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- Chair:* Mr. Saikal (Afghanistan)
- later:* Ms. Shikongo (Vice-Chair) (Namibia)
- later:* Mr. Saikal (Afghanistan)

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

Agenda item 69: Report of the Human Rights Council (A/73/53 and A/73/53/Add.1)

1. **Mr. Šuc** (Slovenia), President of the Human Rights Council, introducing the report of the Human Rights Council (A/73/53 and A/73/53/Add.1), said that enhancing the cooperation between the Council and the Third Committee had been among the priorities of his tenure. In addition to regular briefings to the Committee, the Chair had participated in informal discussions with the Council on cooperation between the two bodies on the human rights pillar of the United Nations.

2. Resolutions adopted by the Council, the majority without a vote, included cross-regional initiatives on country-specific issues, affirming its ability to overcome political differences and act on important human rights concerns. As an example, in the light of the conclusions of the independent international fact-finding mission on Myanmar, the Council had adopted a resolution on the human rights of Rohingya Muslims and other minorities. It had also adopted four resolutions on the situation in the Syrian Arab Republic, and had extended the mandates of the Commission on the Syrian Arab Republic, the Commission on Human Rights in South Sudan and the Commission of Inquiry on Burundi for another year.

3. The Council had considered the report of the High Commissioner for Human Rights on the human rights situation in the Democratic Republic of the Congo, where despite repeated commitments made by local authorities to create a conducive environment for transparent elections, restrictions to civil and political rights had continued to escalate. It had also considered the report (A/HRC/39/43) containing the findings of the Group of Eminent International and Regional Experts that individuals in the Government of Yemen, coalition members and de facto authorities had committed acts that might have amounted to international crimes. It had therefore decided to extend the Group's mandate for another year.

4. In a special session held in May 2018 on the deteriorating human rights situation in the Occupied Palestinian Territory, including East Jerusalem, the Council had decided to dispatch a commission of inquiry to investigate all violations of international humanitarian and human rights in the context of the large-scale civilian protests there. The commission had provided an oral update to the Council in September 2018.

5. The Council had extended the existing country-specific special procedures mandates on Belarus, the

Central African Republic, the Democratic People's Republic of Korea, Eritrea, the Islamic Republic of Iran, Mali, Myanmar, Somalia and the Sudan. Regarding the latter, the Council had decided to renew the mandate for one year or until the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Government of the Sudan declared the country office of OHCHR operational.

6. In promoting the nexus between human rights and the Sustainable Development Goals, the Council had reaffirmed the central role of the high-level political forum on sustainable development and had decided to invite the President of the Economic and Social Council to provide an annual briefing on the work of the forum. The Council had also requested the High Commissioner to organize two intersessional meetings for dialogue and cooperation on human rights and the 2030 Agenda for Sustainable Development for the purpose of promoting human rights and the Goals through transparent and efficient public service.

7. Resolutions were also adopted on improving the prevention of human rights violations, combating the global drug problem as it related to human rights and promoting cooperation in the field of human rights. In addition, following extensive negotiations in an open-ended intergovernmental working group, the Council had adopted the text of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas.

8. The Council had held 13 panel discussions on thematic human rights issues and had commemorated the seventieth anniversary of the Universal Declaration of Human Rights, the twenty-fifth anniversary of the Vienna Declaration and Programme of Action and the seventieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide, as well as the centenary of the birth of Nelson Mandela.

9. The 2018 high-level panel discussion on human rights mainstreaming focused on the promotion and protection of human rights in the light of the universal periodic review, and the theme in 2019 would be human rights in the context of multilateralism.

10. The work of the Council was increasingly accessible to persons with disabilities, including through greater provision of sign language interpretation, real-time captioning and webcasting. A new user-friendly website had also been launched.

11. The special procedures of the Human Rights Council had significant potential to contribute to early warning and prevention efforts. Special procedures mandate holders must be respected and protected from

personal attacks or threats, notwithstanding potential disagreements with their findings. A standing invitation had been extended to thematic special procedures by 118 Member States and one observer State. States that had not yet done so should extend standing invitations and fully cooperate with the special procedures.

12. The third cycle of the universal periodic review was focused on the implementation of and follow-up to recommendations from earlier cycles and its first year was marked by a high level of representation of the States under review.

13. The voluntary technical assistance trust fund to support the participation of least developed countries and small island developing States in the work of the Human Rights Council had enabled the participation of 25 delegates from Africa, Latin America and the Caribbean, and Asia and the Pacific, more than half of whom were women. The work of the Council was uniquely dependent on the active participation of civil society and national human rights institutions, which played a fundamental role in follow-up and capacity-building efforts. Regrettably, intimidation, threats and reprisals against individuals who sought to cooperate with the Council continued to be alleged. It was necessary to maintain a safe and inclusive environment where representatives of civil society could freely express their views on human rights situations around the world.

14. The Council had established itself as the principle intergovernmental body for the promotion and protection of human rights, but it needed to improve its efficiency and effectiveness. To that end, a process had been initiated with the cooperation of the Bureau of the Human Rights Council to identify long-term measures focused on three aspects: reducing the workload and meeting hours of the Council during its regular sessions, rationalizing resolutions and initiatives, and using modern technology.

15. **Mr. Balobaid** (Yemen) said that unfortunately, the Group of Eminent Experts on Yemen had released an unfair and biased report. It absolved the Houthi groups of responsibility for overthrowing the Government, referring to them as the “de facto authorities” and calling their commander the “leader of the revolution”. That contradicted the practice of the reports of the Office of the High Commissioner for Human Rights, which had referred to Houthi groups as rebels. The conclusions of the panel unfortunately violated the standards of professionalism, integrity and objectivity.

16. Furthermore, the report ignored the grave crimes and human rights violations committed by the Houthi militias since September 2014. The findings also failed

to mention the crimes and violations mentioned in reports of the Office of the High Commissioner and the Panel of Experts established pursuant to Security Council resolution 2140 (2014), or even those described in the reports of international and national nongovernmental organizations and local activists. The Group of Eminent Experts had also deliberately ignored the report it had received from the Yemeni Ministry of Human Rights during the Group’s visit to Aden, and, furthermore, had not cooperated with the National Commission to investigate human rights violations.

