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## Third Committee

### Summary record of the 22nd meeting

Held at Headquarters, New York, on Wednesday, 24 October 2012, at 10 a.m.

*Chair:* Mr. Mac-Donald ..... (Suriname)

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*The meeting was called to order at 10.10 a.m.*

**Agenda item 69: Promotion and protection of human rights** (A/67/287-S/2012/717 and A/67/390)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

(A/67/56, A/67/159, A/67/163, A/67/178, A/67/181, A/67/226, A/67/260, A/67/260/Add.1, A/67/261, A/67/267, A/67/268, A/67/271, A/67/275, A/67/277, A/67/278, A/67/285, A/67/286, A/67/287, A/67/288, A/67/289, A/67/292, A/67/293, A/67/296, A/67/299, A/67/302, A/67/303, A/67/304, A/67/305, A/67/310, A/67/357, A/67/368, A/67/380 and A/67/396)

**(c) Human rights situations and reports of special rapporteurs and representatives** (A/67/327, A/67/333, A/67/362, A/67/369, A/67/370, A/67/379 and A/67/383)

1. **Ms. Pillay** (United Nations High Commissioner for Human Rights), introducing her annual report (A/67/36), said that the past year had been marred by developments that had tested the capacity of the international community to prevent and respond promptly to human rights and humanitarian crises, such as the conflict in the Syrian Arab Republic, fragile transitions, the situations in the Horn of Africa, Mali and the Sahel and economic and social crises on all continents. In recent years, crises had tended to grow more rapidly and involve non-State actors and transnational factors. Protracted violence was an immediate reminder that conflict prevention and protection of human rights in times of conflict were among the most daunting challenges facing the international community.

2. During each of her interventions before the Security Council and the General Assembly on the situation in the Syrian Arab Republic, the High Commissioner had appealed for a focus on the centrality of human beings above political and economic interests. Outright disrespect for human life, international human rights and humanitarian law could not be tolerated.

3. Ways must be found without delay to address the massive loss of civilian life and human rights violations in the Syrian Arab Republic. Where a State manifestly failed to carry out its obligation to protect

its people, the international community must take urgent and effective measures to protect them.

4. Tensions between freedom of expression and religion had recently come to the fore. The Human Rights Council had adopted an approach that ensured the protection of those rights while sanctioning incitement to hatred. The High Commissioner had publicly regretted or condemned specific displays of religious hatred or bigotry and had consistently urged religious and political leaders to condemn the violence that had taken place in various parts of the world in reaction to those displays of hatred.

5. In the previous two years, the Office of the High Commissioner had received increasing numbers of invitations from Member States to assist in addressing human rights concerns. The Office was currently supporting 57 human rights field presences. In June, it had begun conducting regional activities in North Africa, and in September the High Commissioner had signed an agreement with the Government of Yemen to establish a country office in Sana'a. A memorandum of understanding on technical cooperation in the field of human rights had been signed with the Government of Somalia.

6. There had been an increase in requests for technical cooperation, especially to follow up on the universal periodic review. The first cycle of the universal periodic review had been a success, in large part because all Member States had had their human rights record reviewed by other States.

7. The treaty body strengthening process had reached an important stage with the report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies, which had been introduced to the General Assembly in July. One of the report's main proposals was a Comprehensive Reporting Calendar to achieve compliance, predictability, improved planning and pacing of efforts at the national level, as well as rationalization and simplification of reporting requirements and resourcing.

8. The Office provided support to 48 special procedures (36 thematic and 12 geographic mandates). Under special procedures, there had been 82 country visits in 2011 and a total of 605 communications to 124 States. In September, the Human Rights Council had resolved to extend and expand the commission of inquiry on the Syrian Arab Republic for the fourth

time, which would require significantly greater resources from the Office of the High Commissioner.

9. The Office had worked to ensure that human rights, including the right to development, were reflected in major discussions on development, including the United Nations Conference on Sustainable Development (Rio+20).

