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## Third Committee

### Summary record of the 33rd meeting

Held at Headquarters, New York, on Wednesday, 27 October 2010, at 3 p.m.

*Chair:* Ms. Melon (Vice-Chair) ..... (Argentina)

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*In the absence of Mr. Tommo Monthe, Ms. Melon (Argentina), Vice-Chair, took the Chair.*

*The meeting was called to order at 3.15 p.m.*

**Agenda item 68: Promotion and protection of human rights** (*continued*) (A/65/336)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/65/87, A/65/119, A/65/156, A/65/162, A/65/171, A/65/207, A/65/222, A/65/223, A/65/224, A/65/227, A/65/227/Add.1, A/65/254, A/65/255, A/65/256, A/65/257, A/65/258, A/65/259, A/65/260, A/65/260/Corr.1, A/65/261, A/65/263, A/65/273, A/65/274, A/65/280, A/65/280/Corr.1, A/65/281, A/65/282, A/65/284, A/65/285, A/65/287, A/65/288, A/65/310, A/65/321, A/65/322, A/65/340 and A/65/369)

**(c) Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/65/331, A/65/364, A/65/367, A/65/368, A/65/370 and A/65/391)

1. **Mr. Melia** (United States of America) said that the United States of America looked forward to supporting the work of the new Special Rapporteur on the right to freedom of peaceful assembly and of association. New ways needed to be found to address systematic infringements on the rights of citizens to gather. Those infringements lay at the heart of the current global political recession; indeed, the largest impediment to the normal functioning of civil society was the web of constraints put in place by Governments.

2. The international community continued to be gravely concerned by Iran and the Democratic People's Republic of Korea. Those and too many other countries continued to deny their citizens their fundamental rights, including the rights to assembly, to speak their minds freely and even to worship in the manner of their own choosing.

3. The United States had a long-established practice of analysing countries' human rights situations and providing that information to policymakers, scholars and journalists. By publishing its annual Human Rights Reports, it assured people in the countries described that the knowledge of their circumstances would be

reflected in its diplomacy. The United States was, moreover, prepared to be judged by the same human rights standards as other countries. Independent groups and individuals regularly published critiques of its adherence to the commitments it had made and the values it professed to hold, without fear of reprisal. Furthermore, the United States had recently presented a full accounting of its performance to the Human Rights Council under the universal periodic review mechanism and its delegation would soon appear in Geneva for its self-assessment and to reply to critiques offered by other countries.

4. To promote basic human rights worldwide, many countries deserved scrutiny by the Third Committee. In the country widely known as Burma, civil society was brutally repressed. The junta there had ensured that the upcoming elections would be neither free nor fair. There were 2,100 political prisoners, including Nobel Laureate Daw Aung San Suu Kyi, and its barring of international media coverage stifled political freedoms. Few places, however, approached the level of violent repression that occurred in the Democratic People's Republic of Korea. The United States deplored that country's imprisonment of repatriated asylum-seekers and their families, extrajudicial killings and its denial of other universal freedoms and workers' rights.

5. The United States strongly supported the extension of the mandate of the United Nations Independent Expert on the situation of human rights in Sudan and, in the light of reports of harassment and arrests of individuals in Darfur for speaking to United Nations Security Council members, urged all parties to cooperate fully with him. Freedoms of expression and assembly were also curtailed in Cuba, where short-term detentions and Government-orchestrated mob violence were used, inter alia, to suppress dissent and harass trade union organizers. The United States called for the unconditional release of all political prisoners in Cuba. In Iran, violence was used against political activists and their family members and thousands of individuals were detained without cause or sentenced without due process. Some had even been sentenced to death for participating in peaceful protests surrounding last year's disputed elections or other peaceable political activities.

6. The United States believed that highlighting those abuses would help bring them to an end and hoped that United Nations activities would further those efforts so that human rights defenders across the globe would

know that the international community supported them and their cause.

7. **Ms. Mballa Eyenga** (Cameroon) said that the international community could take pride in having adopted and begun to ratify and implement new international human rights instruments such as the United Nations Global Plan of Action against Trafficking in Persons. Yet progress on human rights was mixed. In particular, the long-lasting impact of the financial, economic, energy, food and climate crises, as well as natural disasters, had made enjoyment of the inalienable right to development even more tenuous, especially for the very poor. In such circumstances, that right, which encompassed the rights to an adequate standard of living, to education, to food, to health and to a sound environment, became an even greater priority.

8. Cameroon was committed to promoting and protecting all human rights and was a party to almost all of the international human rights instruments. It cooperated with all Charter bodies and human rights treaty bodies and had submitted its reports under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. At the domestic level, it had recently amended the organization act of its National Human Rights Commission to specify that public administration representatives on the Commission could not vote in its decisions.