17. **Mr. de Souza Monteiro** (Brazil) said that as a current member of the Human Rights Council and a candidate for re-election in 2019, his country remained firm in its commitment to promote and protect human rights worldwide. However, the Council could be reformed within the framework of the institution-building package to more efficiently fulfil its mandate and prevent human rights violations before they occurred. Reforms to reduce polarization and enhance trust from Member States and stakeholders would also be welcome. The Council should be able to help countries address the structural causes of human rights violations through the promotion of effective technical assistance and capacity-building.

18. The visit by the President of the Council was an important mechanism to enhance cooperation between New York and Geneva, which was crucial to the protection of human rights and would be beneficial to the Council itself. In that regard, closer collaboration between the President of the General Assembly and the President of the Council was desirable.

19. **Ms. Cruz Yábar** (Spain) said that the practice of sharing information and opinions between New York and Geneva was extremely useful and necessary. The gulf between Geneva and New York was a recurring theme in discussions about the efficiency and effectiveness of the United Nations human rights system. Periodic exchanges in the form of reports and presentations helped keep the Committee updated on developments in the Council’s work and were a good first step in improving cooperation. However, that system could be improved through more frequent and sustained interaction, including with regard to programmes of work and draft resolutions.

20. Efforts to rationalize the work of the Council had been transparent, inclusive and aimed at building consensus. Indeed, multilateralism required compromise for the common good, and given the current gloom that had settled over international affairs, delegations should strive to ensure that those efforts bore fruit.

21. **Mr. Licharz** (Germany) said that all three pillars enshrined in the Charter of the United Nations were of equal importance. If the human rights pillar was weak, the whole structure would collapse. Human rights, the Sustainable Development Goals and peace and security were all interconnected. Many of the conflicts addressed by the Security Council in recent years had begun with gross human rights violations. Therefore, it was important that available information be better utilized to help put an end to violations, thereby sustaining political stability, peace and security. Germany would strive to achieve that objective as a member of the Security Council in 2019.

22. He wondered how the Council and the special procedures could keep United Nations bodies, in particular the Security Council, more consistently informed in order to raise awareness of systematic human rights violations as important early warning signs.

23. **Mr. Guzmán Muñoz** (Chile) said that Member States must respect the decisions, procedures and mechanisms of the Council. In that regard, Chile shared the vision of the United Nations High Commissioner for Human Rights and reiterated its firm commitment to and support for the Council as an institution.

24. **Ms. Kaszás** (Hungary) said that her country had actively supported the Council since its establishment. However, owing to overpoliticization, selectivity, polarization and its unmanageable workload, the Council was less and less able to fulfil its mandate.

25. As a Council member for the second time, Hungary was prioritizing the successful conclusion of the process to increase the efficiency and effectiveness of the Council. By avoiding the practice of naming and shaming, the Council could become a genuine platform for constructive international dialogue and cooperation.

26. The Council's preventive function should be one of its most important activities, and yet its ability to fulfil that function was diminishing. The international community should take corrective measures to address that situation. Hungary urged Member States to support the rationalization and depoliticization of the Council's work, with a view to positioning it as an objective, efficient and constructive institution, rather than as an enemy.

27. **Mr. Miyakawa** (Japan) said that the Council needed to clarify its focus and examine potential areas of overlap between its activities and mandate and those of other human rights mechanisms and other United Nations entities.

28. In order to meet the high expectations of the international community and to maintain their existing professionalism, quality and credibility, the special procedures should avoid any duplication of mandates and observe the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council. In addition, they should take concrete measures towards continued improvement, such as engaging in constructive dialogue with Member States and other relevant entities and introducing a third-party assessment process.

29. **Mr. Mack** (United States of America) said that his country acknowledged the Council's recent positive step in putting forward a resolution to address systematic human rights abuses in Venezuela, which the United States had first called for in 2017. The deteriorating situation in Venezuela had created a regional refugee crisis, and human rights violations continued to plague its citizens. That limited but promising progress reinforced the willingness of the United States to reengage at some point with a reformed Human Rights Council worthy of the name whose membership, agenda and work fully reflected the inherent dignity and the equal and inalienable rights of all people.

30. Nevertheless, the overall credibility of the Council remained severely tarnished. Several countries with some of the worst human rights records had been elected once again to the Council. It had failed to address violations perpetrated by China against Muslims and other religious minorities and against human rights defenders and lawyers, and its actions betrayed an ongoing institutional bias against Israel that undermined efforts for lasting peace in the region.

31. He asked whether the President of the Council would support efforts to initiate General Assembly discussions in 2019 in advance of the 2021 review process.

32. **Mr. Whiteley** (Observer for the European Union) said that human rights violations and attacks on human rights defenders were increasingly pronounced. The Council played a pivotal role in conducting the universal periodic review and in creating mandates and mechanisms that were an essential component of the international response to current human rights challenges.

33. The European Union called upon all States to fully cooperate with and assist the special procedures and welcomed regular updates from the President of the Council on allegations of intimidation and reprisals against those who sought to cooperate, did cooperate or had cooperated with the United Nations.

34. He asked how reprisals could be prevented and addressed, how the role of civil society as it related to the Council's work could be further strengthened, and what steps the Council could take in order to achieve more tangible outcomes at the country level.

35. **Mr. Cepero Aguilar** (Cuba) said that the Council must avoid engaging in the political manipulation and confrontation that had undermined the credibility of the now defunct Commission on Human Rights. The universal periodic review was the main element that distinguished the Council from the Commission.

36. Member States must muster the political will to improve efficiency and effectiveness of the Council's work. The increase in the number of meetings devoted to country-specific resolutions showed that the desired impact of the measures adopted in 2018 had been undercut by rising politicization.

