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Chair: Ms. Ploder (Vice-Chair) (Austria)
later: Mr. Tommo Monthe (Chair) (Cameroon)
later: Ms. Ploder (Vice-Chair) (Austria)

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In the absence of Mr. Tommo Monthe (Cameroon), Ms. Ploder (Austria), Vice-Chair, took the Chair.

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

Agenda item 65: Indigenous issues (*continued*)
(A/C.3/65/L.22)

Draft resolution A/C.3/65/L.22: Indigenous issues

1. **Mr. Loayza** (Plurinational State of Bolivia) introduced draft resolution A/C.3/65/L.22 on indigenous issues on behalf of the original sponsors and Argentina, Benin, Cuba and Venezuela (Bolivarian Republic of). The organization of a world indigenous peoples' conference in 2014, as proposed in the draft resolution, would provide the opportunity to consider implementation mechanisms for the United Nations Declaration on the Rights of Indigenous Peoples and to share experiences and best practices for such implementation.

2. **Mr. Gustafik** (Secretary of the Committee) said that the Dominican Republic and Honduras had joined the sponsors of the draft resolution.

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

(a) Implementation of human rights instruments
(*continued*) (A/C.3/65/L.25 and L.26)

Draft resolution A/C.3/65/L.26: Torture and other cruel, inhuman and degrading treatment or punishment

3. **Ms. Kuijpers** (Denmark), introducing draft resolution A/C.3/65/L.26, informed the Committee that Australia, Belgium, Canada, the Dominican Republic, France, Peru, San Marino and Slovakia had joined the sponsors.

4. **Mr. Gustafik** (Secretary of the Committee) said that Albania, El Salvador, Honduras, Serbia and Ukraine had joined the sponsors of the draft resolution.

Draft resolution A/C.3/65/L.25: Committee against Torture

5. **Ms. Kuijpers** (Denmark), introducing draft resolution A/C.3/65/L.25, informed the Committee that Argentina, Brazil, Costa Rica, Iceland, Montenegro, San Marino and Slovakia had joined the sponsors.

6. **Mr. Gustafik** (Secretary of the Committee) said that Albania, the Dominican Republic, Guatemala and

Honduras had joined the sponsors of the draft resolution.

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (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 and Add.1, A/65/254, A/65/255, A/65/256, A/65/257, A/65/258, A/65/259, A/65/260 and Corr.1, A/65/261, A/65/263, A/65/273, A/65/274, A/65/280 and 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; A/C.3/65/L.23)

(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)

7. **Mr. Ruggie** (Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises) said that businesses constituted powerful forces capable of generating economic growth, reducing poverty, and increasing demand for the rule of law, thereby contributing to the realization of a broad spectrum of human rights.

8. However, there was no single solution to bridging the gaps between business and human rights. The only viable path forward was to identify ways in which all actors — States, businesses, and civil society — could begin to do many things differently. His proposed “protect, respect and remedy” conceptual and policy framework would establish a common foundation for thinking and action by all stakeholders.

9. For States, the key areas that required improvement were incoherence and the widespread legal and policy gaps. The most common problem was the failure to enforce existing laws and the most prevalent cause of the gaps was that the Government departments and agencies that directly shaped business practices typically worked in isolation from the Government's human rights obligations. Moreover, areas affected by conflict required special consideration since the worst corporate-related human rights abuses tended to occur in that context.

10. In the case of companies, corporate responsibility to respect human rights required a policy commitment at the highest levels. Companies should conduct human rights due diligence to be able to identify and address any adverse human rights impacts of its activities and relationships. Access to remedy was essential, yet obstacles to judicial remedies abounded. For companies, grievance mechanisms at the site of their operations could be particularly useful as early warning mechanisms, and to allow grievances to be addressed directly before they escalated.

11. He was preparing guiding principles for the implementation of the framework, which would be sent to all delegations and posted on the Internet for comment; he would also submit an options paper for the Council on how it might follow up on his mandate when it ended in June 2011.

12. No matter how complex the challenges, actions should be coherent and cumulative. That was what the framework and the guiding principles for its implementation were intended to achieve. Various elements of his work had already been appropriated by States and corporations, the latter realigning their risk management systems to include human rights due diligence. In addition, the International Standards Organization and the Organization for Economic Cooperation and Development (OECD) had built on the framework. His mandate had established the solid foundation needed for continued progress; the follow-up mandate should sustain the momentum, and close the most critical enforcement gaps.