10. The High Commissioner supported the call by the Secretary-General to all Member States to accept the jurisdiction of the International Criminal Court. She hoped that all Member States would support the new resolution on a moratorium on the death penalty. The global trend against capital punishment had strengthened since the first resolution on the subject in 2007. Some 150 States had either abolished the death penalty or did not carry out executions. In December 2011, the High Commissioner had issued a study on documented violence and discrimination targeting lesbian, gay, bisexual and transgender people. States remained divided on the topic, and more dialogue was called for.

11. While human rights were widely recognized as one of the three pillars of the United Nations, the resources required to support important mandated activities were not forthcoming. Without sufficient resources, the Office was being compelled to do less with less. The Office of the High Commissioner would mark the twentieth anniversary of its mandate in 2013. It had grown dramatically in size and reach.

12. **Ms. MacIntosh** (Suriname), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM member States had noted with great concern the decision of the High Commissioner to move the sessions of treaty bodies from New York to Geneva, apparently owing to budget constraints. CARICOM requested the High Commissioner to indicate whether that decision was the result of consultations with the concerned treaty bodies in accordance with the stipulations of the Conventions. She should provide details on the savings projected to be gained by that decision and an update as to whether all treaty body sessions scheduled for New York had already been budgeted for the current biennium and place the decision in the context of the ongoing intergovernmental process on treaty body strengthening expected to resume in early 2013.

13. CARICOM had noted with much concern a letter circulated by the Office containing a request to

Member States to provide, by 3 December 2012, responses on practices with regard to standing national reporting and coordinating mechanisms, one of the recommendations contained in the report of the High Commissioner to the General Assembly on the strengthening of the human rights treaty bodies, which was still under discussion in the intergovernmental process.

14. CARICOM asked the High Commissioner to provide background information on the decision and place the request in context, given that under the universal periodic review, States were expected to report on the consultation process for the formulation of national reports; and expand on whether the decision would create an additional reporting burden for Member States or States parties. She should also discuss the implications of that decision in the context of the ongoing intergovernmental process of the General Assembly and indicate whether the Office of the High Commissioner intended to make that correspondence available to Member States in New York, as not all countries had missions in Geneva.

15. **Mr. Wenaweser** (Liechtenstein) said that given the lack of effective multilateral diplomacy with regard to the situation in the Syrian Arab Republic, the work of the High Commissioner was of particular importance. He expressed concern that the universal nature of the universal periodic review, one of its main assets, might be threatened. He wondered if the High Commissioner shared that assessment, and what States could do to preserve the integrity of the mechanism.

16. While the establishment of the Human Rights Council had raised the profile of human rights in the United Nations, it had also created an additional significant financial burden for the Office of the High Commissioner. He requested additional details on the availability of funding mechanisms for unforeseen expenditures within the Office, especially for commissions of inquiry, such as the one on the Syrian Arab Republic.

17. Financial decisions must be made with respect to several of the treaty bodies. He requested confirmation from the High Commissioner that the initiative contained in the letter referred to earlier by the representative of Suriname was voluntary in nature and represented an effort to collect best practices rather than an additional reporting obligation.

18. **Mr. Errázuriz** (Chile) said that ensuring the security of human rights defenders was essential. Gender equality would remain a central human rights issue.

19. The increase in the number of special procedures mandates, which now stood at 48, was cause for concern. Scarce resources made prioritization necessary.

20. **Mr. Lambrinidis** (European Union) said that the European Union valued the support provided by the Office of the High Commissioner to special procedures, including the Special Rapporteurs on the situation of human rights in Belarus and in Eritrea. He asked the High Commissioner to elaborate on ways in which the international community could ensure that all countries provided the Special Rapporteurs and the commissions of inquiry with the access they needed in order to do their jobs, and on how the international community could best support the efforts of those mechanisms. He also asked the High Commissioner to discuss how to ensure the independence and effectiveness of the treaty bodies.

21. The increased visibility of the Office of the High Commissioner in New York was valued. Human rights crises continued in many parts of the world; the urgent situation in the Syrian Arab Republic represented merely one example.