37. The Council was as a subsidiary body of the General Assembly and, as such, should improve coordination with the Third Committee. However, that did not necessarily entail limiting the number of initiatives presented in either forum, nor did the presentation of those initiatives necessarily constitute a duplication of efforts. Furthermore, Cuba opposed efforts to bind the Human Rights Council more tightly to the Security Council under the guise of carrying out the preventive function of the former.

38. **Mr. Šuc** (Slovenia), President of the Human Rights Council, said that several delegations had asked about measures to improve the efficiency of the Council's work. The Council could always be improved but it did not need to be entirely reformed because it was already an effective mechanism that achieved good results. Some suggestions for improvements focused on the need to ensure that delegations, especially smaller ones, were well-prepared for discussions and that the Council had more time to concentrate on the most important human rights issues. The programme of work needed to become more streamlined and user-friendly because the number of initiatives and resolutions was growing each year. The Council had already examined which resolutions might be suitable for consideration on a biennial or triennial basis. A further initiative involved dividing consideration of certain issues alternately between the Third Committee and the Council. Although some issues were so important that a strong message should be sent out in both Geneva and New York, the two bodies' resolutions were in general functionally the same; it made no sense for delegations to work on the same topic in both locations. In December 2018, delegations in Geneva would indicate

whether they were willing to go ahead with further rationalization measures.

39. Turning to the interaction between New York and Geneva, he said that although delegations in New York tended to focus on development and peace and security matters and those in Geneva focused on human rights, synergies needed to be developed between all three United Nations pillars. Since all United Nations bodies were working towards the aim of One UN, they should all have the same focus.

40. The Secretary-General had recently emphasized the importance of the prevention agenda, which was also a crucial element in the Council's work. Bodies discussing peace and security matters or conflict prevention in New York could make more informed decisions if they relied on the Council's expertise, information and analysis, particularly that of special rapporteurs, commissions of inquiry and special procedures. Better use could certainly be made of the 50 or so special procedures in the context of the prevention agenda.

41. Although the Council, like the Third Committee, was a political body comprising delegations that expressed political views on human rights issues, politicization of its agenda should be avoided at all costs. By minimizing the use of human rights issues for geopolitical or other purposes, delegations could ensure that they focused on the most pressing human rights issues.

42. The Human Rights Council had the most significant civil society participation of any United Nations body and civil society bodies were constantly interacting with the Council's other two stakeholders, Member States and observer States. The participation of civil society ensured that discussions were more informed and complex. As President of the Human Rights Council, he was vigilant to protect civil society space and react promptly to allegations of threats against those wishing to engage with the Council.

43. **Ms. Asfour** (Observer for the State of Palestine) said that accountability was central to preventing conflict and achieving peace, as well as to preventing violations of human rights and international law. The commission of inquiry was an important vehicle for ending impunity and providing redress for victims of the violations and abuses that were alleged to have occurred during the military assaults on peaceful civilian protests in Occupied Palestine, including East Jerusalem and in particular in the occupied Gaza Strip.

44. She asked for information on the latest developments in the work of the commission of inquiry

and on how best to ensure that the recommendations made by investigative mechanisms were implemented.

45. **Ms. Wagner** (Switzerland), noting the crucial role played by civil society in strengthening human rights, asked what could be done to improve the protection of representatives from reprisals and intimidation and ensure that States were held accountable if they engaged in such practices. She also wondered what steps the Council could take to become more efficient and boost its status within the United Nations system and how to build consensus among stakeholders to support such measures. Lastly, she wished to know how best to strengthen coordination and coherence among the three pillars of the United Nations and between the bodies based in New York and Geneva.

46. **Mr. Al Khalil** (Syrian Arab Republic) said that his delegation condemned the politicization of human rights mechanisms and the practice of using those mechanisms to further the interests of certain powerful Member States while targeting other States. The Syrian delegation also condemned the pressure exerted by those Governments on the Human Rights Council with the purpose of derailing its mandate and covering up grave human rights violations committed by the Israeli occupation authorities in occupied Arab territory, particularly the occupied Syrian Golan. Those Governments also aimed to deflect attention from their own violations of international law, which had had catastrophic effects on the enjoyment of human rights.

47. **Ms. Bracina** (Latvia) said that it was a priority to establish a strong and effective human rights system since human rights were the very backbone of the United Nations. The Council remained instrumental in that respect, since it helped to address human rights violations and strengthen the promotion of protection of human rights worldwide. Civil society organizations and independent media also contributed significantly to the work of the United Nations human rights system. States must empower and not hinder them and not remain silent in response to actions that oppressed human rights defenders, especially independent investigative journalists. She asked what issues the subsequent Bureau of the Council would work on in preparation for the General Assembly review of the Council that was due to start in 2021.

48. **Mr. Lee Jooil** (Republic of Korea) said that the Human Rights Council had been exemplary in addressing human rights situations and preventing violations worldwide. His delegation appreciated all attempts by the Council to focus on the underlying factors involved in the protection of universal human rights through instruments such as resolution 39/7 on

local government and human rights, which emphasized the role of local governments as enablers at the grassroots level, and resolution 37/6 on the role of good governance in the promotion and protection of human rights, which strengthened the link between human rights protection and sustainable development. The Republic of Korea also welcomed the President's efforts to expedite discussions on improving the efficiency of the Council, as they had resulted in many constructive proposals. The Council's active efforts to protect persons who had cooperated with United Nations human rights mechanisms from intimidation and reprisals were also vital, since such individuals contributed to the development of prosperous, democratic and resilient societies.

49. **Mr. Geraghty** (Ireland) said that 2018 had been a challenging year for multilateralism and human rights and a busy period for the Council. Ireland welcomed its adoption of resolution 38/12 on civil society space and looked forward to continuing to work with partners on that critically important topic. Ireland remained an unequivocal supporter of the efforts of Assistant Secretary-General for Human Rights and of the Council to put an end to the use of intimidation and reprisals against individuals who cooperated with the United Nations on human rights issues. United Nations mechanisms could only function properly if people were free to engage with them without fear of intimidation or reprisals. It was disappointing, however, that States often failed to cooperate with established Council mechanisms and mandate holders. He wished to know what the President considered as priority issues for the Council in 2019.

