli occupation would not only improve the human rights situation in Palestine and other occupied Arab territories but also enhance stability in the Middle East.

17. **Ms. Wessel** (Norway) said that her country was particularly concerned about the human rights implications of recent developments in the West Bank, including the decision to demolish Khan Al-Ahmar and the plans that were under way for the construction of new settlement units. Norway shared concerns about the humanitarian situation in Gaza and the recent escalation

in violent confrontations and called upon all parties to act with restraint. Following the Ministerial Meeting of the Ad Hoc Liaison Committee for the Coordination of the International Assistance to Palestinians held in September 2018, Norway was working closely with the United Nations and others to ensure the delivery of the United Nations humanitarian package to Gaza.

18. The continued use of administrative detention against Palestinians, especially children, was a matter of concern and should be minimized and practised in compliance with international human rights standards, including the Convention on the Rights of the Child. She asked whether any changes in that practice had been seen during the past year.

19. The Israeli and Palestinian leadership had the duty to protect the rights of Palestinians. Her delegation was deeply concerned about recent allegations of grave human rights abuses, including torture, carried out by the Palestinian Authority and Hamas. In that vein, she asked the Special Rapporteur for his assessment of the degree to which human rights were protected by the authorities in the West Bank and Gaza, and whether he could share any improvements in the human rights situation in Palestine over the past year.

20. **Ms. Giralt** (South Africa) said that her Government had consistently voiced its position against the human rights and humanitarian law violations associated with the occupation. South Africa shared the view that human rights were interdependent and indivisible. The right to health was anchored in a range of international law instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, and placed a range of obligations on States, including ensuring equal access to health care, protecting vulnerable and marginalized groups and providing the underlying social determinants of health. South Africa had consistently declared its commitment and support to the inalienable right of Palestinians to self-determination and statehood and believed that a two-State solution was a vital requirement for peace in the region. She asked the Special Rapporteur to share his views on the linkages between widespread and long-term reliance on humanitarian assistance and the right to work, as well as its impact on human dignity.

21. **Mr. Castillo Santana** (Cuba) said that the systematic and continued disregard by Israel, the occupying Power, and its main ally, the United States of America, for the resolutions and decisions adopted by the United Nations and for the mandate of the Special Rapporteur constituted a pattern of non-cooperation that demanded action by the international community. His

delegation expressed full support for recognition by the United Nations of the State of Palestine within the pre-1967 borders, with East Jerusalem as its capital, and rejected the unilateral action of the United States to establish its diplomatic representation in Jerusalem, which had exacerbated tension in the region. Cuba called for a just, peaceful and lasting solution to the Israeli-Palestinian and Arab-Israeli conflicts, which would not be possible if justice was denied to the victims of grave human rights violations. His delegation agreed that only the end of the colonizing policy and the recognition of the legitimate and inalienable rights of the Palestinian people would lead to a meaningful process guaranteeing respect for and the protection of the human rights of the people residing in the occupied Palestinian territories.

22. **Ms. Sandoval** (Nicaragua) asked how the international community could help to ensure that Israel acted responsibly while at the same time guaranteeing that its legal system functioned independently, impartially and transparently, in line with international standards.

23. **Mr. Ri Song Chol** (Democratic People's Republic of Korea) said that the indiscriminate killings of Palestinian civilian protestors by the Israeli army, the ongoing demolition of Palestinian homes and the expansion of Israeli settlements in the illegally occupied Palestinian territories had raised indignation and condemnation from the international community. His delegation strongly condemned the illegal action by the United States, the main patron of Israel, to move its embassy to Jerusalem in violation of United Nations resolutions, as well as the recent threat made to undermine UNRWA. It strongly urged Israel to stop the mass killings of Palestinian civilians and abide by international human rights instruments and humanitarian law, the Charter of the United Nations and other relevant United Nations resolutions and reiterated its solidarity with the Palestinian people in their just struggle for self-determination and national sovereignty.

24. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that the demolitions, forced evictions and acts of settler violence were creating unbearable living conditions for Palestinians and violated their fundamental rights. The ongoing atrocities committed against Palestinians by Israel could not be accomplished without the unreserved support it received from the United States and the dismal reaction of the international community. It was instructive that the allies of Israel who adamantly insisted on granting access to country-specific mandate holders whose mandates were habitually politicized were so passive in seeking the same privilege for the Special Rapporteur.

His delegation reiterated that the mandate of the Special Rapporteur was not country-specific.

25. **Mr. Moussa** (Egypt) said that his delegation commended the efforts of the Special Rapporteur in the preparation of his detailed report, which provided an accurate depiction of the situation in Palestine, and joined him in his call for an immediate end to the plight of the Palestinian people. In that context, he asked what measures could be taken by the international community to put an end to the prolonged occupation and colonization of the Occupied Palestinian Territory and ensure that Israel, as the occupying Power, abided by its legal obligations as a Member State of the United Nations.

26. **Mr. de Souza Monteiro** (Brazil) said that his delegation noted with concern the hurdles faced by Palestinians in their everyday life, which affected the provision of adequate health services, especially to the most vulnerable. Brazil supported the rights of Palestinians to freedom of expression and assembly, particularly to protest peacefully against the dire situation they faced in Gaza and elsewhere. It was deeply concerned about the setbacks that undermined the prospect of a two-State solution, such as the expansion of illegal settlements; the Gaza blockade; intra-Palestinian divisions; and measures seeking to impose unilateral solutions to final status issues. He asked the Special Rapporteur to elaborate on measures that the Israeli authorities could undertake to address the right of Palestinians to health without losing sight of their security concerns, especially with regard to the blockade on Gaza and the movement of patients between territories.

27. **Mr. Aldahhak** (Syrian Arab Republic) said that his delegation condemned the criminal actions of Israel and its systematic violation of human rights in the Occupied Palestinian Territory and in the occupied Syrian Golan. Israel had been able to continue its occupation, hostile actions, grave human rights violations, war crimes and crimes against humanity with complete impunity thanks to the support that it had received from certain States during its decades-long occupation of Arab lands. That support had also impeded the implementation of hundreds of Security Council, General Assembly and other United Nations resolutions, all of which had called on Israel to end its occupation and withdraw fully to the line of 4 June 1967. Syria, moreover, condemned the pressure placed on the United Nations by certain States to impede efforts to address the Palestinian issue, inter alia, by issuing threats, withdrawing from international bodies and mechanisms, such as the United Nations Educational, Scientific and Cultural Organization and the Human

Rights Council, and by cutting off funding to UNRWA. Such actions embodied the double standards adopted by those States as they sought to sustain the Israeli occupation and Israel's violent, racist and colonialist practices – practices that, moreover, constituted serious violations of international law, the Charter of the United Nations and fundamental human rights principles.