13. *Mr. Tommo Monthe (Cameroon) took the Chair.*

14. **Ms. Tvedt** (Norway) agreed that the closer enterprises were to the State, the more reason the State had to ensure they respected human rights. She asked for further details about the implications for State-owned enterprises and export credit agencies. In view of claims that considering human rights might put companies at a competitive disadvantage, she asked how international corporations could help level the playing field. She also asked what Governments could do to prevent or mitigate corporate-related human rights abuses in conflict situations.

15. **Ms. Chevrier** (Canada) asked how Mr. Ruggie envisaged the follow-up to his mandate, which was due to end in 2011. She also asked about the areas in which companies and States should make the greatest effort to apply the protect, respect and remedy framework.

16. **Ms. Gintersdorfer** (European Union) said that the renewed European Union policy on corporate social responsibility sought to focus more on business and human rights. A recent study for the European Commission had illustrated supply chain practices by European companies, especially in the area of human rights. She asked whether Mr. Ruggie intended the guiding principles to cover small and medium-sized enterprises, whether his reflection on access to non-judicial remedy took account of the debate on the revision of the OECD Guidelines for Multinational Enterprises and how his own views had fed into that debate. Finally, she asked what it was reasonable to require of public authorities in their procurement practices in the area of business and human rights, in particular in relation to due diligence.

17. **Ms. Kuijpers** (Denmark) agreed that extraterritorial jurisdiction and the corporate responsibility to respect human rights in the supply chain were challenging issues. She asked Mr. Ruggie to elaborate on the appropriate response by an enterprise if there were suspicions of human rights abuses in its supply chain. She also asked for provisional details of his findings on a possible new body to improve access to non-judicial remedy and for details of regional development banks' mediation and conciliation options.

18. **Ms. Stein** (Sweden) said the protect, respect and remedy framework on business and human rights had been a source of inspiration for Sweden's international conference on corporate social responsibility in 2009 and for its continuing work in that area. She asked how the international community could best support continuing work in the field, building on the achievements of Mr. Ruggie's mandate.

19. **Mr. Matjila** (South Africa) asked what solution Mr. Ruggie would propose to address corporate human rights abuses in conflict zones, in particular in Africa, and what recourse victims might have.

20. **Mr. Ruggie** said that States had greater leverage over business organizations closely linked to them, such as export credit agencies, and that the State played a special role with regard to human rights. The OECD Export Credit Group was taking steps to ensure export credit agencies considered the impact of projects on human rights. In conflict zones, host Governments might be unable to change the situation, but home Governments should not make it worse; they

had the power, for example, to stop providing companies with export credit. Governments must also focus on how far international criminal law applied to companies as legal persons, an area where increasing confusion existed.

21. Regarding future measures, he was developing options to present to the Human Rights Council. Interpreting the framework and the guiding principles was important and companies needed to internalize them. There was also a huge need for capacity-building involving Governments, business and civil society, as well as capacity-building at the Office of the United Nations High Commissioner for Human Rights (OHCHR).

22. Most people did not work for large companies and the approaches and tools appropriate for those organizations did not apply to small or medium-sized enterprises. The scale and impact of companies must therefore be taken into account. It was a question of changing people's way of thinking: even a corner grocer could think about the impact of his or her business.

23. OECD had referred to the protect, respect, and remedy framework and planned to add a human rights chapter based on the United Nations framework to its own Guidelines. Supply chain issues were complex. Some companies had as many as 80,000 suppliers and could not be expected to conduct exhaustive due diligence processes in each case. Suggestions would be made that took operating contexts into account: for example, greater due diligence would be required for suppliers sourcing from conflict areas.

24. Regarding new institutions for non-judicial remedy, a pilot study was under way with the World Legal Forum to explore whether a global network of local mediators could be established.

25. In response to Sweden's question about follow-up, he said that his mandate had become too complex for a single individual to handle. He had put together a fairly large team and had worked with 22 law firms and with volunteers. A portfolio of follow-up measures would be required.