22. **Ms. Perumal** (Malaysia) said that the human rights situations in some Middle Eastern and African countries were deteriorating owing to escalating internal conflict. The provision of urgently needed humanitarian aid was a key component for the continued exercise of fundamental rights and freedoms, such as the right to life, food, health, adequate water and sanitation. All parties were urged to ensure unimpeded access to humanitarian aid in the affected areas and stop the flow of arms. It was hoped that the Joint Special Representative of the United Nations and the League of Arab States for Syria would soon succeed in bringing about a ceasefire. In order to be sustainable, the solution to the conflict in that country must be a Syrian-led process.

23. The decision by Israel not to cooperate with a Human Rights Council fact-finding mission on settlements the previous July was cause for concern and disappointment.

24. Her delegation appreciated the principled and consistent rejection by the High Commissioner of displays of incitement to religious hatred, bigotry and xenophobic attitudes, most recently in relation to the release of the crude and distasteful film entitled "Innocence of Muslims." Malaysia had long rejected extremism and firmly believed in dialogue, constructive engagement and moderation.

25. **Mr. Lukiyantsev** (Russian Federation) wondered why the High Commissioner had decided to move meetings of the Committee on the Elimination of Discrimination against Women from New York to Geneva without consulting with Member States. It had been said, rather unconvincingly, that such a move would save \$79,000. He requested information on the use to which the money thus saved would be put, and wondered why only the treaty bodies were the target of money-saving measures. The three sessions of the Working Group on the issue of discrimination against women in law and in practice could have been reduced, for example. One of those sessions would be held in New York, on the grounds that it must take place in proximity to the offices of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women).

26. The letter sent to Permanent Missions in Geneva requesting information on national preparation of periodic reports had stated that it was part of the implementation of a recommendation contained in the report of the High Commissioner on strengthening the treaty bodies. That step was in violation of General Assembly resolution 66/254 on the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system. In response to an inquiry by the Russian Federation, the Office of the High Commissioner had stated in writing that neither the Office nor the High Commissioner considered themselves bound by the provisions of the relevant resolution of the General Assembly and that the Office intended to continue with implementation of the recommendations without awaiting the results of the intergovernmental process. According to some sources, the heads of the treaty bodies had been pressured to implement the recommendations of the aforementioned report.

27. Such a situation was unacceptable. The High Commissioner was urged to reconsider her decisions, confirm her readiness to comply with resolutions of the

General Assembly and refrain from further steps that were in violation of those resolutions.

28. **Mr. Benmehidi** (Algeria) said that double standards in regard to human rights were to be avoided. The decision to include a human rights component in all peacekeeping missions had been implemented everywhere, with the exception of the Western Sahara. The explanations provided by the Security Council and the Office of the High Commissioner in regard to that situation were confusing.

29. The Office of the High Commissioner should take a principled, public stand on the nexus of freedom of speech and human rights and religion, including both the use of religion to distort the right to freedom of speech and the misuse of freedom of speech. Respect for religion as a tool to strengthen human rights was also an issue of significant interest.

30. **Mr. Ulibarri** (Costa Rica) said that it was essential for OHCHR to be independent and receive the resources it needed. The universal periodic review was a constructive tool for upholding human rights and should be improved, particularly with regard to follow-up of its recommendations. The High Commissioner's report on the reform of the treaty bodies (A/66/860) should be taken into account in the intergovernmental process, and its recommendations should be implemented.

31. The rule of law and human rights were closely linked to development, peace and security. He asked how human rights could be included in discussions on sustainable development and the development agenda beyond 2015.

32. **Ms. Li Xiaomei** (China) said that in carrying out its work, the Office of the High Commissioner should respect countries' histories and cultural traditions as well as their choices with regard to human rights. It should conduct its work fairly and objectively on the basis of mutual respect and equality.

33. The Office should promote socioeconomic and cultural rights and the right to development. It should also further improve its financial transparency and strive for equitable geographical distribution of its personnel so that its work was carried out impartially and independently. The Office should cooperate with the intergovernmental process of the General Assembly and not initiate any measures on its own unless it had a

mandate to do so from the General Assembly or the Human Rights Council.

34. **Mr. Suleimenov** (Kazakhstan) said that his delegation took note of the launch of the Human Rights Mainstreaming Trust Fund in October 2011. At the same time, assistance in integrating human rights into the national development policies and strategies and supporting the process of strengthening national human rights capacity should be carried out only at the request of and in the best interests of the Member States. Human rights treaty bodies should be streamlined with full adherence to the principle of transparency and the involvement of all stakeholders.