9. The Government of Cameroon had taken steps to grapple with globalization and the many related crises. It had adopted a series of policy and strategy papers setting core-sector objectives for a 20-year period in the areas of food security, poverty reduction and sustainable development, with emphasis on helping the most vulnerable. Its health-sector strategy focused on eradicating extreme poverty and hunger, reducing maternal and infant mortality, combating HIV/AIDS, malaria, tuberculosis and other diseases, and promoting environmental sustainability. Actions included building hospitals in rural and semi-rural areas, recruiting medical personnel, distributing drugs and vaccines, drilling wells and protecting and monitoring drinking-water supplies. The framework document of its Integrated Early Childhood Development Policy spelled out priority actions for the 2010-2012 period. Other measures targeted such vulnerable groups as handicapped persons, indigenous populations, older persons and refugees.

10. For Cameroon, as for most developing countries, implementation of human rights was a vast and costly work in progress. And like all developing countries, it must shoulder its own responsibilities. Nevertheless, full economic and social development would not be possible without the solidarity of the international community.

11. **Mr. Sene** (Senegal) expressed concern that, more than 60 years after the adoption of the Universal Declaration of Human Rights, persistent discrimination continued to be a serious threat to peace and stability in many countries and to hinder sustainable development by marginalizing a portion of their populations. Of particular concern were migrants, whose problems could be solved only by respecting their rights and helping them to assimilate in their host country. The ideas of freedom from fear and want would be realized only when all human beings could exercise all of their rights: not only civil and political, but economic, social and cultural as well.

12. If the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family was truly the foundation of freedom, justice and peace in the world, then it was time for the international community to rethink its approach to promoting and protecting human rights. It must take an approach based on the shared principles already enshrined in international law and should give priority to cooperation and human rights education. It was a violation of the spirit of the Universal Declaration to set one culture as a standard by which all others should be measured.

13. Senegal remained a staunch supporter of dialogue, not only between cultures but also between religions, and firmly condemned the resurgence of Islamophobia in certain areas of the world. Lasting solutions to differences among nations could be found only through open and constructive dialogue. That said, the primacy of dialogue should not serve as an excuse for ignoring violations of basic rights.

14. Senegal was a party to almost all of the international human rights instruments. It would continue to work to promote and protect human rights as a foreign policy priority and in its own national laws. It remained convinced that the protection and promotion of human rights was a long-term undertaking best served by education and by promoting

awareness in the general public, the police and the military.

15. **Ms. Blum** (Colombia) said that international human rights treaties had been shaping Colombia's national legal framework. The strong rights-protection mechanisms in the Constitution also provided a foundation for legislative and social progress. The national Congress had recently ratified the International Convention for the Protection of All Persons from Enforced Disappearance, providing further guarantees of the enjoyment of human rights to all citizens, regardless of their ethnicity, age, sexual orientation or religious beliefs. The President fully supported the Office of the High Commissioner for Human Rights and would be renewing its mandate in the country. The Government would continue to promote human rights by providing protection and support to human rights advocates; further integrating a human rights perspective into national and regional development plans; implementing laws that offered reparations and reinstated land to victims of armed conflict; and strengthening the judiciary and the justice system to fight impunity. The Government would also be implementing the recommendations resulting from the universal periodic review of Colombia and creating a national human rights commission, to be headed by the Vice-President.

16. Lastly, in line with the programme of activities proposed by the Secretary-General for the International Year for People of African Descent in 2011, her Government would promote their rights in a wide range of areas, including elimination of discrimination against women, elimination of racism and support for development through the achievement of the Millennium Development Goals.

17. **Ms. Kolontai** (Belarus) said that her country had always favoured a non-confrontational approach and respectful dialogue on human rights. Continued attempts by some to promote country-specific approaches and a stubborn refusal to acknowledge progress were cause for concern. The "teachers and pupils" policy had long ago shown its unworkability. Certain countries saw a mote in the eye of brother countries, while overlooking the log in their own.

18. While some expressed concern regarding the lack of free and fair elections in her country, international observers from such organizations as the Organization for Security and Cooperation in Europe would be

present during the elections in Belarus in December 2010, and no limits whatsoever had been placed on the length of their sojourn nor on their numbers. That indicated that the elections in Belarus would be transparent and open.

19. Belarus welcomed the efforts of the High Commissioner for Human Rights to implement the six priorities for 2010-2011, which were to combat poverty, inequality, discrimination, violence and impunity and to strengthen United Nations human rights mechanisms. Belarus had undergone the universal periodic review in 2010 and considered it an effective human rights mechanism capable of providing a clear and objective understanding of various human rights situations.

20. In December 2009, at the initiative of Belarus, a delegation from the Office of the High Commissioner for Human Rights had visited the country to perform a needs assessment. In 2010, the Office had held a training workshop for Government officials.