Draft resolution A/C.3/65/L.23: Moratorium on the use of the death penalty

26. **Ms. Jerin** (Croatia), introducing the draft resolution, said that Armenia, the Congo, the

Dominican Republic, Haiti, Honduras and Panama had joined the sponsors. Further to the Secretary-General's reports to the Economic and Social Council and the General Assembly, the Committee had been encouraged by the decision of many countries to establish a moratorium on the use of the death penalty, as a first step to reviewing the relevance of capital punishment building on the momentum of the General Assembly resolutions adopted in 2007 and 2008. Some new elements had been introduced and others mainstreamed to reflect the progress made on that important and sensitive issue.

27. **Mr. Šimonović** (Assistant Secretary-General for Human Rights), introduced a number of reports, including the report of the Secretary-General on promotion and protection of human rights, including ways and means to promote the human rights of migrants (A/65/156).

28. The report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/65/171) provided a concise insight into the challenges of globalization. It described shared initiatives undertaken by States, United Nations entities and international organizations to mitigate the adverse effects of globalization on human rights, and recommended ways to address those effects.

29. The report of the Secretary-General on protecting human rights and fundamental freedoms while countering terrorism (A/65/224) emphasized that measures taken to combat terrorism must comply with State obligations under international law, in particular human rights, refugee and humanitarian law. The General Assembly had recently renewed its commitment to the Global Counter-Terrorism Strategy, which reaffirmed that the promotion and protection of human rights for all and the rule of law were essential to all components of the Strategy. Nevertheless, at times, national security, including counter-terrorism, had been used as a pretext to restrict human rights and to target human rights defenders and others through vague and ill-defined definitions of terrorism in national legislation. Other concerns related to a lack of respect by some States for due process and fair trial guarantees, as well as the continued use of administrative detention regimes. Moreover, the practice of targeted killings by a number of States challenged international norms set to protect the right to life and the rule of law. The report highlighted consideration of such issues by the United Nations

human rights system and made recommendations for enhancing the compliance of legislation, policies and practices for countering terrorism with international law, including international human rights law.

30. The report of the Secretary-General on the right to development (A/65/256) gave a detailed account of the activities undertaken by OHCHR to mainstream the right to development and identified the lessons learned and the challenges that remained.

31. The report of the Secretary-General on combating defamation of religions (A/65/263) contained information received from States on various elements described in General Assembly resolution 64/156 and highlighted a number of initiatives taken by United Nations entities. Treaty bodies had expressed concern about serious instances of intolerance, discrimination and acts of violence based on religion or belief and had called on States parties to vigorously combat any advocacy of racial or religious hatred, including political hate speech, by intensifying public information and awareness-raising campaigns.

32. The report of the Secretary-General on the draft programme of activities for the International Year for People of African Descent (A/65/227 and Add.1) contained many and varied proposals at the national, regional and international level with a view to strengthening national actions and regional and international cooperation for the benefit of people of African descent and called for their full enjoyment of economic, cultural, social, civil and political rights, their participation and integration in all aspects of society, and the promotion of a greater knowledge of and respect for their specific heritage and culture.

33. The report of the Secretary-General on the moratorium on the use of the death penalty (A/65/280 and Corr.1) confirmed the global trend towards abolition of the death penalty.

34. The report of the Secretary-General on missing persons (A/65/285) was based on contributions received from Member States, the International Committee of the Red Cross, the International Commission on Missing Persons and the Argentine Forensic Anthropology Team. It highlighted the need to adopt measures to prevent persons from going missing; to establish the right of families to know; to develop forensic science capacity, and to counter impunity. It also underlined the importance of strengthening international cooperation to locate, identify and

repatriate persons missing as a result of violent conflicts and human rights violations, and the need to train local forensic experts.

35. The report on the final evaluation of the implementation of the first phase of the World Programme for Human Rights Education (A/65/322) had been submitted by OHCHR on behalf of the United Nations Inter-Agency Coordinating Committee on Human Rights in the School System.

36. The report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/65/370) surveyed recent developments in Iran's engagement with the international human rights system and outlined various developments with regard to issues such as the death penalty, notably for juvenile offenders, torture, women's rights, rights of minorities and due process. He noted the successful completion of Iran's Universal Periodic Review and, while, welcoming the Government's invitation to the High Commissioner for Human Rights to visit Iran, renewed his call to receive the Human Rights Council special procedures in conformity with the standing invitation issued by Iran in 2002.