50. **Mr. Molina Linares** (Guatemala) said that his delegation was pleased that the Council's mandate provided for better cooperation between bodies in Geneva and New York since it was fruitless for them to work on entirely separate agendas. It also took note of the interest in promoting and strengthening the nexus between the Council and the 2030 Agenda for Sustainable Development, given that the development and human rights pillars should go in hand in hand. Guatemala recognized and supported the Council's work and the importance of improving its methods of work, especially in view of complex global situations that had emerged over the past year. He would like to hear the President's views on how to improve the connection between the human rights pillar and the peace and security pillar.

51. **Mr. Ri Song Chol** (Democratic People's Republic of Korea) said that the universal periodic review was the most appropriate forum for considering the human rights situations of all Member States of the United

Nations on an equal basis. In the past year, the Council had adopted numerous country-specific resolutions that served the interests of a handful of States over those of developing countries. He asked how to tackle the politicization, selectivity and double standards displayed by the Council in its work, especially in its adoption of country-specific resolutions.

52. **Mr. Šuc** (Slovenia), President of the Human Rights Council, said that the Council had established various tools to improve its efficiency, especially in response to human rights emergencies. Special sessions were held between regular sessions and could be rapidly convened within three to four days, while urgent debates served the same function during Council sessions. Mechanisms for monitoring measures and recommendations adopted in New York and Geneva were also important. The entire human rights system should be more geared towards implementation than was currently the case, while States should establish appropriate follow-up mechanisms on the ground. Far too often, the implementation aspect of resolutions adopted at the Third Committee or elsewhere was neglected.

53. The universal periodic review was one of the Council's most effective tools, in part because it involved all 193 Member States of the United Nations. Although the Council had made many recommendations to Member States during its first two cycles, in its current third cycle, it was paying more attention to the implementation of recommendations and the monitoring of progress. The Council also had the advantage of being able to analyse which recommendations from the first two cycles States had successfully implemented and which they had struggled to carry out.

54. An informal retreat had recently been held to discuss preparations for the General Assembly's 2021 review of the Council. Participants had agreed on the need for any improvements of the Council to be pursued beyond 2019 so that the Council would be in the best shape possible at the time of the review.

55. The 2030 Agenda was crucial to the entire United Nations system and human rights were integral to all the Sustainable Development Goals. Interest in the 2030 Agenda was growing within the Council, as demonstrated by the adoption of three resolutions on the topic over the previous 12 months. In 2019, the Council would hold a seminar specifically devoted to the 2030 Agenda.

56. It was rewarding to note the level of interest generated in New York about improvements of the Council's work. The recent visit of the Third Committee Chair to Geneva was a further example of effective

cooperation between the Council and the General Assembly. He hoped that similar initiatives would be proposed in the coming year. The next President of the Council would have the same agenda of improving the Council's work since there was always room for improvement.

57. **Ms. Alfeine** (Comoros), speaking on behalf of the African Group, said that the Human Rights Council's mandate should be driven by cooperation and dialogue that was free of politicization, selectivity and double standards. The universal periodic review was the sole mechanism by which the Council should help States to fulfil their human rights obligations and improve the human rights situation on the ground. The Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review must be properly resourced so that it could help States to develop the national capacity and expertise necessary to implement the Council's recommendations. The Group reaffirmed the Vienna Declaration and Programme of Action, which underlined the universal, indivisible, interdependent and interrelated nature of human rights and the right to development as a universal and inalienable right and an integral part of fundamental human rights.

58. Recalling General Assembly resolution [60/251](#) and Human Rights Council resolution 5/1, the Group condemned attempts by States to impose their values on others, in violation of the provision in resolution [60/251](#) to bear in mind regional particularities and historical, cultural and religious backgrounds when promoting human rights and fundamental freedoms. The increasingly non-consensual way in which Human Rights Council resolutions were adopted was also of great concern. Resolution 39/10 on preventable maternal mortality and morbidity and human rights in humanitarian settings, for example, had been adopted even though no consensus had been achieved because of its highly controversial language. The global North was not being constructive in negotiations at the Working Group on the issue of human rights and transnational corporations and other business enterprises, pursuant to Council resolution 26/9, on an international legally binding instrument.

59. The Council's mandate could only be implemented effectively if it was based on the principles of non-politicization, non-selectivity, objectivity, universality, international cooperation and within the context of genuine intergovernmental dialogue on human rights issues. The Council should not target human rights situations in specific countries. Progress could be achieved in those Member States by building resilience through technical cooperation, solidarity and

mutual respect and by helping them, upon request and based on their needs and priorities, to build their capacity to promote and protect human rights.

60. Any improvements of the Council's efficiency should be made on the basis of transparency, inclusiveness and non-discrimination and in conformity with the spirit and letter of Council resolution 5/1. All such measures should be adopted by consensus and the Council's agenda should be determined on an equal and non-discriminatory basis.

61. The African Group held a principled position on the justiciability and realization of economic, social and cultural rights. It recognized that extreme poverty and social exclusion were violations of human dignity and that urgent steps were needed to better understand them and uphold the right to development. The Group did not believe in the hierarchy of rights enshrined in the Vienna Declaration and on which the human rights-based approach appeared to be premised as it negated certain socioeconomic and cultural rights. Proposals to submit the Human Rights Council report to the General Assembly without Third Committee endorsement set a dangerous precedent by undermining the Committee's mandate. Changes to the Committee's mandate would require endorsement by the universal membership through an inclusive intergovernmental process.

62. **Mr. Wenaweser** (Liechtenstein), speaking also on behalf of Australia, Canada, Iceland, New Zealand and Norway, said that it was important that Member States safeguarded the integrity of the Human Rights Council in the light of the serious attacks on the Council and on the international human rights system in general. The Council was to be commended for its important efforts to address the human rights situations in Venezuela and Myanmar.