28. **Mr. Zhang Zhe** (China) said that the question of Palestine was the core issue with respect to the situation in the Middle East. If that issue were not resolved, then achieving enduring peace in the Middle East would be problematic. The international community was obligated to safeguard the rights and interests of the Palestinian people in accordance with the law. China had long been concerned by the human rights situation in the Occupied Territories. Recent developments in the dynamic between Palestine and Israel had been worrisome: the peace process was fraught with obstacles, the Gaza Strip remained fragile and violent confrontations continued to lead to the death of Palestinian civilians. China was opposed to the reflexive use of force and condemned the use of violence against civilians.

29. China was consistent in its resolute support for and promotion of the Middle East peace process and for the efforts of the Palestinian people to regain their rights in accordance with the law. It also supported the establishment of a fully sovereign and independent Palestinian State on the basis of the 1967 borders with East Jerusalem as its capital. In July 2018, China had unveiled a series of new measures to aid the Palestinian people. It was willing to continue its work with the international community to keep lines of communication open and to push for an early, comprehensive, fair and enduring resolution of the question of Palestine.

30. **Mr. Chatzisavas** (Observer for the European Union) said that the situation in the Occupied Palestinian Territory continued to deteriorate and the perspective of a two-State solution continued to be dismantled piece by piece. The European Union commended the efforts of the United Nations Special Coordinator for the Middle East Peace Process to alleviate the humanitarian crisis in Gaza, including his engagement in the fuel-delivery deal reached the previous week, and would continue to support his work.

31. One of the major achievements of the Oslo Accords had been the establishment of Palestinian institutions, and it was in the interest of Palestinians and Israelis to preserve their stability.

32. His delegation would continue to urge both parties to refrain from unilateral actions that undermined the

relaunching of negotiations or imperilled the viability of the two-State solution. In that regard, settlements were illegal under international law, constituted an obstacle to peace and threatened to make a two-State solution impossible.

33. The international community needed to work together to reverse the current negative developments on the ground. The European Union would continue to work with both parties and its regional and international partners towards a two-State solution based on the 1967 borders. He asked the Special Rapporteur to share his current priorities.

34. **Ms. Bassene** (Senegal) said that her country condemned the continuation of settlements and annexations, as well as the unjustified blockade in Gaza that deprived the Palestinian people of their most fundamental rights, including education, health and decent housing. Her delegation reiterated its call to the international community, including Israel, to redouble its efforts to improve cooperation with the Special Rapporteur and to respect and ensure compliance with its commitments and obligations under international humanitarian law and human rights law.

35. **Ms. Widyaningsih** (Indonesia) said that her delegation urged Israel, as the occupying Power, to honour the mandate entrusted to the Special Rapporteur and allow him access to the Occupied Palestinian Territory. The recent excessive use of force in Gaza against unarmed civilians was a call for concrete action by the international community to ensure that Israel terminated its illegal actions, stopped inhumane policies and withdrew from the occupied territories. The United Nations should take measures to end the state of impunity and vigorously pursue accountability for human rights violations.

36. The expansion of illegal settlements in the occupied Palestine territory constituted a concrete threat to any hopes of achieving future peace as envisioned in the two-State solution. In addition, the recently adopted Jewish Nation State Law served to justify the protection of Israeli settlements and other annexational trends. Her delegation requested the Special Rapporteur to engage with the commission of inquiry established by the Human Rights Council to assess the human rights violations committed in the occupied territories and to provide solutions to address the root causes of the conflict. She asked for further information on his proposal for a United Nations study on the legality of the annexation and the continued occupation of the Palestinian territory.

37. **Mr. Lynk** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied

since 1967), in response to questions regarding the adoption of legislation by Israel to deepen its annexation of the West Bank and Jerusalem, said that the amendments made in early 2018 to *Basic Law: Jerusalem Capital of Israel*, which had a quasi-constitutional status, had made it almost impossible for land that had been annexed in East Jerusalem to be handed over to the State of Palestine as part of any final agreement. In addition, a proposed “Greater Jerusalem” bill would increase the Israeli Jewish population in Jerusalem and extend the borders of Jerusalem deeper into the West Bank. The Judea and Samaria settlement regularization law would legalize illegal Jewish settlement outposts throughout the West Bank, give them official status and halt legal claims by Palestinian landowners whose property had been used for those settlements. The Zandberg Report had recommended the same course of action to resolve settlement title disputes by offering compensation to Palestinians rather than returning their land. All such legislation was illegal under the laws of occupation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

38. Concerning the 13,000 demolition orders that were pending in Area C, the reason there were so many demolition orders against Palestinian homes was that the civil administration of Israel had imposed a highly restricted planning regime that made permit application approval for Palestinian residential and commercial constructions virtually impossible.

39. Turning to the situation of children in the Occupied Palestinian Territories, he said that a number of dedicated human rights advocates were working on the issue of the administrative detention of Palestinian children and the disruption of their education. As mentioned in his report, as many as 40 children had been killed in Gaza as a result of Israeli military fire since the start of the Great March of Return.

40. In response to the question of the representative of Norway, he said that a positive development had been that the Palestinian Bedouin village of Khan al-Ahmar was still in place despite the judicial ruling made by the Israeli High Court several weeks earlier to approve its demolition. The Government of Israel had not acted on the power to demolish the village for two reasons. First, Palestinian and Israeli human rights activists had defended the village from being forcibly transferred, which would have been a war crime under international law. Second, many European missions to Israel and the Occupied Palestinian Territory had repeatedly stated their opposition to the forced transfer of Khan al-Ahmar inhabitants and the demolition of the village. That was proof that unified international action, combined with

activism by human rights activists on the ground, could lead to a positive outcome.

41. The international community should take a number of actions, including insisting on the lifting of the air, sea and land blockade on Gaza, and its inhabitants must be given the right to exercise freedom of movement and the ability to trade with the outside world, as called for by the current Secretary-General and his predecessor. The international community could consider banning the import of settlement goods from Israel, imposing penalties on companies that financially supported business activities in the Occupied Palestinian Territory, and cutting off relationships with banks that participated, encouraged and financed business activities that sustained the occupation. The General Assembly should also commission a United Nations study on the question of the illegality of the continued occupation of the Palestinian Territories and seek an advisory opinion from the International Court of Justice on that issue.

42. **Mr. Rehman** (Special Rapporteur on the situation of human rights in the Islamic Republic of Iran) said that, following his appointment as Special Rapporteur in July 2018, he had written to the Iranian Government to request an invitation to the country and to reiterate his desire to engage constructively with government representatives in subsequent meetings. The Government had provided extensive comments on his report ([A/73/398](#)). He hoped to build on that cooperation in the future.

43. His report to the General Assembly had been prepared during the initial stage of his mandate. Consequently, it did not provide an exhaustive description of the human rights situation in Iran but set out the methodology he intended to use in his role as Special Rapporteur and discussed consistently documented issues of concern that he wished to address during his mandate. The report drew on consultations with interlocutors in Geneva in August 2018 and documentation from a variety of sources, including reports by international human rights mechanisms and comments by the Iranian Government.