37. The report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea (A/65/391) provided an overview of continued human rights concerns and the deteriorating humanitarian situation in the country. It underlined the continued suffering of the people from chronic food insecurity, a declining health system, lack of access to safe drinking water, and the deteriorating quality of education, which was seriously hampering the fulfilment of basic human rights. Besides focusing on economic and social rights, the report also looked at the situation of civil and political rights, which was equally dramatic.

38. **Mr. Mamdouhi** (Islamic Republic of Iran) said that General Assembly resolution 64/170 had been adopted as a result of the political ambitions of certain countries and was an unjustified and unfortunate manipulation of the United Nations human rights system. His Government had provided information to OHCHR in the hope that the report would be impartial, balanced, accurate, substantiated, well documented and free from prejudice and bias. However, the report (A/65/370) did not appear to be an accurate reflection of the human rights situation in the Islamic Republic of Iran; based on outdated allegations, it was not

comprehensive and ignored achievements made in the field of human rights.

39. The religious convictions, constitution and obligations under international treaties of the Islamic Republic of Iran meant that his Government was committed to promoting human rights nationally and internationally, and would continue its efforts, despite the negative report of the Secretary-General.

40. **Mr. Melia** (United States of America) welcomed the Secretary-General's comprehensive, non-partial, well-documented, objective and timely report on the human rights situation in the Islamic Republic of Iran. He also welcomed the Secretary-General's request that the Government of the Islamic Republic of Iran facilitate visits by the special procedure mandate holders to the country to conduct more comprehensive assessments.

41. **Mr. Mamdouhi** (Islamic Republic of Iran), speaking on a point of order, said that the report of the Secretary-General had been procedurally but not substantively introduced by the Assistant Secretary-General. Since the report was compiled by OHCHR and no authority was present to take questions from delegates and answer them substantively, the report could not be opened for discussion.

42. **Mr. Melia** (United States of America) wondered how the Iranian Government could justify the denial of access to a university education for followers of the Baha'i faith. He also asked the Assistant Secretary-General what more could be done to press the Islamic Republic of Iran on the need for fair and transparent judicial procedures, particularly in light of the worrying trend of accusing political prisoners of *mohareb* (enmity against God), which was punishable by death.

43. With regard to the report of the Secretary-General on the situation in the Democratic People's Republic of Korea, his Government was pleased that the Under-Secretary-General for Political Affairs had been permitted to visit that country and to hold discussions with the Government on humanitarian and human rights concerns. However, his Government remained deeply concerned about the human rights situation in the Democratic People's Republic of Korea, and continued to urge the authorities to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and allow him to visit the country. The

international community did not have accurate data on the humanitarian conditions in the Democratic People's Republic of Korea and he asked whether the Secretary-General's office had any recommendations for ensuring the accurate collection of data on food, health and education. Finally, he asked what more could be done so that the international community could better understand the stance of the Government of the Democratic People's Republic of Korea on the recommendations made following the universal periodic review carried out in December 2009, and whether the authorities intended to follow up on any of them.

44. **Ms. Gintersdorfer** (European Union), referring to the Secretary-General's report on the situation of human rights in the Islamic Republic of Iran, asked the Assistant Secretary-General for his opinion on the intrusive measures taken by the Iranian authorities to restrict use of the Internet and other information and communications technology, in the context of the International Covenant on Economic, Social and Cultural Rights, to which the Islamic Republic of Iran was party.

45. Although the Islamic Republic of Iran had accepted many of the recommendations made during the universal periodic review, the authorities had rejected those pertaining to the visits of special procedures mandate holders and those which did not concern internationally recognized human rights. Her delegation was concerned that Special Rapporteurs were still unable to carry out country visits to the Islamic Republic of Iran and asked the Assistant Secretary-General for his opinion on the dangerous relativism of "recognized" and "unrecognized" rights, when they were inherent to human dignity.

46. With regard to the Secretary-General's report on the situation of human rights in the Democratic People's Republic of Korea, the European Union remained gravely concerned by the situation. The European Union and other sponsors would again introduce a draft resolution on the matter and urged the Government of the Democratic People's Republic of Korea to address the multiple human rights challenges facing the country and improve cooperation with United Nations agencies and mechanisms. She asked the Assistant Secretary-General to indicate how the United Nations intended to engage with the Democratic People's Republic of Korea to facilitate follow-up

action on the recommendations of the universal periodic review.