21. Belarus was gratified to note increased transparency in the activity of the Office. However, the problem of stereotyped views of human rights situations in specific countries remained. In that connection, the High Commissioner was urged to focus on eliminating the imbalance in geographic representation among the staff of the Office so that personnel would have practical experience and knowledge of the specific features of particular countries, thereby bridging the gap in understanding of human rights situations which existed between the Office and Member States.

22. Belarus attached great significance to the role of the Office in implementing the United Nations Global Plan of Action to Combat Trafficking in Persons and ensure the rights of trafficking victims. At the fourteenth session of the Human Rights Council, Belarus had proposed the establishment of an anti-trafficking unit within the Office of the High Commissioner. It was hoped that the Office would soon decide to hold human rights events at the International Training Centre on Migration and Combating Trafficking in Human Beings in Belarus. Belarus had sent invitations to eight Special Procedures mandate holders. The Special Rapporteur on the human rights of migrants would visit the country in 2011.

23. Lastly, her delegation commended the grants provided by the United Nations Democracy Fund to local non-governmental organizations.

24. **Ms. Ayorinde** (Nigeria) said that some of the recommendations received in the context of the universal periodic review of Nigeria had been forwarded to the National Assembly for appropriate legislation. In 2010, the National Assembly had passed a bill on the autonomy of the National Human Rights Commission, which enabled the Commission to operate under the Paris Principles.

25. Human rights training for security forces had resulted in improved conduct by security personnel. The Government was considering the establishment of an independent body that would investigate reports of human rights violations by members of the force.

26. The federal Government would continue holding an annual consultative forum on human rights in which a cross section of society, including politicians, traditional and religious leaders, representatives of women and youth, organized labour and representatives of non-governmental organizations would deliberate on crucial human rights issues.

27. General elections were scheduled for early 2011. Nigeria was committed to holding elections free of violence, and over 80 million people were expected to cast their vote.

28. **Mr. Hadjimichael** (Cyprus) said that in a series of resolutions still pending compliance, the United Nations Commission on Human Rights had called for full restoration of all human rights to the population of Cyprus, including the refugees; expressed alarm at ongoing changes in the demographic structure caused by Turkish settlers; requested immediate action on determining the fate of missing persons in Cyprus, and called for the restoration and respect of the rights of all Cypriots to freedom of movement and property. In its judgment of 11 May 2001, the European Court of Human Rights had held that Turkey was responsible for ongoing, massive and grave violations of 14 articles of the European Convention on Human Rights concerning missing persons and their relatives, the homes and property rights of displaced persons, and the living conditions of Greek Cypriots in the Karpasia region, and on 18 September 2010, it had found Turkey guilty of continuing violation of article 2 of the Convention for its failure to investigate effectively the fate of nine men who had disappeared in 1974 and of

article 3 thereof for its inhuman treatment of specific relatives of missing persons. He thanked the United Nations Peacekeeping Force in Cyprus and the Committee on Missing Persons for their efforts to exhume, identify and return the remains of missing persons. However, Turkey remained responsible for tracing those still not found.

29. Since 1974, Turkey had followed a systematic policy of encouraging its citizens to settle on Cyprus in order to alter its demographic composition, which constituted a flagrant violation of the Geneva Conventions and a war crime under the Rome Statute of the International Criminal Court. Meanwhile, the occupying Power not only denied the refugees the right to return; it also exploited their property by offering it for sale to foreigners, in violation of the United Nations principles on housing and property restitution for refugees and displaced persons (“Pinheiro principles”), with the ultimate goal of permanently depriving the lawful owners of their property rights and achieving ethnic cleansing. Churches and synagogues in the occupied area of Cyprus had been wilfully desecrated, pillaged or destroyed, converted to military quarters or mosques or sold to private individuals for other profane purposes.

30. For almost two years, the President of Cyprus and the Turkish Cypriot leader had been negotiating under the good offices mission of the Secretary-General to reach a peaceful solution based on the creation of a bizonal, bicomunal federation, in accordance with the various Security Council resolutions. For those negotiations to succeed, violations of human rights in Cyprus must cease. As a newly elected member of the Security Council, in the interest of the credibility and moral standing of the United Nations, Turkey had a duty to honour the Council’s resolutions.

31. **Mr. Mitsialis** (Greece) said that the military invasion and 36-year occupation of 37 per cent of the territory of Cyprus by Turkey had led to ongoing violations of human rights. Those violations had not been adequately addressed, despite numerous Security Council and General Assembly resolutions.