44. Since the publication of the report, an attack had been carried out in Ahvaz during an Iranian military parade. He condemned the attack and expressed his deepest condolences to the victims and their families, as well as to the Government and people of Iran. Those responsible should be brought to justice in full compliance with international human rights law, including the right to a fair trial.

45. In his report, he had welcomed the decision by Iran to amend its drug-trafficking law and the subsequent

reduction in the number of executions in relation to drug offences. He had also reiterated concerns with respect to violations of the right to life and adherence to due process standards, particularly for juvenile offenders. Juvenile executions persisted in Iran despite amendments made to the Penal Code in 2013 that allowed judges to pronounce alternative sentences for juvenile offenders if there was uncertainty about their mental development at the time of the crime or if they had not realized the nature of the crime committed. He had been deeply saddened by the recent execution of Zeinab Sekaanvand, who had been convicted of murdering her husband in 2012 when she had been 17 years of age amidst claims that she had been a victim of domestic violence, had been beaten following arrest and had been coerced into confessing to the killing. Given that there were numerous other juvenile offenders currently on death row, he appealed to the Iranian authorities to abolish the death penalty for minors and commute all death sentences issued against them, in line with international law.

46. An additional long-standing concern highlighted in his report related to the treatment of religious and ethnic minorities in Iran, including the Baha'i community. Three Kurdish prisoners had been executed in September 2018 despite serious concerns that they had not received fair trials and had been tortured whilst in detention. He called on the Government of Iran to comply with article 19 of its Constitution by guaranteeing equal rights for all, especially at all stages of criminal proceedings.

47. Many protests had been held throughout Iran in early 2018 and had resulted in the death of protestors following a crackdown by security forces. Reports indicated that the protests had been fuelled by discontent related to falling living standards, high inflation, widespread unemployment and the allocation of public resources, as well as perceived underinvestment and marginalization in border regions and provinces. He hoped to consider such issues closely during his mandate in the context of the enjoyment of economic and social rights in Iran. He also planned to assess the possible negative impact of sanctions on the enjoyment of such rights. The Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights had raised similar concerns about the effect of sanctions in Iran.

48. He called on the Government in the coming months to address the grievances underlying the recent protests and to safeguard the right to freedom of association and assembly. Authorities should guarantee the release of anyone who had been arrested during the protests and imprisoned for peacefully exercising their

freedom of opinion and expression. The arrest and imprisonment of others who had publicly protested against compulsory veiling or advocated women's rights in other ways was a further source of concern.

49. The right to freedom of opinion and expression and access to information were all the more important when times were hard. It was thus disturbing to hear that access to the social network Telegram had been banned in May 2018 and that there were reports of intimidation against media workers inside and outside Iran, including those working for the British Broadcasting Company (BBC) Persian service. It was worrying to learn that human rights defenders, civil society actors and lawyers had recently been arrested and subjected to ill-treatment and that a number of prisoners had been denied access to medical care. The Working Group on Arbitrary Detention had found in May 2018 that Arash Sadeghi had been arbitrarily deprived of liberty and had issued an opinion in September 2018 on the arbitrary deprivation of liberty of numerous dual and foreign nationals.

50. Respect for human rights should be at the heart of all responses to the challenges faced by Iran. He hoped to build cooperation with the Iranian Government, despite its diverging views on many matters, including on the very existence of his mandate. He would do his utmost to provide the Government and relevant interlocutors with information, analysis and recommendations aimed at supporting incremental and positive improvements of the human rights situation in Iran.

51. It was unfortunate that some colleagues would not present reports at the current session because their rescheduling proposals could not be accommodated. He hoped that such situations would be avoided in the future.

52. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that the current meeting once again showed that the Member States behind the Special Rapporteur's mandate did not care about duplicating efforts or wasting resources. Their harmful and manipulative approach meant that four practically identical reports were produced each year on the situation of human rights in Iran. It was unclear what added value the Special Rapporteur's report brought, since reiterating allegations four times a year was not the same as substantiating them. The report was the result of a counterproductive mandate, designed as an instrument of pressure rather than of cooperation. That mandate was selective, undermined the universality of human rights and merely served the political interests of a few

smug players who themselves had committed some of the worst human rights violations in history.

53. The specific cases mentioned in the report, while regrettable, did not warrant the existence of a country-specific rapporteur or report. His Government's legitimacy derived from the voices and votes of its people, validated by the vibrant democracy in his country, where the people's vote governed peaceful, democratic processes. The Government was aware of some deficiencies with regard to discourse on the promotion of and respect for human rights, but the report itself acknowledged the strong advocacy role of civil society and human rights defenders in the Islamic Republic of Iran. The number of peaceful demonstrations held daily across the country was unprecedented in the region. Indeed, he defied the self-righteous critics of Iran to guarantee the same rights to their own citizens. Iranians took human rights very seriously and were the only true stakeholders in the effort to promote human rights in their country. They did not need advice from a deeply politicized mandate and flawed mechanism, especially in a ludicrous process in which Israel helped to choose the Special Rapporteur.

54. His delegation appreciated the solemn promise of the Special Rapporteur to act in an independent capacity and perform his mandate through a professional and impartial assessment of facts based on internationally recognized human rights standards and free from extraneous interference or pressure, but was sceptical that it would be kept. He wondered, for example, on what basis the Special Rapporteur had conferred on certain Permanent Missions in Geneva and New York the privilege of being consulted on sensitive issues in preparation of the report. Had he checked whether they were impartial and whether such consultations complied with the principle of the sovereign equality of all Member States? Some of the States consulted failed to uphold human rights in their own societies and their communities were awash with racism, xenophobia, Islamophobia and torture. They had no moral authority to lecture a country that earnestly believed in the imperative of human rights.

55. Similarly, even though the Special Rapporteur had stated in paragraph 14 of the report that he intended to engage with the media, the first media outlet to interview him following his appointment was openly funded by and received its policy directions from the United States Department of State. The Special Rapporteur could hardly claim to be unaware of the aggressive and subversive policies of the United States against Iran or of that Administration's selective, harmful and biased approach towards human rights around the world.

56. His delegation welcomed references in the report to the responses provided by Iranian national authorities. In addition, for the first time ever, a paragraph of the report had been devoted to the impact of economic sanctions on Iranians' human rights. He hoped that the Special Rapporteur would encourage the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights to take up a long-standing invitation to visit Iran in order to assess the impact of the unilateral sanctions imposed by the United States. He recalled a provisional order issued by the International Court of Justice on 3 October 2018, underscoring the illegality of the sanctions. The United States had not yet complied with provisions thereunder to remove impediments to the free exportation to Iran's territory of medicines and medical devices, foodstuffs and agricultural commodities and spare parts, equipment and associated services necessary for civil aircraft.