35. Kazakhstan encouraged the Office of the High Commissioner to further improve its reliability through objectivity and impartiality, in strict accordance with its mandate. Its primary focus should be on monitoring, reporting and technical cooperation with Member States. Given that the mandate of the High Commissioner was to encourage and strengthen Member States' human rights capacity, Kazakhstan insisted on the importance of building constructive dialogue according to the principles of impartiality, objectivity and neutrality.

36. At a press conference in Almaty during her recent visit to Central Asia, the High Commissioner had made biased remarks about the human rights situation in Kazakhstan. The Government had nonetheless taken note of her recommendations and was considering adoption of a national human rights action plan for 2013-2016. The Foreign Ministry of Kazakhstan had established a working group comprised of representatives of Government, political parties, civil society and representatives and experts from international human rights organizations accredited in Kazakhstan to discuss issues related to the monitoring of implementation of the international human rights agreements, including the International Covenant on Civil and Political Rights, and promotion of human rights cooperation with the Organization for Security and Co-operation in Europe. The working group would convene its first meeting in mid-November 2012.

37. He also wished to hear the views of the High Commissioner on how to ensure the reliability and validity of the facts that the Office used in its work.

38. **Mr. Ja'afari** (Syrian Arab Republic) said that his delegation continued to be concerned by the black-and-white approach to the crisis in Syria adopted by the

United Nations High Commissioner for Human Rights, who attacked the Syrian Government's position at every opportunity. Instead, the High Commissioner should be calling for an end to intervention in Syria's internal affairs by certain States that were providing funding, arms and political cover to terrorists. He regretted to inform the High Commissioner and the Committee that on that very morning, 25 people, including women, children and elderly persons, had been killed in a suburb of Damascus in yet another terrorist massacre that seemed to be deliberately timed to coincide with international meetings such as that day's closed-door session of the Security Council.

39. Evidence of the involvement of outside groups in Syria was clear. The authorities in Germany, the United Kingdom, Belgium, Australia, France, Jordan, Lebanon and Iraq had reported detaining Salafists, mercenaries and Jihadists who were either travelling to or returning from Syria. The Chair of the independent international commission of inquiry on the Syrian Arab Republic established by the Human Rights Council had reported that there were foreign fighters from 11 different countries in Syria and that weapons were being smuggled into Syria with the complicity of regional powers. He would have hoped that the High Commissioner would try to help stop the bloodshed by applying pressure on those outside forces to stop violating international law and the Charter of the United Nations, and calling for a national dialogue in accordance with the Kofi Annan plan, the Geneva document and Security Council resolutions 2042 (2012) and 2043 (2012). Instead, the High Commissioner had overstepped her mandate by calling for international intervention in Syria, which would only lead to more bloodshed.

40. The Government of the Syrian Arab Republic would continue to cooperate with constructive international initiatives to resolve the crisis and facilitate access to the victims by international and non-governmental organizations such as the United Nations Office for the Coordination of Humanitarian Affairs and the International Committee of the Red Cross. It would also like to have heard some mention in the High Commissioner's report of Israeli violations of human rights in the occupied Syrian Golan.

41. **Mr. Khan** (Pakistan) said that his delegation would have preferred to see the High Commissioner's term extended for a full four years.

42. Application of human rights standards must be universal and without double standards. Incitement to hatred based on religion or belief should be addressed in accordance with international human rights law. Freedom of speech must be protected and its misuse addressed. The High Commissioner's work to highlight the links between articles 19 and 20 of the International Covenant on Civil and Political Rights was therefore appreciated. It would be interesting to hear what progress had been made thus far on that issue and what more could be done to address it.

43. More engagement and dialogue were needed to address the issues of the death penalty and sexual orientation. The success of the universal periodic review depended on its universal and cooperative nature. Such an approach would avoid naming and shaming.

44. The increase in the workload of the treaty bodies must be matched by an appropriate increase in funding. Everyone was urged to support the intergovernmental process, with all issues of concern addressed through that mechanism.