32. While Greece welcomed the results achieved by the Committee on Missing Persons and had contributed financially to its activities, the issue of missing persons could not be dealt with only through the Committee. The European Court of Human Rights had ruled in 2001 that Turkey had failed to investigate effectively

the fate of Greek Cypriot missing persons and had called upon Turkey to conduct an investigation and provide all available information.

33. Almost 200,000 Greek Cypriots continued to live as displaced persons and were deprived of their property rights. There had been massive illegal sales of Greek Cypriot properties to foreign citizens. The influx of Turkish settlers in the occupied areas continued, in violation of the Geneva Conventions, with the aim of changing the demographic composition of Cyprus. Efforts by Turkey with regard to the educational and religious rights of the enclaved Greek Cypriots in the occupied part of the island had come too late to stop the reduction in that population from 25,000 in 1974 to 500 today.

34. Greek Orthodox churches and monasteries had been pillaged, damaged or converted for non-religious purposes. Priceless ancient artefacts and Byzantine works of art had been smuggled abroad.

35. Greece fully supported the negotiations for the reunification of Cyprus under the auspices of the Secretary-General and looked forward to the conclusion of a viable agreement for the reunification of Cyprus on the basis of a bizonal and bicomunal federation.

36. **Mr. Kyslytsya** (Ukraine) said that his country was guided by the principles of universality of human rights, equality, impartiality, tolerance and non-discrimination. No global economic crisis should be allowed to undermine human rights, and special attention should be given to protecting the rights and freedoms of the most vulnerable groups.

37. Ukraine considered that an individual's quality of life and what he or she was able to achieve depended not only on political liberty and economic opportunity, but also on free access to health care and education, and it was working hard to achieve the relevant Millennium Development Goals. It also considered the right to life an inalienable, fundamental right. Accordingly, it strongly opposed the death penalty and commended States that had taken steps to abolish it. Lastly, it believed that the fight against terrorism should be carried out in accordance with international humanitarian and human rights law, as defined in the relevant instruments.

38. It commended the efforts of the High Commissioner for Human Rights to promote and

coordinate the human rights activities of her Office with those of the Human Rights Council. As a mandate established by the General Assembly, the post of High Commissioner should remain independent of the Human Rights Council.

39. Ukraine was cautiously optimistic about the functioning of the Human Rights Council and the potential of the universal periodic review, which provided an excellent opportunity for interaction between different human rights mechanisms. Its focus should be on the implementation of recommendations made during the interactive dialogue, for which purpose it was urgent to develop a mechanism to monitor implementation. The Council's special procedures, which provided a unique link among Governments, national institutions and non-governmental and other civil society organizations, should cover both country and thematic issues in a comprehensive manner.

40. At its fourteenth session, the Human Rights Council had adopted a resolution on the role of prevention in ensuring human rights. The best way to protect human rights was to prevent their violation, and he hoped that the issue of prevention would be given due consideration in the future activities of the Council.

41. **Mr. Chin** (Singapore) said that the many statements on human rights made thus far before the Committee demonstrated a high degree of sophistication and precision; however, they represented a fragile, modest consensus that was vulnerable to revisionist debates about the existence of a core set of shared values. Not surprisingly, in a world in which countries competed for scarce resources, concern for human rights had always been balanced against other national interests and had been motivated not by altruism, but by political and economic objectives. That was not necessarily negative: for completely selfish reasons, it was in the interest of all to evolve a common set of values that bound nations together in recognition of their shared humanity. However, the search for common ground could only succeed if it was conducted in a spirit of understanding, empathy and respect for historical and cultural differences. Tolerance of diversity should never be an excuse for gross violations of human rights, but it was necessary to be realistic and pragmatic, and to show honesty, sincerity and humility in dealing with others. No country or group of countries had the right to impose

its position on the rest of the world. Moreover, words without deeds that improved the lives and well-being of people made mockery of the values for which they purportedly stood.

42. Singapore remained committed to protecting and respecting the rights of each individual, but it placed equal importance on protecting societal rights. It had struck a balance between the exercise of rights and the shouldering of responsibilities that was the result of its own unique circumstances and development. The Government held itself accountable to its people, but it did not attempt to impose the views of Singapore on other countries.

43. **Mr. Starčević** (Serbia) said that, for the tenth year, his delegation was compelled to draw the Committee's attention to widespread and entrenched patterns of abuse of the human rights of non-Albanians in the Serbian province of Kosovo. Discrimination against the non-Albanian communities had been documented time and again by international governmental and non-governmental organizations, including United Nations treaty bodies and special procedures. Non-Albanians in Kosovo continued to be denied freedom of movement, access to public institutions and unimpeded use of the languages and symbols of their communities. Serbian place names were no longer recognized. The demographic structure had changed. Restitution of usurped property and returns of internally displaced persons were being obstructed, at times by violence, and attacks on religious and cultural sites continued.