47. **Mr. Pak Tok Hun** (Democratic People's Republic of Korea) said that his Government did not recognize the reports of the Special Rapporteur or the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea, which had been submitted pursuant to the resolution introduced by the European Union and Japan as part of a political plot by hostile forces to isolate and stifle his country's system of government. The European Union had chosen to adopt a confrontational approach instead of pursuing dialogue and cooperation, which had been making good progress. The Charter of the United Nations provided that every country had the right to self-determination, and all Member States, especially the strong ones, should respect that right. If the European Union and the United States of America wanted to genuinely promote and protect human rights in individual countries, they should pursue dialogue and cooperation.

48. **Mr. Šimonović** (Assistant Secretary-General for Human Rights) said that the report on the situation of human rights in the Islamic Republic of Iran included positive comments, but also some negative ones. The engagement of the Iranian Government with the universal periodic review and the presence of a high-level delegation was to be commended, as was their ratification of the Convention on the Rights of Persons with Disabilities and cooperation with Human Rights Committee and the Committee on Economic, Social and Cultural Rights, to which Iran had submitted the first periodic reports in over a decade. However, despite a standing invitation having been issued by the Iranian authorities in 2002, no special procedures mandate holders had been allowed to visit the country since 2005. A total of 42 communications had been sent by OHCHR but only two replies had been received.

49. With regard to the interference with broadcasts and online coverage of events in the country, that did indeed constitute a serious breach of the right to freedom of opinion and expression as outlined in the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran was party. Similarly, the right to education of the Baha'i, which had been addressed by different special procedures mandate holders, was also covered by instruments to which Iran was party. He encouraged the Islamic

Republic of Iran to allow the Special Rapporteurs on the right to education and on the freedom of religion to visit the country and assess the situation.

50. Further to the issues raised by the representative of the United States of America, the resolution on the moratorium on the use of the death penalty called for capital punishment to be imposed only for the most serious crimes, but crimes against religion did not qualify for such punishment.

51. The Iranian authorities were engaged in ongoing dialogue with OHCHR and he sincerely hoped that dialogue would continue and that OHCHR representatives would be allowed to visit the country soon. A notable example of that dialogue was the decision to hold a joint seminar on judiciary standards in the near future.

52. With regard to the Democratic People's Republic of Korea, the essential problem was the lack of communication with OHCHR, as the authorities refused to engage in dialogue with OHCHR or even accept technical cooperation. The results of the universal periodic review represented a new opportunity for the Government to seek OHCHR support and expertise to implement the 117 comments and recommendations. OHCHR had been informed orally that the Government took note of the comments and rejected about half of them, but no written reply had been submitted. Moreover, efforts for cooperation and dialogue were seriously limited by the failure of the Democratic People's Republic of Korea to recognize the relevant General Assembly and Human Rights Council resolutions.

53. He welcomed the work of the Government with the Food and Agriculture Organization and the World Food Programme and hoped that the report on their recent mission to the Democratic People's Republic of Korea would be issued soon. The Government's cooperation with the World Health Organization to monitor health activities was another welcome step in the right direction. He encouraged the authorities to allow the Special Rapporteurs on health and the right to food to visit the country to follow up on those positive steps.

54. **Mr. Lambert** (Belgium), speaking on behalf of the European Union; the candidate countries Croatia, Iceland and the former Yugoslav Republic of Macedonia; and the stabilization and association process country Albania, said that no country in the

world could pride itself on an impeccable human rights record, despite the commitments assumed under international law. The situation of all human rights could be improved by frank discussions on best practice and lessons learned, combined with cooperation and technical assistance; but the States still had to take the first step.

55. For example, Mongolia, Guatemala and Djibouti had either suspended or abolished the death penalty, and the Republic of Moldova had made notable progress in the area of human rights. Several countries had issued a permanent invitation to the special procedures of the Human Rights Council; Colombia had announced agrarian reform measures; the States of Southeast Asia had adopted a new regional mechanism for the promotion of human rights, and several other countries, including Gabon, Georgia, Iran and Malawi, had ratified various human rights instruments.

56. Nevertheless some serious situations required the international community's special attention and the General Assembly had a responsibility to work towards universal respect for the human rights and fundamental freedoms of all human beings, without distinction, complementing the actions of the Human Rights Council. Consequently, the European Union was calling attention to the human rights situation in Myanmar and the Democratic People's Republic of Korea by presenting resolutions on the situation in those countries.