45. There had been no substantive forward movement on the right to development. He wondered what practical measures could be taken to realize that important right.

46. **Mr. Loulichki** (Morocco) said that the High Commissioner's annual report (A/67/36) and October 2012 press conference had revealed progress but also challenges calling for immediate responses from the international community. Budgetary matters were clearly her chief concern, and the Member States should not only ask OHCHR to do more to promote human rights but also allocate the appropriate resources to it.

47. OHCHR was facing many more requests for action by the Human Rights Council and its mechanisms, the special procedures and the universal periodic review. States had new needs related to the recommendations, training, education and the strengthening of national institutions and non-governmental organizations stemming from the review. The necessary resources should be allocated to fund the review, which had great potential.

48. The High Commissioner had paid particular attention to racism, a matter on which Morocco had held regional workshops in October 2012 as part of a

series organized by OHCHR. Racism remained widespread, however, in particular towards people of African descent; he asked for more information regarding plans for the United Nations Decade of People of African Descent (2013-23) and its Programme of Action.

49. His delegation shared the High Commissioner's concerns regarding the rights of migrants and refugees, and urged OHCHR to enhance its partnerships with other United Nations bodies and non-governmental organizations to take their situation into consideration. His delegation hoped that the High-level Dialogue on International Migration and Development planned for the General Assembly's sixty-eighth session in 2013 would yield sustainable solutions to the problem of racism against migrants. Morocco would contribute to preparations for the meeting and the drafting of the recommendations. The dignity and repatriation of refugees were matters not only for the Office of the United Nations High Commissioner for Refugees (UNHCR) and OHCHR but also for the Member States.

50. In terms of the right to development, his delegation reiterated its support for the current intergovernmental process and noted the attention paid to it by OHCHR. That right was becoming more important as the consequences of the financial crisis worsened, particularly in developing countries.

51. His delegation welcomed the High Commissioner's contribution to the Rio+20 Conference with a view to the integration of human rights, and hoped that her efforts would continue.

52. In response to the comments of the representative of Algeria, he said that there were in fact six United Nations peacekeeping operations apart from the United Nations Mission for the Referendum in Western Sahara (MINURSO) without a human rights component; it was for the Security Council to establish, amend and terminate the mandate of MINURSO. Despite Algeria's efforts, the Security Council had not granted its request regarding the expansion of the mandate; the Security Council had in various resolutions welcomed Morocco's human rights measures, including the establishment of the National Human Rights Council and the accommodation of special procedures.

53. **Ms. Mørch Smith** (Norway) asked what could be done to mainstream human rights in the quadrennial comprehensive policy review and the development

agenda beyond 2015, and what responses the United Nations could make to the widening gap between the workload of OHCHR and the financial support it received.

54. **Mr. Bichet** (Switzerland) said that his delegation was concerned by the lack of financing for OHCHR given its many tasks. It was the poor relation of the United Nations system, receiving only 3 per cent of the regular budget despite the many staff and services it was expected to fund at a time of economic austerity, when State voluntary contributions were falling. His delegation therefore called on Member States to work in the Fifth Committee to increase the human rights share of the regular budget and in the Third Committee for the adoption of a balanced Programme 20 (Human rights) which would strengthen OHCHR.

55. In the view of his delegation, the treaty bodies should become more efficient. It remained committed to their strengthening as independent monitoring entities, and would continue to support OHCHR in that regard.

56. It welcomed the first report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (A/67/368). Noting the international momentum for the integration of transitional justice, human rights and development policy, and the related conference to be organized by the Governments of Switzerland and Norway, he asked what the most urgent needs were in order to strengthen such integration.

57. **Ms. Robl** (United States of America) said that her delegation applauded the human rights due diligence policy implemented in 2012 by OHCHR and the United Nations Department of Peacekeeping Operations, and looked forward to learning more about its implementation. It supported the advocacy of OHCHR for the human rights of lesbians, gays, bisexuals and transgendered persons, and the report of the High Commissioner (A/HRC/19/41) presented at the nineteenth session of the Human Rights Council.