57. As in previous years, much of the report was devoted to openly or tacitly defending those who had committed heinous crimes, while ignoring the victims of those crimes. The Special Rapporteur also tended in the report to disparage the Iranian Government's dedication to protect its people's safety and security, making unsubstantiated accusations against it for holding members of a well-known terrorist group accountable for their crimes against innocent citizens.

58. His country had always appreciated and recognized its ethnicities, traditions and cultures and been a safe haven for minorities. Even though practically every Iranian belonged to a minority group, minorities were not allowed to act with impunity. Activities that ran counter to the objectives and principles of the Charter of the United Nations and the principles of international law could not be excused under the pretext of human rights activism.

59. Iran had been openly and fiercely targeted by a media and economic war that had been planned, organized and funded by adversaries, especially the United States, in collaboration with notorious factions that had no respect for human rights. It was regrettable that the report failed to recognize the enormous impact of such attacks on the enjoyment of human rights in Iran.

60. His Government considered that all country-specific mandates were politicized and manipulative and that genuine concerns about human rights could be addressed only through mutual respect and dialogue. To enhance the credibility of human rights discourse, Iran sought respectful dialogue without recourse to recriminations or blame games. As an advocate of multilateralism, it welcomed meaningful engagement

with all serious partners, as demonstrated in ongoing bilateral human rights dialogues and technical cooperation projects with several countries. Iran was also committed to the universal periodic review, had sought further cooperation and dialogue with the Office of the High Commissioner for Human Rights and was constructively engaged with the human rights treaty body mechanisms and human rights thematic mandate holders.

61. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela), speaking on behalf of the Movement of Non-Aligned Countries, said that ministers of the Movement had reaffirmed their commitment to the promotion and protection of all human rights at the eighteenth Ministerial Meeting of the Non-Aligned Movement, held in Azerbaijan in April 2018. They had stated that human rights issues should be tackled at the international level through constructive and objective dialogue, with respect for national sovereignty, territorial integrity and non-interference in the affairs of other States, taking into account the specific situations in each country. The Human Rights Council was the main subsidiary body of the General Assembly responsible for examining human rights situations, while its universal periodic review should be the platform for all cooperation and constructive dialogue on human rights. By contrast, the selective adoption of country-specific resolutions in the Third Committee and the Security Council served to exploit human rights for political purposes and, as such, violated the principles of universality, impartiality, objectivity and non-selectivity.

62. **Mr. González Behmaras** (Cuba) said that the Special Rapporteur's mandate had clearly not been established in the cooperative and respectful spirit that should be inherent to forums on human rights. By insistently advancing initiatives without the consent of the State under consideration and failing to take into account actions which that State had taken to maintain good relations with human rights mechanisms, certain Member States were hindering international cooperation and obstructing the promotion of human rights. The failure of the United States Government to show the political will to cooperate on Iranian issues had culminated in its withdrawal from the Joint Comprehensive Plan of Action. He wished to know the Special Rapporteur's view on the sanctions recently imposed on Iran by the United States that blatantly and disrespectfully violated Security Council resolution [2231 \(2015\)](#). He also asked what measures could be taken to ensure that all States that had imposed sanctions against Iran would be held accountable for the severe harm they had inflicted on the Iranian people.

63. **Mr. Bourtembourg** (Observer for the European Union) said that the European Union welcomed the efforts by Iran to improve its human rights record but remained concerned by the overall human rights situation. He asked how the Iranian Government could build on the amendment of the Anti-Narcotics Law with a view to fully prohibiting the use of the death penalty against juvenile offenders. He also requested more information on how to stamp out the intimidation and persecution faced by protesters, human rights defenders, journalists and activists. He wished to know the Special Rapporteur's views on the current situation of women and girls in Iran and his assessment of the Government's efforts to promote gender equality. Lastly, he wondered how Iranian authorities could tackle the ongoing discrimination faced by ethnic and religious minorities.

64. **Ms. Wessel** (Norway) said that her delegation appreciated the amendments to the Anti-Narcotics Law but deplored the large number of executions that continued to be carried out in Iran. It had concerns about the extent to which those accused of capital offences were afforded due process and a fair trial. Norway opposed the use of the death penalty in all circumstances, in particular for juvenile offenders. Women's rights, restrictions of the press, Internet and cultural expression, the arrest and arbitrary detention of human rights defenders on insufficiently defined criteria and reports of discrimination against religious minorities, especially the Baha'i community, were also causes of concern. Since the Special Rapporteur could not visit the country, how did he intend to monitor Iran's compliance with its international human rights obligations?

65. **Mr. Arbeiter** (Canada) said that his country was encouraged by the incremental progress made by Iran over the past year, especially the significant drop in the number of executions following the enactment of the Anti-Narcotics Law, and the introduction of legislation to protect women from violence. His delegation remained deeply concerned, however, by ongoing human rights violations, including the execution of juveniles, many cases of arbitrary arrest and detention, discrimination against women and ethnic and religious minorities and violations of the right to freedom of opinion and expression and to the right of freedom of assembly and association, especially during protests in December 2017 and January 2018. Canada hoped that the Iranian Government would allow the Special Rapporteur to visit the country soon. He asked how he intended to adapt his engagement with Iran in the light of recommendations made during the universal periodic review process and how he planned to address ongoing

concerns about the arbitrary arrest and detention of foreign nationals and dual nationals.

66. **Mr. Erdman** (United States of America) said that his delegation urged the Iranian Government to allow the Special Rapporteur to conduct unrestricted visits to Iran in line with his mandate to document the country's human rights situation. The United States condemned the Iranian Government's forceful crackdown during nationwide protests that had started at the end of 2017. His delegation was also concerned by the fate of some 800 political prisoners currently languishing in Iranian prisons who had been detained for exercising their fundamental freedoms and were singled out for particularly harsh abuse and torture. Investigations into alleged suicides among them had reached suspiciously similar conclusions, absolving security officials of blame and smearing the victims as drug addicts. Restrictions on religious freedom in Iran, including the continued repression of members of recognized and unrecognized religious minorities, such as the Baha'i community, were a further concern.

67. **Mr. Calaminus** (Germany) said that his delegation acknowledged the legislative changes and political developments in the Islamic Republic of Iran and Government efforts to host large numbers of Afghan refugees. Nevertheless, the human rights situation remained critical. Executions, including of minors, were still taking place at an alarming rate. He urged the Government to lift all death sentences handed down to minors since they were clearly in violation of the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. He recalled that the Islamic Republic of Iran had an international obligation to respect the human rights of all detainees and expressed concern about the number of dual nationals detained in Iran who were deprived of consular access while in custody. Members of ethnic or religious minorities also continued to face harassment and discrimination, in particular, members of the Baha'i community, Gonabadi Dervishes and Kurdish political prisoners. He asked the Special Rapporteur whether he expected to be able to visit the country in the near future.