57. In the case of Myanmar, local authorities had presented the upcoming elections as a decisive step towards democratization and national reconciliation. However, that would require the participation of ethnic groups and the opposition, and factors such as the electoral laws and party registration procedures thwarted opposition activities. In that regard, the European Union called for the immediate release of all political prisoners, including Aung San Suu Kyi. In 2009, the General Assembly had urged the authorities to investigate all alleged human rights violations and prosecute those responsible in order to put an end to impunity. In view of the lack of response, the European Union reiterated that appeal and called on the Government to cooperate fully with the special procedures of the Human Rights Council.

58. In the case of the Democratic People's Republic of Korea, the problem was the lack of respect for almost all human rights. The European Union was

concerned particularly by public executions, abbreviated proceedings, forced labour camps, torture, absence of freedom of expression and the State's oppressive control over the population, as well as the major humanitarian crisis that the country faced. Nevertheless, it noted that some measures had been taken to alleviate the latter by improving cooperation with United Nations agencies, and the European Union invited the Government to improve the human rights situation by opening up the country and allocating resources for essential services such as education, health and food aid.

59. The European Union also reiterated its concern with regard to the human rights situation in Iran, where political opposition had been suppressed since the 2009 elections. Freedom of expression and association were flouted; the courts acted as an instrument of the Government, and religious freedom had been curtailed. The European Union urged the Iranian authorities to suspend all sentences to lapidation and, in accordance with international standards, to reserve the death penalty for the most heinous crimes. It also condemned all human rights violations based on sex, sexual orientation or gender identity.

60. The European Union had repeatedly expressed its concern with regard to human rights violations in Syria, in particular, as a result of recent declarations by the High Representative for Foreign Affairs and Security Policy and observations made during the fifteenth session of the Human Rights Council.

61. Attention was called to the execution of those condemned to death in Iraq, and the violence against human rights defenders, including journalists. There had been reports of the use of arbitrary detention and torture in the country's prisons. The European Union called on the Government to institute the rule of law, to protect religious minorities and to improve the situation of women.

62. The violence in Sudan, especially inter-tribal conflicts in the southern border area, severely affected the civilian population. The country faced major challenges in the coming months, including the referendum on self-determination for southern Sudan and the subsequent transition period, and it was essential that the referendum process be implemented in full respect for freedom of expression and association. Therefore, the European Union was concerned about the numerous obstacles to the

activities of civil society, and to freedom of the press in both northern and southern Sudan. Many of the recommendations made by the Independent Expert on the situation of human rights in Sudan had yet to be implemented. The situation in Darfur had deteriorated again and impediments to the access of humanitarian aid workers to the areas affected by the conflict should be removed. The effort to eliminate impunity was an evident priority and the European Union recalled that all parties were legally bound to collaborate with the International Criminal Court under Security Council resolution 1593 (2005).

63. Regarding Somalia, the European Union was very concerned by the total impunity for grave human rights violations; the increase of violence, and the reports of massive human rights violations perpetrated by extremist groups, including the forced recruitment of child soldiers. It called for increasing measures to combat such violations and, in that regard, welcomed the recent interactive dialogue with the Human Rights Council.

64. The European Union had been horrified to learn of recent cases of collective rape committed by rebel groups in the Democratic Republic of the Congo. Such cruelty should not go unpunished and required action by the Congolese authorities and the international community. Combating impunity, improving the situation of women and protecting human rights defenders should be national priorities. The report on most serious violations of human rights and international humanitarian law between 1993 and 2003 in the Democratic Republic of Congo of the Office of the High Commissioner for Human Rights made a significant contribution to combating impunity for human rights violations and required appropriate follow-up. The observations on the report made by several African countries should be assessed.

65. The harassment of political activists and civil society in Zimbabwe gave cause for concern. The Government of national unity had made some progress, but much remained to be done in order to return the country to democracy.

66. National reconciliation in Sri Lanka should ensure that human rights violations did not go unpunished. The European Union had supported the appointment of a panel of experts to advise the Secretary-General on the matter and encouraged the Sri Lankan authorities to increase their efforts to improve

the country's human rights situation. Recent events suggested that the democratic principles established in the Constitution were being undermined. Sri Lanka should allow access to all those detained arbitrarily and ensure their right to a fair trial.