44. Despite the efforts of the United Nations Interim Administration Mission in Kosovo and the international presences to establish a normative framework for democratization and institution-building, the provisional Government's unilateral declaration of independence in February 2008 had created a legal vacuum with respect to the human rights protection of non-Albanians. Ethnically motivated crimes were not sufficiently penalized because the courts did not recognize ethnic motivation. Twice in 2010, the authorities had cut telephone service to 100,000 Kosovo Serbs for an extended period, thereby endangering lives. Serbs in isolated areas were being refused electric power, even in the cold of winter. The right to peaceful assembly was under threat, as evidenced by the failure to find and prosecute those who had thrown deadly bombs into a group of peacefully protesting Serbs in northern

Kosovo in July 2010. As the Organization for Security and Cooperation in Europe Mission in Kosovo had noted in its December 2008 *Communities Rights Assessment Report*, limited access to property, blocked or delayed property restitution proceedings, lack of economic opportunities and a general feeling of insecurity among displaced persons presented obstacles to sustainable return. In the light of all of the above, it was little wonder that of the approximately 225,000 persons expelled from the province in 1999, there had been only around 3,000 returns thus far that could be qualified as sustainable.

45. Serbia firmly believed that disagreements on the status of Kosovo should not impede dialogue on a whole range of issues, including human rights protection for all of its inhabitants. It was ready to engage dialogue with the Government in Pristina, together with the European Union and the United Nations, in order to address the complex problems involved, and it believed that the United Nations human rights system, including the human rights special procedures, could contribute substantially to that process.

46. **Mr. Pérez** (Peru) said that, as a founding member of the Human Rights Council, Peru had contributed to its development as an instrument to protect the human rights of all, free of political selectivity. His Government had volunteered Peru to be one of the first countries to undergo the universal periodic review process, the results of which had been highly positive. Other notable Government actions for the promotion of human rights in the past decade had included the establishment of a Truth and Reconciliation Commission and the implementation of the country's first national human rights plan. Peru had also received many visits from a range of special procedures mandate holders, who had investigated issues ranging from adequate housing, the right to health and the rights of indigenous peoples. His Government had been participating in the five-year review of the functioning of the Human Rights Council and affirmed the need for that process to include civil society, national human rights organizations and regional organizations.

47. The violation of the rights of migrants, particularly through the implementation of laws that criminalized irregular migration, was an issue of grave concern. He called on States to eliminate such measures, which could only serve to promote human trafficking and intensify poverty among migrant

families. All migrants must be treated in accordance with international human rights standards, regardless of their migration status. The rise in xenophobic and discriminatory acts against migrants as a result of the global economic crisis was also an issue of concern.

48. The energy and food crises had exacerbated the threats against human dignity generated by extreme poverty. Efforts to eradicate extreme poverty, including the pursuit of the Millennium Development Goals, must be inextricable from the protection of human rights. He called on States to increase national capacity to address extreme poverty and on international financial organizations to support them in that task. The development of non-discriminatory, rights-based social protection measures was an essential part of the capacity-building process and would lead to the empowerment and political participation of people living in poverty. His delegation would be contributing to the work of the Office of the High Commissioner for Human Rights to improve the draft guiding principles on extreme poverty and human rights and called on States to join in that effort.

49. **Ms. Sodov** (Mongolia) said that her country fully supported the mandate of the Human Rights Council and had shown consistent support for its special procedures. It valued the work of the Office of the United Nations High Commissioner for Human Rights, including its country-level activities, technical cooperation missions, advice on legislative and policy reforms and capacity-building workshops, and welcomed its improved rapid response capacity, which also enabled it to provide support to ad hoc independent international missions mandated by the Human Rights Council.

50. Mongolia was party to more than 40 international human rights treaties and had recently ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol as well as the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Its National Human Rights Commission was endowed with broad powers, including the authority to monitor human rights, to restore violated rights and to make recommendations to public institutions.

51. Mongolia's universal periodic review report would be evaluated in early November. In his report on his mission to Mongolia (A/HRC/14/25/Add.3), the Special Rapporteur on the right to education indicated

that Mongolia had achieved gross enrolment rates of more than 90 per cent at the primary level and secondary levels but still needed to improve conditions in schools and dormitories and should take steps to provide an inclusive educational environment for children with disabilities. While Mongolia could not agree with all of the recommendations on sexual education contained in the Special Rapporteur's interim report to the General Assembly (A/65/162), it shared his view that it was critical to the prevention of HIV/AIDS and other sexually transmitted diseases.