63. Members of the Human Rights Council should uphold the highest standards in the promotion and protection of human rights. There was room for improvement in the human rights records of every State, and any tolerance of gross and systematic violations was reprehensible. No State that committed or permitted gross human rights violations should be elected to the Council and all States should bear that in mind when voting for members, even in situations where regional groups presented slates for elections.

64. Those countries were deeply concerned by increasing hostility towards civil society and human rights defenders and denounced reprisals against them for working with the Human Rights Council or engaging with the universal periodic review or the Council's special procedures mandates. Special mandate holders were responsible for shining a spotlight on abuses and

violations and sharing expertise and best practices with the global community; States should therefore grant them access, consider their recommendations in good faith and engage with them respectfully.

65. States must promote the safety of journalists and combat impunity for those who attacked them. Investigations into crimes against journalists should meet the highest standards of transparency and integrity, and, when investigations fell short of such standards, the United Nations should intervene.

66. **Mr. Alshafai** (Saudi Arabia) said that his country's commitment to human rights stemmed from the provisions of the Islamic sharia. The Government had made efforts to develop its institutional and sharia framework to protect and strengthen human rights, as the judiciary derived its authority and principles from Islamic law which mandated justice. The judiciary was independent and subject only to Islamic law. The Saudi Arabian system granted every defendant the right to a fair trial, as Islamic law stipulated that Muslim rulers must govern justly over their people.

67. Saudi Arabia had enacted human rights laws and had updated its criminal justice system. It had established the Saudi Bar Association and the Family Affairs Council. Currently, a review of the Penal Code was under way and a new law was being drafted to combat abuse of power. The law on civil institutions and associations complemented other laws and ensured diversity and independence among civil society organizations. Such organizations were able to work together with relevant agencies to formulate laws and regulations and monitor their implementation, and to respond to human rights reports.

68. Protecting and promoting human rights was a priority for Saudi Arabia. No individual could be restrained, arrested or detained except as permitted by law, and an action could only be punished when specifically covered by pre-existing legal provisions. All citizens and residents of Saudi Arabia enjoyed rights and freedoms without discrimination in accordance with the law. No group held special privileges, and victims of rights violations could submit complaints. Saudi Arabia stood ready to work with the United Nations, civil society and international organizations to protect and promote human rights in a manner that did not conflict with Islam or sharia law. As a member of the Human Rights Council, Saudi Arabia supported all efforts at achieving social justice.

69. *Ms. Shikongo (Namibia), Vice-Chair, took the Chair.*

70. **Ms. Valle** (Cuba) said that the Human Rights Council had been created to address the double standards and political confrontation and manipulation that had discredited the defunct Commission on Human Rights. It was essential to avoid a return to such negative practices. The universal periodic review was the main feature distinguishing the Council from the Commission and was the only universal human rights mechanism for comprehensive analysis of situations and for international cooperation through constructive dialogue and respect for the principles of universality, objectivity, impartiality and non-selectivity.

71. Any attempt to achieve improvements in Council working methods required the political will of the Member States and must be aligned with the processes set forth in its institution-building package. Growing politicization had shown that the measures adopted in the past year had not had the desired impact. Ensuring coordination between the work of the Council and that of the General Assembly did not mean that presenting initiatives in both bodies signified an unnecessary duplication of efforts. Moreover, as the Human Rights Council was a subordinate body of the General Assembly, her delegation disagreed with attempts to seek closer ties with the Security Council on the pretext of fulfilling the preventive role of the Human Rights Council.

72. As long as an international economic and political order that was unfair and exclusionary persisted, such as through the imposition of unilateral coercive measures and embargoes like those suffered by Cuba for the past 58 years, the Council needed to continue to demand an end to such practices. The Council must continue to insist on the need for international solidarity to tackle the serious challenges created by the numerous and profound crises affecting the planet. Cuba, meanwhile, would continue to promote the rights to self-determination, peace and development with a view to establishing a democratic and equitable international order and to ensuring the enjoyment of human rights and respect for diversity.

73. **Ms. Pishdary** (Iraq) said that her country's constitution contained many articles protecting human rights, which were implemented through government policies. Iraq had established the High Commission for Human Rights to protect and promote human rights and to monitor State activity to ensure that it properly enforced the law. An individual could only be deprived of the constitutionally guaranteed rights to life, security and freedom pursuant to the law and a judicial ruling. The rights to equality, freedom of religion and free expression were likewise enshrined in legislation.

74. The Government of Iraq was working to implement international instruments out of its concern for forging close relationships with international and regional organizations. Iraq had ratified eight international instruments on human rights and their optional protocols out of its conviction that strengthening international human rights law was important and had fulfilled its obligations to submit national reports under the universal periodic review. The Government believed in transparency and adherence to international human rights standards and extended an open invitation to special rapporteurs and mandate-holders to visit the country.

75. The election of Iraq to the Human Rights Council for the 2017–2019 period had reflected the confidence in the international community that the country would promote and protect human rights and implement international conventions. The rights of women and children and the protection of cultural heritage were its priorities during its tenure. Iraq wished to stand as a candidate once again for the 2020–2022 period, and if elected, would support the universal periodic review as the best means of improving human rights in Member States through its emphasis on dialogue, technical assistance, and capacity-building.

76. **Ms. Gebrekidan** (Eritrea) said that, regrettably, the Human Rights Council suffered from the same ills that had plagued its predecessor, the Commission on Human Rights, which had failed to effectively fulfil its mandate due to politicization and double standards. The Human Rights Council would share the fate of the Commission if it continued to ignore the principle of mutual respect.

77. Eritrea believed that international peace, progress and the promotion of human rights would be achieved through solidarity among nations and mutually beneficial partnerships. As a member of the Human Rights Council for the 2019–2021 term, it would work to promote a more effective and credible Council and would foster inclusive and transparent cross-regional dialogue.