68. **Ms. Vasilevskaya** (Belarus) said that her delegation shared the concern of the Iranian delegation that the Special Rapporteur was aggravating the human rights situation in Iran despite the comprehensive details the Government had provided. Country-specific mandates were clearly politically motivated and one-sided: why else had the Special Rapporteur not objected to the imposition of unilateral coercive measures against Iran that were inconsistent with the Charter of the United Nations, violated the rights of Iranian citizens and impeded their development? The United Nations

should stop the confrontational practice in the Third Committee of using country-specific mandates and rely instead on non-selective human rights monitoring mechanisms, such as the universal periodic review. Belarus supported reverting to dialogue and cooperation with the Iranian authorities without recourse to coercion and intimidation tactics.

69. **Ms. Příkrylová** (Czechia) said that unhindered access during a country visit would enable the Special Rapporteur to strengthen engagement with the Iranian authorities on human rights. While noting the reported decrease in the number of executions related to drug offences and the amendment to a drug-trafficking law, Czechia was appalled by the use of the death penalty in Iran, including for juvenile offenders. Many other human rights violations identified by the Special Rapporteur's predecessor in his previous report to the General Assembly ([A/72/322](#)) with regard to torture and the right to freedom of opinion, expression and assembly, the rights of women and girls and the rights of religious and ethnic minorities, remained serious concerns. She called on the Iranian authorities to fully cooperate with the Special Rapporteur.

70. **Mr. Aldahhak** (Syrian Arab Republic) said that his country reaffirmed its steadfast rejection of all attempts to misuse United Nations forums and mechanisms in order to target specific countries while simultaneously turning a blind eye to the practices of other States. Syria also rejected the politicization of human rights, the adoption of hostile positions and attempts to single out and isolate certain countries. Such an approach could not lead to the establishment of cooperative and friendly relations among States. He asked what the repercussions on human rights would be of the reimposition of sanctions by the current United States administration, its renewed attempts to increase tensions in the Middle East region and its decision to withdraw from conventions and agreements concluded by the administration that preceded it. He also asked when the international community could expect the United Nations and the special rapporteurs to voice a clear and unambiguous opinion regarding the impact of unilateral coercive measures on the Cuban, Iranian, Syrian, Venezuelan and other peoples.

71. **Ms. Strubin** (Switzerland) said that her delegation deplored the number of executions taking place in Iran, particularly in cases where the offender had been a minor at the time of the commission of a crime, as had been the case of Zeinab Sekaanvand. She urged Iranian authorities to respect the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights and to use the maximum flexibility allowed under the Islamic Penal Code adopted in 2013

and to establish a moratorium on the use of the death penalty. While appreciating the amendment of the Anti-Narcotics Law, Switzerland encouraged Iran to take additional measures to reduce the use of capital punishment. The persistent discrimination against women, girls and ethnic and religious minorities, including those not recognized by the Government, was a further cause for concern. The Government should respect and uphold the rights of all citizens. She wondered how the international community could help to encourage the Iranian authorities to prohibit juvenile executions.

72. **Ms. Ndayishimiye** (Burundi), while welcoming the cooperation of Iran with United Nations mechanisms, said that her delegation was concerned by the use of the Third Committee for political ends. The United Nations had more appropriate mechanisms for conducting objective analyses of human rights situations, not least the universal periodic review, whose approach was more constructive and far more likely to bring about tangible improvements in human rights.

73. **Ms. Singh** (United Kingdom), expressing concern about the treatment of religious minorities, protesters, human rights defenders and environmentalists in Iran, urged the Iranian authorities to respect the rights of all citizens to freedom of association and assembly and safeguard the rights of detainees. Crackdowns on social media users, journalists and their families, including staff of the BBC Persian service, were equally troubling. The Iranian authorities should lift the injunctions imposed on BBC staff. She asked what measures the Iranian Government could take to guarantee a fair trial and due process for dual nationals, foreign nationals, political prisoners and minorities.

74. **Mr. Suleman** (Pakistan) said that the promotion of human rights was a shared responsibility that could only be achieved through cooperation and inclusion, rather than politicization and selectivity. The Iranian Government's cooperation with the universal periodic review process, the treaty bodies and the Office of the United Nations High Commissioner for Human Rights was reflective of its determination to engage with international mechanisms, while the recent free, fair and impartial presidential elections were evidence of its commitment to the democratic process. Human rights issues should be addressed through a constructive, non-politicized and non-selective approach, in a fair, equal and objective manner, with respect for national sovereignty, territorial integrity and non-interference in the internal affairs of other States. There was a need for greater coherence between the work of the Third Committee and the Human Rights Council to avoid duplication. The universal periodic review was the main

intergovernmental mechanism for reviewing human rights issues.

75. **Mr. Nishino** (Japan) said that his Government had been engaged in bilateral discussions with Iran on the improvement of the human rights situation and the promotion of cooperation with the international community. During discussions, it had learned that Iran had amended legislation to allow religious minorities, including Zoroastrians, to join local councils. With regard to gender equality, women had been allowed to watch football matches in stadiums on two occasions, although the staunch opposition to that measure by conservatives in the Iranian Government demonstrated the difficulty of achieving tangible results in Iran. He asked what could be done to enhance the enjoyment of human rights in Iran, especially those of women and religious minorities.

76. **Mr. Zhang Zhe** (China) said that the position of his country had always been to engage in constructive dialogue and cooperation, to work together to find effective ways to advance and safeguard human rights and to address disputes relating to human rights on the basis of equality and mutual respect among countries. China opposed the establishment of specialized mechanisms without the consent of the countries concerned. Doing so would neither lead to dialogue and cooperation nor would it help to promote human rights in the country concerned. China welcomed the efforts made by Iran to advance and safeguard human rights and understood the challenges that Iran faced in that regard as a developing country. China hoped that the international community would view the human rights situation in Iran in a fair and objective manner and engage in constructive dialogue and cooperation with Iran with a view to affecting positive change on the human rights front.

77. **Mr. Ri Song Chol** (Democratic People's Republic of Korea) said that his delegation strongly opposed country-specific procedures, which were politically motivated and confrontational. Human rights issues should be discussed in an impartial manner through the universal periodic review process, not by the Third Committee. The Iranian Government had made remarkable progress in protecting and promoting human rights despite the imposition of severe sanctions by the United States. If the Special Rapporteur was genuinely interested in protecting Iranians' rights, he should call into question the crimes against humanity of using sanctions to block basic life-saving medicines and food. Fair consideration of human rights depended on constructive dialogue and cooperation, not pressure tactics and fabricated data.