67. The European Union called on Belarus to guarantee that the upcoming elections would respect democratic standards and human rights, because there had been reports of restrictions of freedom of expression and association. Moreover, the death penalty remained in force in the country; a moratorium should be established, with a view to its abolishment, in line with all the other countries of Europe.

68. The European Union welcomed the recent initiative of China to reduce the number of crimes carrying the death penalty.

69. **Ms. Zhang Dan** (China), speaking on a point of order, asked the Chair whether the representative of Belgium had exceeded the 15-minute time limit for speakers delivering statements on behalf of a group.

70. **The Chair** said that the time limit was established by the Chair and asked the representative of the European Union to conclude his statement.

71. **Mr. Lambert** (Belgium) said that the European Union was concerned about the deterioration of human rights in China, in areas such as the rule of law, freedom of expression and restrictions placed on human rights defenders. It called on China to release the winner of the 2010 Nobel Peace Prize, Liu Xiaobo, and other prisoners of conscience. The European Union remained concerned about the restrictions placed on Chinese citizens belonging to ethnic or religious minorities and the recent sentencing of several of their representatives to extended prison terms. Lastly, it encouraged China to ratify the International Covenant on Civil and Political Rights, which it had signed in 1998.

72. In Eritrea, 11 members of the National Assembly and 10 independent journalists had been unlawfully detained since 2001 and had not yet been charged, contrary to the country's human rights obligations. The European Union had received unconfirmed reports that some of them had died in prison. It asked the Eritrean authorities to provide information on where political prisoners were detained and to allow them to communicate with their families and their lawyers. Furthermore, it demanded the unconditional release of

those prisoners and anyone else detained for the peaceful expression of their opinions.

73. Lastly, the situation of human rights defenders in Ethiopia was also a cause for concern, especially since the adoption, in 2009, of the Charities and Societies Proclamation, which had had a negative impact on civil society. The international community should continue to monitor respect for human rights norms worldwide. The European Union was ready to work with any country that wished to achieve the goals established by the United Nations for the protection and promotion of human rights.

74. **Mr. MacDonald** (Suriname), speaking on behalf of the Caribbean Community (CARICOM), said that although the Committee had addressed the situation of several human rights, many challenges remained in tackling other human rights such as the right to be free of discrimination, poverty, impunity and violence. It had been recognized that the third pillar of the United Nations, namely respect for and promotion and protection of human rights, was an integral element of efforts to achieve the Millennium Development Goals. The CARICOM countries urged Member States to redouble their efforts to strengthen the global partnership for development.

75. The Caribbean Week of Agriculture had been held recently, highlighting the importance of energizing the region's agriculture sector to contribute to eradicating hunger, guaranteeing food security and achieving economic development. Also, the Council for Human and Social Development had recently assessed advances in the region. Notable progress had been made in the areas of education and the free movement of skills, gender parity, youth development and health services including the fight against HIV/AIDS and non-communicable diseases.

76. Nevertheless, the interconnectedness of national economies in a globalized world and the susceptibility to external shocks severely impacted the lives and livelihoods of people, especially in the small Caribbean countries. Decreasing levels of revenue, restricted access to credit and the servicing of high levels of external debt, together with climate change, threatened to halt and, in some cases, reverse their economic growth.

77. The Caribbean Community remained committed to furthering socio-economic development and was convinced that it could share useful experiences and make a meaningful contribution to the work of the various treaty bodies in particular, and the international

system of human rights in general. It expected two CARICOM candidates to be elected to one of the treaty bodies shortly, which would not only increase its representation but also contribute to putting into practice the principle of equitable geographical distribution.

78. The CARICOM States had noted with great concern the additional resources required for treaty bodies to effectively carry out their mandate and the associated constraints, such as the availability of support staff and adequate funding. They welcomed efforts to further streamline and harmonize the work of treaty bodies and advocated a simplified reporting procedure to alleviate the burden not only on States Parties but also on the treaty bodies themselves. They supported the suggestion that the recommendations for follow-up by different treaty bodies be consolidated, with a view to targeted technical assistance, when requested. In that regard, they appreciated the technical and financial assistance provided by their partners for the preparation of national reports.

79. The initiative to convene the meeting of the chairs of the United Nations human rights treaty bodies every other year at the regional level merited support, as it would increase awareness of the work of the treaty bodies and provide an opportunity for the treaty bodies to familiarize themselves with regional peculiarities.