52. Turning to initiatives to promote human rights in her country, she said that Mongolia was working to improve its laws in order to enable women to realize their full economic and political potential, enjoy better access to health services and participate more visibly in democratic governance. It was in the process of implementing the recent recommendations of the Committee on the Rights of the Child. Lastly, in January 2010, the President had declared a moratorium on the death penalty as a first step towards its abolition, and Parliament was currently considering accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

53. **Mr. Alotaibi** (Kuwait) said that fundamental freedoms, including the freedom of opinion and expression, were enshrined in Kuwait's Constitution and laws. Kuwait also guaranteed press freedom, the right to education and health care and was striving to combat racism and uphold religious freedom. Furthermore, human rights education had been introduced in secondary schools to promote awareness of human rights issues.

54. Kuwait had acceded to numerous United Nations and international human rights instruments and had received praise for its work to promote human rights when it had submitted its national report to the Working Group on the Universal Periodic Review of the Human Rights Council.

55. Israel's policies and actions continued to violate the human rights of Palestinians in the occupied Palestinian territory on a daily basis. The Israeli occupation authorities restricted Palestinians' movement, confiscated their land, destroyed their homes and had imposed a blockade on a city of more than a million inhabitants. Settlement construction continued, in violation of international humanitarian



law, the Fourth Geneva Convention and the relevant United Nations resolutions. Kuwait strongly condemned all those actions.

56. **Mr. El Farouq** (Morocco) said that ensuring human rights was a core concern of national policy. Morocco believed that achieving human rights required a comprehensive socio-economic approach, not just policy, legal and institutional measures. In recent years, its domestic reforms had centred on three areas of activity. First, it had set up a consulting committee on regionalization to develop a plan that would give the regions a greater voice in their economic and social development. Secondly, in order to discourage abuses and miscarriages of justice, it was undertaking comprehensive legal reforms aimed at strengthening the independence of the judiciary, modernizing Morocco's laws, revising its criminal policy and reinforcing the rules of legal and judicial ethics. Lastly, it had launched a human development initiative to improve access to social services and promote stable revenue-generating activities in poor or marginalized areas.

57. In addition, as recommended in the Vienna Declaration and Programme of Action, Morocco had developed a national human rights plan of action. The development process, which had involved all stakeholders, including non-governmental organizations, had resulted in a proposal that would be adopted by the Government in the near future.

58. The Human Rights Council was an important innovation in the United Nations human rights apparatus that would help to promote universality, impartiality, objectivity, dialogue and non-selectivity in the enforcement of human rights. It had already contributed greatly by strengthening the rapid response capacity and instituting the universal periodic review mechanism. Morocco had taken an active role in establishing the Council and in implementing the universal periodic review. Most recently, the permanent representative of Morocco and the permanent representative of Lichtenstein had agreed to serve as co-facilitators of the process leading up to the review of the Human Rights Council. Morocco would work to make that process fully inclusive and transparent.

59. **Mr. Sorreta** (Philippines) said that respect for human rights was enshrined in his country's Constitution. Its National Human Rights Action Plan 2009-2014 translated human rights norms into national

plans, programmes and actions. The Philippines endeavoured to ensure that the international human rights instruments to which it was a party had their counterparts in domestic law, and it continually strove to improve and update relevant policies and laws to make them responsive to new challenges. For example, in view of the increasing vulnerability of migrants to trafficking, exploitation, discrimination and xenophobia, it had recently expanded the Migrant Workers and Overseas Filipinos Act to include, inter alia, provisions to strengthen bilateral and multilateral relations with host countries, set up a legal assistance fund for cases against abusive employers and implement an anti-illegal recruitment programme.

60. Because the global economic and financial crisis made migrants more vulnerable to all forms of exploitation, including trafficking, the Philippines encouraged States to implement the Global Plan of Action to Combat Trafficking in Persons and to consider ratification and enforcement of relevant human rights instruments such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) and the Convention on the Protection of the Rights of Migrant Workers and Members of Their Families. It welcomed the report of the Special Rapporteur on the human rights of migrants (A/65/222), particularly his recommendations that States should adopt a rights-based approach to migration governance and should promote and protect the rights of migrants regardless of their immigration status. His delegation hoped that the promotion and protection of the human rights of migrants would generate further discussion in international policy forums, including the upcoming fourth meeting of the Global Forum on Migration and Development in Mexico.

61. Lastly, his Government noted with concern that, in his report (A/65/284), the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression had listed the Philippines as the country with the highest number of journalists killed in 2009. Freedom of speech and of the press were enshrined in the Constitution, and any diminution of those rights would not be tolerated.