78. **Ms. Sukacheva** (Russian Federation), reiterating her Government's disapproval of the politicized consideration of national human rights situations by United Nations bodies, said that placing the Islamic Republic of Iran under unmoderated scrutiny ran counter to the principles of equal cooperation, neutrality and objectivity that underpinned international efforts to promote and protect human rights. Taking a holier-than-thou attitude had never furthered the cause of human rights, while politically-motivated mudslinging discredited United Nations bodies. Instead of isolating individual States, the international community should draw them into a respectful dialogue on human rights, particularly when a State showed an interest in it. The Islamic Republic of Iran had repeatedly demonstrated its readiness to engage constructively with United Nations human rights bodies and such resolve should be encouraged in every way.

79. **Mr. Rehman** (Special Rapporteur on the situation of human rights in the Islamic Republic of Iran) said that his mandate had been established in a heavily politicized environment, but his actions and methodology were strictly governed by the provisions of human rights law. He was permitted under his mandate to gather information from any source and speak to all interlocutors, including the media. Meanwhile, he was guided by the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, which required him to work in an impartial, fair and transparent manner.

80. Many delegations had expressed concern at the number of executions carried out in Iran, especially of minors. Iran had one of the highest rates of juvenile execution in the world and dozens of minors were currently on death row. Under Iranian law, boys were criminally responsible and could be executed for crimes defined as *qisas* at 15 years of age and girls at 9 years of age. He urged Iran to comply with the obligations it had assumed under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child as well as the commitment it had made voluntarily during its first universal periodic review in 2010 to consider abolishing juvenile executions.

81. He shared many delegations' concerns regarding the country's violations of the right to freedom of expression and opinion and challenged the Iranian delegation to explain why bans on various Internet outlets and messaging applications like Telegram remained in place. The subjection of former employees of the BBC Persian service to harassment and asset freezes were disturbing trends.

82. Women were subjected to discrimination both in law and in practice. Girls could legally marry at 13 years of age and were subject to discriminatory provisions in family law and employment law, including penalties for failing to wear the hijab. Ethnic and religious minorities also faced considerable discrimination and persecution. There were reports of active discrimination against the Baha'i community, not to mention against recognized religious and ethnic communities such as Sunnis, Kurds and Baluchs. If those minorities were treated equally, as the authorities had claimed, he wondered why a disproportionate number of their members faced prosecution or execution. He also echoed the concerns of the Working Group on Arbitrary Detention regarding the arbitrary detention of dual nationals and foreign nationals. He intended to work with the international community to ensure that Iran complied with its obligations under the International Covenant on Civil and Political Rights and the universal periodic review not to arbitrarily detain individuals, especially dual and foreign nationals.

83. He took note of the political environment in which sanctions operated. He had referred in his report to their possible impact on the enjoyment of rights and was determined to arrange an extensive review on the matter. In particular, he wished to ascertain the extent to which sanctions had been a contributing factor in the large-scale demonstrations that had started in December 2017.

84. He had written to the Iranian Government in August 2018 to request a visit to the country and concurred with many delegations that he would expect unhindered access and maximum cooperation from the Iranian authorities. He urged the Government to respond as soon as possible.

85. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that a more substantive and less erroneous report could easily have been prepared on some of the countries that had taken the floor to support the Special Rapporteur's mandate. The fact that those States had the audacity to preach to others about human rights suggested they had chosen to forget their history of grave human rights abuses or had failed to notice the violations occurring within their own countries and were instead focusing on countries that refused to yield to their unjust pressure tactics. The West, especially the United States, should look in the mirror before criticizing the human rights of others. The delegations of the United States, Canada and the United Kingdom had avoided taking the floor to express support for the human rights of Palestinians at the current meeting but had spoken so insistently about the need for Iran to extend an invitation to a Special Rapporteur whose mandate reflected only the political interests of his

sponsors and undermined the universal nature of human rights. His mandate had been created as a way of pressurizing an independent nation and concealing underlying problems of democracy and human rights. The Iranian delegation continued to believe that the Special Rapporteur's mandate was counterproductive to the cause of human rights in Iran.

86. **Ms. Keetharuth** (Special Rapporteur on the situation of human rights in Eritrea), introducing her report (A/HRC/38/50), said that the signing on 9 July 2018 of a joint declaration of peace and friendship between Eritrea and Ethiopia had been a welcome accomplishment that had raised expectations for the end of the "no war, no peace" stalemate between the two countries to have a positive impact on the human rights situation in Eritrea. Moreover, Eritrea had been elected as a member of the Human Rights Council for the period 2019–2021, an achievement that came with weighty responsibilities. However, the overall legal and institutional context of the country remained unchanged: Eritrea still had no constitution, no independent judiciary, no legislative assembly, no free press and no institutionalized checks and balances protecting citizens from excessive exercise of State power. Moreover, there was a lack of respect for the rule of law, and patterns of human rights violations persisted, including arbitrary detentions, deaths in custody, enforced disappearances and breaches of the right to freedom of expression and religion. In that context, Eritreans and the world were still awaiting details of policy changes following the signing of the peace agreement, including how it would affect the indefinite national service.

87. There had been reports of multiple arrests in the capital city of Asmara during the reporting period, including of the former Minister of Finance of Eritrea and his wife, who were arrested without a warrant and whose state of health raised concern; of more than 300 water-tanker owners, drivers and other workers operating in the field of water distribution, most of whom remained in custody; of the former director of Al Dia School, Haji Musa Mohammed Nur, who was arbitrarily arrested and detained and later died in custody; and of more than 800 people, including older persons, women and children, many of whom remained in custody following their participation in peaceful demonstrations against the arrest and detention of Mr. Mohammed Nur and during his burial ceremony.

88. The pattern of arrest and detention remained the same: mass arrests were carried out to instil fear; prisoners were not allowed to exercise their fundamental rights to due process; detained persons, including children, were kept incommunicado; and family

members were not formally notified of arrests and detentions. Children in Eritrean prisons were of particular concern and information must be provided on the reason for their detention, the date of their release and the measures in place to protect them from abuse.

89. Following the reopening of the border between Eritrea and Ethiopia, hundreds of Eritrean refugees had arrived at reception centres along the border with Ethiopia. Amid fears expressed by the refugee population, Ethiopian authorities had said that they would respect their international obligation of non-refoulement. The opening of the border had restored trade between the two countries but there were policies in place that limited the amount of money that Eritreans could withdraw from their bank accounts, which made it difficult for small traders to compete with incoming traders. In addition, despite the open borders, Eritreans still needed an exit visa to travel abroad, which effectively restricted their freedom of movement.

90. In order to actualize the key responsibilities that came with membership to the Human Rights Council for the period 2019–2021, Eritrea should cooperate with human rights mechanisms, including by replying in a timely manner to communications from special procedure mandate holders; extending a standing invitation to special procedure mandate holders to visit Eritrea and responding positively to their pending visit requests; and protecting from intimidation and reprisals the survivors of human rights violations, witnesses and civil society representatives who cooperated with United Nations and regional human rights bodies. Moreover, for lasting and sustainable peace to be achieved, the Eritrean authorities needed to take stock of and responsibility for the human rights violations that had been committed in the country. The impunity enjoyed by perpetrators of crimes against humanity and human rights violations was an unrelenting challenge that needed to be addressed through effective measures.