78. The Council continued to adopt an increasing number of resolutions whose efficacy nevertheless was questionable. It should be asked whether the Council's current work reflected its responsibility to safeguard the principles set out in the Universal Declaration of Human Rights or reflected its role as the body responsible for mainstreaming human rights within the United Nations system. The Office of the High Commissioner for Human Rights (OHCHR), whose importance in helping Member States to achieve human rights objectives should not be underestimated, should pay equal

attention to all human rights issues. In the view of Eritrea, funding for OHCHR programmes should come from the regular budget of the United Nations.

79. Constructive international dialogue and cooperation were essential for dealing with human rights issues. The universal periodic review was critical for the fulfilment of States' human rights obligations and for improvements on the ground. After completing two cycles of the universal periodic review, Eritrea was implementing 92 recommendations and was currently preparing to undertake its third reporting cycle.

80. **Ms. Tripathi** (India) said that, 70 years after the adoption of the Universal Declaration of Human Rights, international human rights discourse remained contentious and the Human Rights Council grappled with ideological and geopolitical divides. Despite challenges, the Council had contributed significantly to human rights action and discourse over the previous 12 years.

81. Increasing acceptance by Member States of recommendations emerging from the universal periodic review was an encouraging trend. Technical and capacity-building assistance were important aspects of the universal periodic review. The process should not be used to impose specific thematic discourses that were not universally accepted.

82. The stark divide regarding situation-specific and thematic issues was a worrisome development that compromised the effectiveness and credibility of the Council. Aggressive and intrusive approaches that did not incorporate consultation with the country in question had led to the politicization of human rights issues. The Council, as well as special procedures and treaty body mechanisms, must adhere to the principles of universality, transparency, impartiality, objectivity and non-selectivity. The number of special procedures had increased since the Council's inception, leading to duplication of mandates. The process of selecting special procedures mandate-holders should be more transparent. A core responsibility of the Council was to uphold the indivisibility and interdependence of all human rights, including the right to development.

83. Terrorism was the gravest violation of human rights and the international community must therefore take action against it in all its forms. The Council should also work to build consensus on issues such as the protection of human rights in cyberspace and the impact of artificial intelligence on human rights. India remained committed to advancing pluralistic, moderate and balanced perspectives in the Human Rights Council and elsewhere.

84. *Mr. Saikal (Afghanistan) resumed the Chair.*

85. **Mr. Poggio Pádua** (Brazil) said that the United Nations should enhance cooperation between New York and Geneva. The offices of the President of the General Assembly and that of the Council should always work together for the benefit of the entire human rights protection system. As a prominent member of the Human Rights Council and a candidate for re-election in 2019, Brazil was committed to that body's success and effectiveness. In line with the Brazilian constitution, which enshrined protection of human rights as a fundamental principle, the country supported the Council in its efforts to promote and protect those rights worldwide.

86. The Human Rights Council could be improved to make it more effective in preventing violations before they occurred. Any reform, however, should take place within the framework of the institution-building package. The Council could be strengthened through measures that reduced polarization and enhanced trust from members and other stakeholders. It should be able to help countries to address the structural causes of human rights violations by promoting effective technical assistance and capacity-building in an environment conducive to dialogue and cooperation.

87. **Mr. Fernández de Soto Valderrama** (Colombia) said that while the efforts and achievements of the Human Rights Council, combined with those of the United Nations High Commissioner for Human Rights and the other United Nations human rights system entities and mechanisms, had enhanced respect for human rights and strengthened their protection, immense challenges remained. In the past year, Colombia had initiated and participated in discussions aimed at eliminating all forms of discrimination against women and girls, ending preventable maternal mortality and protecting the right to reproductive and sexual health. Future sessions should address the rights of older persons and persons with disabilities and education on human rights and peace.

88. Following its most recent national report to the Working Group on the Universal Periodic Review, Colombia had unwaveringly accepted the majority of its recommendations and had undertaken five voluntary commitments (see [A/HRC/39/6](#)), with a view to ensuring national protection of human rights, especially for members of the most vulnerable groups. Colombia welcomed the voluntary presentations made by States and their high rate of participation and follow-up on recommendations.

89. Colombia remained committed to guaranteeing human rights throughout its territory, including in the

areas most affected by the armed conflict, where the work of civil society leaders and human rights defenders was especially relevant to strengthening democratic processes. As social dialogue was the best means for achieving unity, his Government had signed an agreement, drafted in close collaboration with civil society leaders, with a view to advancing human rights and protecting its defenders by improving inter-institutional collaboration.

90. Columbia looked forward to the upcoming visit of the Special Rapporteur on the situation of human rights defenders. Columbia would continue to work towards building a peaceful society in which conflicts were resolved and human rights guaranteed through dialogue, democracy and the rule of law, strengthened by its citizens' trust in the State and supported by the Human Rights Council.

91. **Mr. Issetov** (Kazakhstan) said that over the previous 12 years, the Council had demonstrated its ability to respond rapidly to human rights violations around the world. Kazakhstan was convinced that the Council would continue to be guided by the principles of universality, impartiality, objectivity, non-selectivity and constructive dialogue with a view to protecting all civil, political, economic, social and cultural rights. In order to be effective, the Council's work on country-specific situations should focus primarily on technical cooperation and capacity-building instead of monitoring and investigation activities. Kazakhstan believed that the universal periodic review was the Council's most effective, impartial and depoliticized mechanism.

92. Kazakhstan had cooperated with the Council's special procedures and had issued a standing invitation to mandate-holders to visit the country, a sign of its commitment to promoting and protecting human rights nationally. The country was therefore anticipating a visit in 2019 from the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. In March, Kazakhstan had submitted its fifth periodic report to the Committee on the Elimination of Discrimination against Women, and, in November, it would submit its fourth periodic report on fulfilment of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

93. **Mr. Akhigbe** (Nigeria) said that his country was one of the few that had issued a standing invitation to all special procedures mandate-holders; in 2018, it had received the Special Rapporteur on trafficking in persons, especially women and children. Nigeria had accepted 172 recommendations issued under previous

cycles of the universal periodic review, and the Government was committed to implementing them.