62. **Ms. Afetse Tay** (Togo) said that respect for human rights and fundamental freedoms was a core concern in her country's efforts to consolidate

democracy and the rule of law. In presenting his general policy platform to Parliament in June, the Prime Minister had reaffirmed his Government's commitment to encouraging respect for collective and individual freedoms; ensuring security for persons and property, and guaranteeing fundamental freedoms and human rights. He had also expressed its continued support for the Truth and Reconciliation Commission, which was currently taking depositions on acts of political violence committed between 1958 and 2005 and would be making recommendations for enforcing the victims' rights to truth, justice and reparation. Togo had enacted laws prohibiting genital mutilation and discrimination against persons with HIV/AIDS in recent years, and an information campaign about its Children's Code was under way. In order to strengthen the independence and effectiveness of the judiciary, it had undertaken an ambitious programme to build administrative capacity, modernize legislation, strengthen judicial independence and court operations, build the capacity of judges and legal professionals, provide judicial review of administrative actions, repair prisons and improve legal access. It hoped that, with the financial and technical assistance of its development partners, it would be able to carry the programme to completion.

63. In order to strengthen freedom of expression, Togo had recently enacted a new Press and Communications Code decriminalizing press offences. It had also established a fund to provide assistance for journalist training in order to encourage higher professional standards. Seminars and training workshops for private- and public-sector communications professionals were held regularly with the financial support of governmental and non-governmental organizations. The Government had engaged dialogue with representatives of the press in order to clear the air and consider their concerns.

64. Because human rights issues continued to be a source of conflict among States, it was in the best interest of the world's peoples to look at them from a global perspective, but with due attention to development issues. Togo had recently ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and it was studying ways to implement a national torture prevention mechanism in accordance with the recommendations of a seminar organized jointly by the High Commissioner for Human Rights

and the Association for the Prevention of Torture. The ratification bill for the International Convention for the Protection of All Persons from Enforced Disappearances was currently before Parliament. Togo had abolished the death penalty in 2009.

65. **Mr. Kodama** (Japan) said that, as a member of the international community, it engaged in human rights dialogue with many countries, including Iran and Sudan. In doing so, it took a positive linkage approach based on respect for the history, culture and traditions of each country. In its opinion, the special procedures mandated by the Human Rights Council, especially those that were country-specific, did not compete with the universal periodic review mechanism, but rather complemented it, by facilitating dialogue between the country and the international community. Regarding the Human Rights Council, it believed that systematic and serious violations of human rights should be addressed not only by the Council but also by the General Assembly, as a universal body representing the entire United Nations membership.

66. Japan was encouraged by Cambodia's progress on human rights, evident in its adoption of a penal code and an anti-corruption law, in the institutional progress made on the land issue and in its clear acceptance of all 91 recommendations of the 2009 universal periodic review. It was also encouraged by the headway made in the Khmer Rouge Tribunal process.

67. Japan considered it essential for Sri Lanka to clarify the facts of the human rights violations committed during the final stage of the civil war, and it hoped that the Lessons Learnt and Reconciliation Commission would continue its investigations in accordance with international standards. The Commission and the United Nations panel of experts played complementary, not incompatible, roles, and Japan would support the Government's efforts to work with the United Nations to achieve lasting peace and sustainable development through national reconciliation, resettlement of internally displaced persons and improved human rights.

68. Japan attached importance to the role of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea. It was deeply concerned by continuing serious violations of the right to life of its people and by severe restrictions on their civil and political rights. It was also very disappointed by that country's refusal to accept the

recommendations of the universal periodic review. In addition, the issue of the abduction of Japanese citizens by the Democratic People's Republic of Korea remained unresolved, following the Government's sudden suspension in September 2010 of investigations previously agreed with Japan. His delegation wished to reiterate that if the Democratic People's Republic of Korea would take sincere, constructive steps, such as implementing the aforesaid agreement, Japan was ready to respond in kind.

69. With regard to the challenges facing Myanmar, Japan considered democratization vital to improving its human rights situation. Holding general elections on 7 November without releasing political prisoners, including Daw Aung San Suu Kyi, would be inconsistent with the goal of free, fair and open elections, and Japan would continue its high-level discussions with the Government of Myanmar on that issue.

70. Japan was gravely concerned by the continued use of sexual violence as a weapon of war in the Democratic Republic of the Congo, and it urged the Government to ensure that those responsible for recent mass rapes of women and children by armed groups were brought to justice.

71. **Mr. Núñez Mosquera** (Cuba) said that he regretted that, instead of engaging in effective cooperation and dialogue on human rights, some Governments were insisting on imposing a single model for society on the world. The statement made by the representative of the United States of America was an example of the contempt with which some countries of the North regarded Southern countries, including Cuba. In reply, he would ask the United States Government if they had held anyone responsible for the torture committed in the Abu Ghraib prison, for the documented atrocities against the people of Afghanistan and Iraq, or for the extrajudicial executions ordered by the President in 2003. He wondered if, in its upcoming meeting with the Human Rights Council under the universal periodic review process, the Government would explain the serious discrimination against Latin American immigrants, the disproportionately low standard of living of people of African descent and the poor prison conditions in the country.