91. **Ms. Calaminus** (Germany) said that Germany welcomed the recent steps made in the peace process between Ethiopia and Eritrea but remained concerned over the dire human rights situation in Eritrea. Her delegation encouraged the Government of Eritrea to demonstrate the necessary political will to improve the situation by taking serious, concrete and visible steps to implement legal and institutional reforms, and by ending unlimited, involuntary national service conscription. It also urged the Government of Eritrea to free all political prisoners and to stop the continuing practice of arbitrary arrests and detentions. Highly concerned about the fact that detainees were often subjected to mistreatment such as torture and inhumane detention conditions, her delegation agreed with the

recommendation to apply the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) with immediate effect. The Government of Eritrea should actively contribute to in-depth reporting by cooperating with the incoming mandate holder, starting by granting the Special Rapporteur access to all parts of the country.

92. **Mr. Idris** (Eritrea) said that during discussions held the previous week under the agenda item on the promotion and protection of human rights, the Third Committee had discussed progress and gaps in the promotion and protection of human rights worldwide. It was clear from those discussions that the promotion of human rights for all remained a challenging task for every nation and that international partnerships aimed at addressing human rights issues were best served through constructive dialogue rather than through politicization, double standards and stigmatization.

93. Peace and security, development and human rights were recognized as the three pillars of the United Nations, each having an impact on the other two. Respect for human rights was thus enhanced or hampered by the progress made in the areas of peace and security and development. In that context, with the dawn of peace in the Horn of Africa, Eritreans were filled with a strong sense of optimism after enduring decades of adversity. The resources that had been devoted for several decades to maintaining peace and security in the country would be redirected to accelerating socioeconomic progress, consolidating the rule of law and strengthening national institutions. The Government was determined to accelerate its efforts to create a modern country anchored on equitable development, social justice and harmony, where peace, justice and democracy prevailed.

94. The leaders of the region were redoubling their efforts to develop a shared vision and strategy to make up for lost opportunities, and the international community had welcomed new developments as significant and historic. What was now needed from the wider community for the region to achieve sustainable peace and meet the aspirations of its peoples was encouragement and solidarity; sanctions, on the other hand, had a negative impact on the full enjoyment of human rights of the Eritrean people and would harm meaningful regional cooperation and economic integration. Countries in the region, members of the Security Council and the Secretary-General were adding their voices to the call for the lifting of sanctions on Eritrea to promote peace, stability and prosperity. The international community and the Security Council should bring an end to the unjustified sanctions and thereby demonstrate to the people of the Horn of Africa

that they were ready to accompany them in their progress.

95. The universal periodic review was the best tool for addressing human rights issues in a constructive manner. Eritrea had submitted its third periodic report to the Human Rights Council, in which it had detailed its achievements and challenges and the work required to attain higher standards in respect of human rights and fundamental freedoms. In addition, Eritrea would present its national report to the high-level political forum on sustainable development in which it would share the policies in place and the commitment needed to achieve the Sustainable Development Goals, and in particular Goal 16, which covered the promotion of peace, access to justice and the development of effective and accountable institutions.

96. His delegation thanked those countries that had placed their trust in Eritrea to serve on the Human Rights Council for the period 2019–2021. The country was committed to fulfilling its responsibility during its mandate and would endeavour to strengthen dialogue and consultation and to establish a balanced and inclusive approach to all issues and situations with a view to advancing the human rights agenda of the Human Rights Council.

97. **Ms. Alfeine** (Comoros), speaking on behalf of the Group of African States, said that ensuring universality, objectivity and non-selectivity and eliminating double standards and politicization were the only ways to advance international cooperation towards the shared goals of protecting and promoting human rights. Human rights should be addressed in a fair and equal manner with full respect for national sovereignty and human dignity. In that regard, the universal periodic review was the sole universally recognized mechanism to address the human rights situation of every Member State through constructive dialogue.

98. The Group maintained its strong position against the politicization of human rights issues; it was a practice that was counterproductive and confrontational and served no meaningful purpose in the promotion of human rights. The Group reaffirmed its commitment to enhancing constructive international cooperation on the promotion and protection of human rights and welcomed the initiatives of the Government of Eritrea to further improve the human rights of its citizens, including through implementation of the universal periodic review. The Group welcomed the presentation by Eritrea of its initial and combined report to the African Commission on Human and Peoples' Rights and its interaction with the Commission in May 2018. The international community should recognize those

developments and support the Government of Eritrea in its endeavour.

99. **Mr. Forax** (Observer for the European Union), welcoming the recent peace agreement, said that the Government of Eritrea must seize the opportunity to bring unlimited, involuntary national service conscription to an effective end. The European Union stood ready to offer practical support on reform of the national military service and the creation of jobs to support demobilization.

100. The Government of Eritrea needed to take further steps to fulfil its obligations under international law and serious improvements were still very much needed to address the grave human rights situation in the country. The election of Eritrea to the Human Rights Council came with the responsibility to fully cooperate with the Council and other human rights bodies in the United Nations system. In that regard, its Government should grant the Special Rapporteur unhindered access to the country and strengthen cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), including through the establishment of an OHCHR office in Eritrea.

101. Welcoming the mid-term report produced by the Government of Eritrea on the universal periodic review recommendations, the European Union urged the Government to undertake substantial legal and institutional reforms to improve respect for human rights, as well as for land and property rights, including those of foreign communities.

102. **Mr. Christodoulidis** (Greece) said that his delegation encouraged the authorities of Eritrea to intensify their efforts to actively engage in human rights dialogues at the national, regional and international levels. Results-oriented and human-centred reforms were effective and sustainable instruments for the full and equal enjoyment of human rights by every human being, without any form of discrimination, as well as for the consolidation of public trust in the leadership of the country, the rule of law and national institutions.

103. Greece called on the Government of Eritrea to fully respect land and property rights, including those of foreign communities. The previous year, the premises housing the Honorary Consulate of Greece in Asmara had been confiscated by the authorities of Eritrea, which constituted a breach of international law in accordance with the Universal Declaration of Human Rights and the Vienna Convention on Consular Relations. Eritrea should bring an end to arbitrary deprivation of property and return the building complex belonging to the Greek community to its lawful owners.

104. **Mr. McElwain** (United States of America) said that improving the human rights situation in Eritrea would create more opportunities within the country and reduce the number of people who were fleeing the country every month, often at great risk to their lives. The Government of Eritrea must comply with international human rights law obligations and bring an end to indefinite national service so that the youth of Eritrea could pursue careers of their choice and contribute to the political, economic and social development of the country. The Government of Eritrea should also take effective measures to ensure an independent and transparent judiciary, improve detention conditions and release arbitrarily detained individuals, including prisoners of conscience, journalists and members of religious groups. He asked whether the Special Rapporteur had seen any evidence that the recent moves of Eritrea towards political reconciliation with Ethiopia had made it more willing to address concerns over its human rights situation.