80. The CARICOM States supported the work of the Council to address crisis situations through the convening of emergency meetings and called on members of the international community to continue keeping the commitments they had made to Haiti in order to ensure that all Haitians could enjoy their universally recognized human rights.

81. There was particular concern about special mandate holders exceeding their mandates. While they should maintain their independence, mandate holders should always fully respect the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council; otherwise, they would not contribute to the necessary environment for a constructive dialogue with States to promote and protect human rights.

82. Human rights education was essential for the full realization of human rights and fundamental freedoms and to foster tolerance and respect for the dignity of others. However, it should respect diverse national contexts and take into account the evolving capacities of students receiving the education. Lastly, it was anticipated that the necessary technical and financial

resources would soon be available to implement the initiative launched by the region, together with the African Group, to erect a memorial to the victims of slavery and the trans-Atlantic slave trade at the United Nations headquarters.

Statements made in exercise of the right of reply

83. **Ms. Zhang Dan** (China) said that her delegation firmly objected to the unreasonable accusation made by the European Union. The allegation was incompatible with China's record of attaching great attention to the promotion and protection of human rights and its many legislative measures taken to that end over the previous three decades. Significant progress had been made towards improving the situation with regard to freedom of expression and religion, and democracy and the rule of law had been steadily strengthened. No one would be punished for defending his or her lawful rights by legitimate means. Furthermore, her Government strongly supported the development of areas inhabited by ethnic minorities and respected and protected their languages, religions and cultural traditions, in addition to promoting their economic development.

84. Liu Xiaobo was a criminal who had been convicted by the Chinese judicial system and whose acts ran counter to the purposes of the Nobel Peace Prize. The awarding of that prize to an individual whose deeds had nothing to do with the promotion and protection of human rights further highlighted the politicization of the Prize and showed no respect for the Chinese judicial system.

85. The Belgian representative's call, on behalf of the European Union, for the release of a criminal represented a gross attempt to infringe on China's judicial sovereignty and had laid bare the double standards adopted by European Union member States, which turned a blind eye to the advances in China's human rights situation while also ignoring their own serious human rights-related issues, including, inter alia, violations of the rights of immigrants and Roma and racial discrimination. Such a politicized attitude ran counter to the principles of objectivity and fairness and would severely compromise the possibility of cooperating on human rights issues. China therefore appealed to the European Union to address its own problems in the field of human rights and to adopt a constructive attitude that promoted dialogue.

86. **Mr. Pak Tok Hun** (Democratic People's Republic of Korea) said that the European Union had

consistently adopted an interventionist approach of arrogance and intimidation of certain countries in dealing with human rights issues. The action of the European Union, exemplified by its representative's stereotypical allegations, was part of a premeditated political plan to tarnish the image of the Democratic People's Republic of Korea in the view of the international community and to use international pressure and sanctions to bring about a change of regime. He hoped that the European Union would instead act on its alleged concern for human rights by first tackling the gross violations of human rights committed in its member States. Such abuses included racism, xenophobia, violence and police brutality. Furthermore, the European Union neglected to mention the names of its friends, countries that had committed and continued to commit human rights violations in Iraq and Afghanistan, exposing its policy of criticizing the weak and remaining silent about the appalling crimes committed by the strong.

87. Rather than ask his country for dialogue and cooperation while attacking it with confrontational resolutions, the European Union, which was clearly concerned not with human rights but with promoting its own interests, should adopt a policy for equitable treatment of the human rights situations in all countries, regardless of their national system and of its own bilateral relations and national interests.

88. **Mr. Mamdouhi** (Islamic Republic of Iran), responding to the unfounded and unsubstantiated allegations made by the delegation of Belgium on behalf of the European Union, said that the European Union disregarded the violation of human rights in its own part of the world while continuing to blame and condemn others for alleged violations. The reports of treaty bodies and other stakeholders revealed cases of human rights violations and discriminatory treatment of migrants, Muslims, Arabs and persons of African descent in a number of European Union member States. In Belgium, for instance, the administrative courts had repeatedly condemned the federal agency responsible for receiving asylum-seekers for ill-treatment of those persons, many of whom were sleeping in the street. In addition, an asylum-seeker from Cameroon had committed suicide earlier that year after being beaten by police officers during the authorities' failed attempt to expel him from the country.

The meeting rose at 6.05 p.m.