94. Nigeria believed that strengthening respect for human rights and fighting hate speech, discrimination, injustice and marginalization were the most effective responses to terrorism. The country's strategy on counterterrorism and violent extremism, which focused on root causes and prevention, was being implemented in accordance with international human rights and humanitarian laws. In 2011, Nigeria had adopted the Terrorism Prohibition Act, which supplied the necessary legal framework to fight terrorist financing. The Government also focused on limiting the pool of potential recruits by creating job opportunities for youth, cutting off funding to Boko Haram and access to weapons and improving relations between law enforcement agents and Nigerians living in affected areas. Nigerian civil society and political, religious and ethnic leaders complemented Government efforts in countering Boko Haram terrorism and extremism, especially in the north-eastern part of the country.

95. **Mr. Bin Momen** (Bangladesh) said that his delegation was encouraged by the sustained efforts by the Human Rights Council to address issues of emerging concern, especially with regard to the most vulnerable members of society, and would make every effort to help advance its work and legacy, in particular during his country's upcoming membership, beginning in 2019. His Government remained committed to the processes involved in the universal periodic review and to progressively implementing the recommendations it had accepted, and would remain seized with those it had not. The review process had proved to be an effective mechanism for promoting compliance with human rights obligations and should be improved upon so its objectives could be achieved.

96. His Government also remained committed to cooperating with the special procedures mandate holders, including in relation to human rights situations in Bangladesh. In the past year, it had cooperated extensively with the Special Rapporteur on the situation of human rights in Myanmar and the independent international fact-finding mission on Myanmar in the tragic aftermath of the Rohingya humanitarian crisis. It was regrettable that both the Special Rapporteur and the fact-finding mission had been denied access to Myanmar and that Myanmar had questioned the objectivity of the fact-finding mission's subsequent report. Accountability was critical to restoring confidence among the Rohingya people with regard to their upcoming return and to ensuring the sustainable and long-term implementation of bilateral repatriation instruments. In addition to carrying out national judicial

processes in an impartial manner, Myanmar must also institute international accountability mechanisms. The Third Committee also had an important role to play.

97. Recognizing the role of civil society in promoting and protecting human rights for all and underscoring the importance of constructive engagement among Member States and civil society, his Government remained committed to ensuring freedom of expression and opposed to any form of reprisals for engagements with the Human Rights Council.

98. **Ms. Ershadi** (Islamic Republic of Iran) said that in the face of racism, nationalist populism, supremacist ideologies and bigotry, her country wished to highlight the work of the Office of the High Commissioner for Human Rights, as it had not yet been fully utilized as a medium of dialogue and cooperation. It was unfortunate that politicization and manipulation had eroded the effectiveness of the Human Rights Council and the universal periodic review mechanism. While that mechanism had been created in order to ensure that the work of the Council adhered to the principles of universality, objectivity, non-selectivity and impartiality, certain countries preferred to revert to the dysfunctional practice of tabling country-specific resolutions whose only purpose was to increase confrontation.

99. Unhelpful interventions by certain countries had led to the inclusion of a reference in the report to the resolution that had been adopted against Iran. That resolution had exposed the Council's shortcomings and served only to waste limited resources that could otherwise be used to meaningfully promote and protect human rights. Her delegation therefore dissociated itself from the part of the report of the Human Rights Council containing that resolution.

100. Her delegation recognized the importance of enhancing the efficiency and effectiveness of the Council within the framework of the institution-building texts associated with Human Rights Council resolutions 5/1 and 16/21. In that regard, it underlined the importance of maintaining the Council's current agenda, particularly item 7. Iran welcomed the proposal to reduce the duration of Human Rights Council panels from three to two hours but did not support proposed changes to the structure of the universal periodic review, such as the suggestion to eliminate adoption of the outcome report of the Working Group on the Universal Periodic Review. It also objected to any reduction in the time allocated for a State's right of reply.

101. **Ms. Abdelkawy** (Egypt), reiterating her country's support for the mandate of the Human Rights Council as enshrined in the institution-building package, said that

it was necessary to avoid targeting human rights situations in specific countries and unilaterally imposing politicized mechanisms on them. Her delegation was an active participant in efforts to strengthen Council efficiency and was leading a number of initiatives within the Council, including some focused on the right to work, youth and protection of the family and others on terrorism and the human rights impact of the non-repatriation of funds of illicit origin. Her delegation welcomed the recent adoption of Council resolution 39/9, by which the Working Group on the Right to Development was tasked with commencing a collaborative discussion to develop a legally binding instrument on that right.

102. **Mr. Al Daghari** (Oman) said that his Government had always aimed to provide the people of Oman, citizens and residents alike, with the best conditions to lead dignified lives. To that end, it had enshrined human rights principles in the Basic Statute of the State, signed the Universal Declaration of Human Rights and ratified several international human rights conventions.

103. Since 1970, Oman had established free healthcare and free education for all and implemented social programs for families and children based on income and need. His Government had passed legislation to guarantee children basic human rights, such as the right to non-discrimination, the right to participation and the right to education. Numerous educational and training centres had also been established to ensure that children with disabilities or other special needs were provided with the means to live comfortable and empowered lives.

104. Oman was proud to be a pioneer in its region, having enacted legislation that granted men and women equal rights with regard to social mobility, residence and employment. Omani Women's Day, marked on 17 October, not only commemorated efforts to empower women, but celebrated their achievements and the important role they played in society. As part of further efforts to improve the quality of life for all, his Government had established a national human rights commission, with a view to being an effective platform for promoting and protecting those rights through cooperation with civil society and based on the principles of equality and justice in line with national legislation and international instruments.

105. **Mr. Dzinadza** (Togo) said that his delegation welcomed the attention placed in the report of the Human Rights Council on the connection between human rights and the implementation of the 2030 Agenda for Sustainable Development, the provision of basic public services and the need for international

corporation. His delegation also welcomed the progress made each year in the promotion and protection of human rights, while acknowledging that more remained to be done. All stakeholders were therefore urged to make every effort to improve such protections worldwide, including by strengthening the role of civil society actors.