72. The United States economic embargo against Cuba constituted a true violation of human rights, an

action that had been condemned in a General Assembly resolution for the nineteenth consecutive year by a vast majority of States. Yet a few States continued to violate the very essence of human rights by denying the right to self-determination and failing to recognize the contributions brought by the diversity of cultures and political and economic systems. Liberty and democracy were not the exclusive patrimony of the countries of the North. They did not have the authority to determine the political and social destiny of others.

73. The global economic and food crises had rendered the right to development more important than ever; without it, any attempt at democracy was a fallacy. Placing a disproportionate weight on civil and political rights stigmatized the peoples of the South and was yet another means for powerful countries to increase their economic and cultural domination, which was buttressed by their monopoly over mass media and entertainment, manipulation of international mechanisms and wars of occupation. Cuba would continue its struggle against such tactics and remained committed to the promotion of human rights based on mutual respect and the principles of the Charter.

74. Special procedures mandate holders must respect the limits of their function in the service of constructive dialogue with States. His Government affirmed its will to cooperate with the Human Rights Council and all of its mechanisms, despite the intensification of the United States political and media campaign against Cuba. The Third Committee must avoid the hypocritical practices that had led to the demise of the Commission on Human Rights, nor should the review process of the Human Rights Council be reduced to such practices.

*Statements made in exercise of the right of reply*

75. **Mr. Abay** (Ethiopia) said that the Ethiopian Proclamation for the Registration and Regulation of Charities and Societies was not intended in any way to have a negative impact on the work of civil society. The Government of Ethiopia had merely passed a domestic law for the good of the country, which was well within its rights under the principle of State sovereignty.

76. Consultations had been carried out with non-governmental organizations, donors and partners, such as the European Union, and recommendations by those entities had been incorporated into the

legislation, where appropriate. Under the law, non-governmental organizations which received more than 90 per cent of their financing from foreign sources were considered foreign-based and were not able to engage in certain very limited activities exclusively reserved for citizens.

77. Political activities must be jealously guarded from foreign interference and influence that could be imposed through financial assistance. Most countries imposed similar limitations. The law had nothing to do with undermining human rights, but existed rather to strengthen the democratic institutions and constitutional rights of citizens. The law provided for the imperatives of accountability and transparency in financial management, established the legal underpinnings for responsible and prudent organizational activities and allowed for judicial, regulatory and administrative oversight.

78. The concerns expressed by the representative of Belgium on behalf of the European Union were therefore hypothetical and outdated. Judgment should have been based upon substantiated evidence of the impact of the law on the work of civil society rather than on unproven assumptions.

79. **Mr. Al-Obaidi** (Iraq), responding to concerns about Iraq voiced by the representative of the European Union, said that arrests in Iraq were carried out following the issue of arrest warrants by an independent judiciary and executions were carried out in accordance with international law. Those executed were members of the former regime who had committed war crimes or crimes against humanity and who had been found guilty in trials which met the standards of due process. The Iraqi Government was striving to protect human rights defenders and journalists from attack by supporters of the former regime and terrorist organizations, including Al-Qaida, and was redoubling its efforts to protect religious minorities, who were also targeted in an attempt to cause strife among the Iraqi people.

80. Under the Constitution, twenty-five per cent of seats in Parliament were reserved for women. That percentage was higher than in some European Union countries. Women had held ministerial positions in all Iraqi governments since 2003 and, in contrast to their status under the former regime, enjoyed all rights on an equal basis with men. Iraq urged the European Union to avoid double standards and not to interfere in the

judicial affairs of another State while, at the same time, affirming the independence of its own judiciary.

81. **Ms. Alsaleh** (Syria) said that Syria was shocked by the groundless allegations that had been made against it by the representatives of the European Union and the United Kingdom. Freedom of the press as well as the rights of all Syrian citizens to participate in political, economic, social and cultural life were enshrined in Syria's Constitution, which also asserted the right of all citizens to voice their opinions freely and engage in constructive criticism. A state of emergency law remained in force as an exceptional measure. That law had been adopted to counter the threat of foreign armed aggression. Syria had faced the threat of war with Israel since 1948 and its territory and airspace had often come under attack. In violation of United Nations resolutions, Israel continued to occupy Syrian territory that it had seized in 1967 and was continuing its policy of expelling many of that area's inhabitants. The most recent Israeli violation of Syrian airspace had occurred in 2006. Although events had necessitated the adoption of an emergency law, that law was applied in narrowly defined circumstances and did not infringe on the Constitution, national legislation or Syria's international commitments. Rulings made under the emergency law could, moreover, be overturned by a competent court.

*The meeting rose at 6.15 p.m.*