105. **Ms. Příkrylová** (Czechia) said that the signing of the joint declaration of peace and friendship raised hopes that human rights would be at the centre of the path of Eritrea towards a society respectful of all fundamental rights. Current developments were an opportunity for the Government of Eritrea to improve the human rights situation in the country and to introduce the reforms required for democracy to flourish. The international community would welcome the immediate release of all political prisoners, journalists and human rights defenders, as well as the organization of the first pluralistic national elections in more than twenty years. It would be interesting to learn whether the Government of Eritrea had begun cooperating with the Special Rapporteur and whether there were any prospects for her visit to the country.

106. **Ms. Ndayishimiye** (Burundi) said that the signing of the joint declaration of peace and friendship between Eritrea and Ethiopia was an historic act that was already contributing to bolstering security and stability in East Africa. The international community must acknowledge the steps that had already been taken by the two countries and initiate a balanced and objective examination of the human rights situation in Eritrea. The Human Rights Council must abstain from politicization and prove its objectivity, avoiding any confrontation that might hinder the development of any country.

107. **Mr. Kent** (United Kingdom) said that his Government remained concerned about the human rights situation in Eritrea. The political developments in the region offered the chance for reforms by the Government. In that regard, clear plans for reform of the national service system, with a clearly defined limit to

periods of service, would be welcome, and those detained for political and religious reasons should either be released or given due process. The United Kingdom looked forward to the universal periodic review in early 2019 and hoped to see evidence that progress had been made by the Government of Eritrea on the 92 recommendations that it had accepted from the universal periodic review of 2014. Additional details on how Eritrea could best utilize its membership on the Human Rights Council in support of reform processes would be welcome.

108. **Mr. Ustinov** (Russian Federation) said that the consideration of the situation in Eritrea by the United Nations human rights bodies was politicized and did not help to improve the human rights situation in the country. General Assembly resolution 60/251 established that the Human Rights Council was the main international mechanism to be used for collaborating on human rights matters in a fair and equal manner. Its universal periodic review was the best platform for examining the human rights situations in individual countries in a constructive spirit and with the full involvement of the countries concerned.

109. **Mr. Gonzalez Behmaras** (Cuba) said that Cuba had always objected to the imposition of resolutions and selective mandates against countries, such as in the case of Eritrea. It was clearly a politically motivated exercise that was therefore not compatible with the spirit of cooperation and dialogue that must be observed by the Committee. The universal periodic review was the only appropriate mechanism for analysing the human rights situations in all countries without selectivity. His country would continue to oppose politicized practices that only polluted the analysis of such an important issue as human rights.

110. **Ms. Ershadi** (Islamic Republic of Iran) said that her country reiterated its principled position regarding the report presented by the Special Rapporteur. The Committee's consideration of country-specific situations violated the principles of universality, non-selectivity and objectivity, and undermined cooperation and dialogue among Governments. She reiterated her delegation's conviction that the universal periodic review was the proper venue for reviewing the human rights situations of all Member States equally.

111. **Ms. Strubin** (Switzerland) said that her delegation lamented the Special Rapporteur's lack of access to Eritrea and hoped that the Government of Eritrea would cooperate with her successor. With the signing of the peace agreement between Eritrea and Ethiopia, Switzerland hoped that their rapprochement would have a positive effect on the human rights situation in Eritrea,

which remained a matter of concern. Comprehensive reforms at the national level were needed to ensure a free, fair and democratic society where citizens could enjoy their fundamental rights. Switzerland recalled that the States elected to the Human Rights Council made the commitment to fully cooperate with it; Eritrea should thus collaborate with all human rights protection mechanisms, including the Special Rapporteur, and continue its commitment to implementing the recommendations of the universal periodic review. In addition, Eritrea should strengthen its collaboration with OHCHR and consider re-establishing an OHCHR office in Eritrea. She asked for additional information on the priorities and opportunities to strengthen respect for human rights following the promising developments in the Horn of Africa.

112. **Ms. Mohammed** (Ethiopia) said that there was a wind of change in the Horn of Africa that had enormous implications for peace, security and development in the region. Her delegation welcomed the initiatives that the Government of Eritrea had continued to take to further improve the human rights of its citizens, including towards the implementation of the universal periodic review recommendations. Eritrea had also presented its initial and combined reports to the African Commission on Human and Peoples' Rights, which had considered the reports during its session held in May 2018. The report of the Special Rapporteur highlighted the engagement and cooperation between Eritrea and OHCHR in such areas as the administration of justice, persons with disabilities and the right to clean and safe water. Ethiopia encouraged Eritrea to continue taking further measures in its effort to respect, protect and progressively fulfil its human rights commitments, and hoped the international community would recognize those developments and support the Government in its endeavour.

113. **Ms. Keetharuth** (Special Rapporteur on the situation of human rights in Eritrea) said that the peace agreement brought about a potential for peace and respect for human rights that needed to be exploited in the best interests of all involved. However, the violations that she had mentioned in her report, including mass arrests and incommunicado detentions, were recent and showed a pattern that Eritrea needed to address in order to fulfil its responsibility to respect and protect human rights in accordance with its international obligations. She had yet to see the first steps in that regard.

114. Concerning the issues that needed to be given priority, she said that it was essential to implement the Nelson Mandela Rules and to account for all prisoners and detention conditions, open prison doors and inform

people of the whereabouts of their loved ones. In terms of her access to Eritrea, now that the country was a member of the Human Rights Council, cooperation with special procedure mandate holders should be high on the country's agenda. However, despite the lack of access granted, she had managed to work on her report for the Third Committee in a consistent manner.

115. She agreed that human rights should be reviewed and addressed in accordance with the principle of non-selectivity; she had accomplished that goal in the past six years of her mandate. On the issue of the universal periodic review, she had been unable to provide the Committee with further details for its consideration given that a mid-term report on the subject had not been made available to her.

116. The people of Eritrea and the international community were still awaiting policy declarations on the issue of national service, which remained indefinite and compulsory, and there was no indication about when and how things would change. Indeed, while there was some reason for optimism, Eritreans had yet to witness any policy changes three months after the signing of the peace agreement. It was necessary to implement real action and concrete targets in that regard and to address the cases of human rights violations that had been reported by the Special Rapporteur and the Commission of Enquiry, some of which amounted to crimes against humanity.

117. Regarding property rights, there had been several other cases aside from those mentioned, including that of the Kunama ethnic minority, as well as of the Afar people, who had been evicted without compensation from Assab, a port city in the southern Red Sea region.

The meeting rose at 1.05 p.m.