106. The universal periodic review was the best means for ensuring consistency and strengthened cooperation among all stakeholders with regard to human rights issues. Following the second such review of Togo in 2016, his Government had developed and adopted a plan of action to implement the ensuing recommendations. Togo had recently submitted several periodic reports to the relevant United Nations and African Union treaty bodies and was preparing additional reports for submission in the near future, including its first on the implementation of the International Convention for the Protection of All Persons from Enforced Disappearance.

107. His Government remained committed to the continued ratification of existing instruments and the implementation of its international human rights obligations. Given the growing number of challenges, the promotion and protection human rights should be pursued under the aegis of the multilateral United Nations mechanisms, on the basis of strengthened regional and international cooperation.

108. **Mr. Chu** Guang (China) said that over the previous year, the Human Rights Council had achieved notable progress in various areas. At the same time, it was facing several challenges. The problems of a confrontational atmosphere and the politicization of human rights issues were still serious, and double standards and the practice of “naming and shaming” had led to the discontent of many countries. Economic, social and cultural rights and the right to development, which were of great interest to developing countries, had not received the attention they deserved, and greater investment in technical assistance and capacity building in the area of human rights should be made. The sovereignty and territorial integrity of Member States was not being fully respected, with some separatists attempting to use multilateral human rights platforms to engage in secessionist activities. Furthermore, some special procedures mandate-holders were overstepping their mandates and were making irresponsible public statements on the basis of unverified information. In the view of his delegation, the agenda was overloaded and the time management and working efficiency of the Council needed to be improved. Some non-governmental organizations were abusing their consultative status at the Economic and Social Council

to maliciously attack the Governments of Member States for political reasons.

109. His delegation hoped that the Council would attach importance to resolving those problems in accordance with the purposes and principles of the Charter of the United Nations; earnestly respect the sovereignty and territorial integrity of all countries; improve its operating efficiency; formulate regulations for implementing the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council; establish norms for the orderly participation of non-governmental organizations; and enable the country-specific human rights review to truly become a platform for countries to exchange best practices and share experiences.

110. Unilateralism had become one of the greatest challenges and threats to the world. It was regrettable that the United States had withdrawn from the Council and ended its regular and voluntary contributions to human rights work at the United Nations. The unilateral action by that country would seriously undermine the authority and work of the Council and exacerbate antagonism and confrontation among Member States in the area of human rights.

111. **Mr. Thein** (Myanmar) said that his country categorically rejected all three Human Rights Council resolutions relating to Myanmar adopted during the reporting period; they were politically motivated, lacked impartiality and infringed on State sovereignty. Together with the other States members of the Movement of Non-Aligned Countries, Myanmar opposed all country-specific resolutions as they were not conducive to meaningful dialogue and gave rise to polarization, division and confrontation. Given current efforts to improve Council efficiency, it was essential that the principles of objectivity and impartiality be upheld, especially with regard to issues that could have far-reaching impacts on the sovereignty and dignity of a Member State.

112. His Government had rejected the establishment of the fact-finding mission on Myanmar since the beginning, as its composition and mandate had raised serious concerns regarding impartiality and would hinder the Government’s own efforts to find long-term solutions to the situation in Rakhine State. Because cooperation with the United Nations was a cornerstone of its foreign policy, his Government had accommodated successive Special Rapporteurs on the situation of human rights in Myanmar and had facilitated three visits by the Special Envoy of the Secretary-General on Myanmar since her appointment in 2018. Yet his country was still being treated unfairly

and discriminated against under the pretext of protecting human rights. Owing to the lack of objectivity of the current Special Rapporteur and her non-compliance with the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, his delegation had requested that she be replaced.

113. His Government had also rejected the September 2018 ruling in connection with Rakhine State by the International Criminal Court, which had no jurisdiction over Myanmar as it was not a party to the Rome Statute. Moreover, the ruling applied to a situation where domestic remedies had not yet been exhausted, as his Government had already established an independent commission of inquiry to investigate allegations of human rights violations and related issues in the wake of the terrorist attacks carried out in Rakhine State in 2016 and 2017 by the Arakan Rohingya Salvation Army. Because addressing those issues was a fundamental part of building peace, national reconciliation, security and governance in Myanmar, his Government had undertaken preparations for the safe, voluntary and dignified return, resettlement and rehabilitation of the people who had fled to Bangladesh, in accordance with the bilateral agreement and assisted by the Office of the United Nations High Commissioner for Refugees and the United Nations Development Programme. In addition to striving tirelessly to resolve the issue in Rakhine, his Government was making efforts to tackle the complex and multifaceted challenges facing Myanmar, including putting an end to armed conflicts that had ravaged the country since its independence.

114. **Ms. Hillebrandt** (Bahamas) said that the Human Rights Council was to be commended for its diligent work in the promotion and protection of human rights, including the work of the special procedures mandate holders, some of which had undertaken visits to the Bahamas. Having undergone its third cycle of the universal periodic review in January 2018, the Bahamas supported the voluntary process as an important mechanism for upholding and advancing human rights and was currently reviewing the ensuing recommendations.

115. The Bahamas welcomed the adoption of resolution 38/1, in which the Council had called for the ratification and implementation of the Convention on the Elimination of All Forms of Discrimination against Women. Such resolutions provided valuable insight and recommendations for the effective fulfilment of fundamental rights and freedoms for all and served as important reminders of what remained to be done to ensure the achievement of that objective. Resolutions aimed at the achievement of the Sustainable Development Goals, meanwhile, were vital in

highlighting possible areas of improvement in efforts to implement the 2030 Agenda.

116. The renewal of some special procedures mandates reflected the commitment of the international community to ensuring that the rights and freedoms of all individuals were protected. Because their work was vital to the maintenance of the core tenets of the Charter of the United Nations and the Universal Declaration of Human Rights, the mandate holders should be respected in every way. Her delegation welcomed the opportunity to add diversity to the Council during her country's upcoming term of membership, from 2019 to 2021, and thus contribute to the discourse on human rights issues from the perspective of a Caribbean small island developing State.

The meeting rose at 5.50 p.m.