58. With regard to technical assistance to States, particularly those in political transition, she asked for information about the results of such assistance and impediments encountered. She also asked to hear more about the efforts of the OHCHR to establish a field office in Yemen.

59. **Ms. Mballa Eyenga** (Cameroon), speaking on behalf of the African Group, said that the efforts of OHCHR to uphold human rights were underfunded, particularly in the area of capacity-building, and relied heavily on voluntary contributions. She asked how OHCHR was planning to increase its financing through the regular budget.

60. It was essential for OHCHR to support special procedures mandate holders, but certain mandate holders and independent experts were receiving inadequate funding. She asked OHCHR why that was the case and what it was doing to support all mandate holders equally.

61. At her October 2012 press conference the High Commissioner had not referred to the implementation of the 2001 Durban Declaration and Programme of Action, the outcome document of the 2009 Durban Review Conference, or the 2011 General Assembly political declaration. She asked for more information about the efforts of OHCHR in that area, given that racism remained a challenge to the international community. The High Commissioner should focus on eliminating racism, discrimination and xenophobia on universally accepted grounds.

62. The African Group was concerned by the decision to relocate the sessions of the Committee on the Elimination of Discrimination against Women to Geneva, which would cause problems for a number of its members. She asked whether the decision could be reconsidered, since in accordance with the Convention on the Elimination of Discrimination against Women the Committee should meet in New York.

63. With regard to the intergovernmental process for strengthening the treaty bodies, she asked why the High Commissioner had decided to collect contributions from Member States on standing national reporting and coordination mechanisms, given that the matter was still being considered under the intergovernmental process.

64. **Ms. Dali** (Tunisia) said that her Government was continuing to make progress following the 2011 revolution, but required more international assistance because of the economic climate. The transition to democracy was difficult after decades of dictatorship and economic exploitation.

65. Since the first free elections, held just over a year earlier in October 2011, the Tunisian people had

become the master of its own destiny, an achievement of the revolution which her Government was committed to defending. The success of the transition, however, would depend on national effort and United Nations support.

66. She asked whether clandestine immigration would be a priority for the High Commissioner in future and whether she planned to develop the Tunis Imperative in the next part of her mandate.

67. **Ms. Walker** (United Kingdom) said that her delegation welcomed the agreement to establish a country office of OHCHR in Yemen and encouraged the Yemeni Government to engage with it.

68. She asked whether OHCHR planned to follow up on its October 2012 Nepal Conflict Report and what it considered should be the priorities for the Nepalese Government in implementing the recommendations.

69. Her delegation was concerned by the situation in the Syrian Arab Republic. The Syrian Government had failed to protect its people, and those responsible for crimes would be held accountable.

70. She asked what the international community should do to halt the increasing number of campaigns against civil society representatives who had cooperated with United Nations human rights mechanisms. An attack on a human rights defender was an attack on the principles of the United Nations.

71. Information on how the international community could support the implementation of the universal periodic review, which her Government supported, would be welcome. Her Government supported the independence of OHCHR and would continue to defend its mandate.

72. **Ms. Hosking** (South Africa) said that the programmes and activities of the Office of the High Commissioner should be funded through the regular budget of the United Nations to ensure integrity and transparency. Reliance on extrabudgetary funding should be avoided as much as possible.

73. Much work was still required to combat violence against women and children, racism, racial discrimination and xenophobia and religious intolerance and to strengthen the rule of law.

74. **Ms. Rasheed** (Observer for Palestine) noted that Israel had decided to end contact with the Office of the High Commissioner in Geneva and Jerusalem and not



to engage with the Human Rights Council. Although such cooperation was a fundamental legal obligation of membership in the United Nations, Israel was obstructing and not cooperating with the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, numerous other Special Rapporteurs on human rights and the recent fact-finding mission to investigate the impact of settlement-building in the Occupied Palestinian Territory including East Jerusalem. She wondered what the consequences of Israel's latest decision would be and what the High Commissioner was doing to address that decision, as well as Israel's long-standing non-compliance with its obligations as a Member State to cooperate with Special Rapporteurs and fact-finding missions.

75. **Mr. Nuñez Mosquera** (Cuba) requested details about the progress the Office had made in increasing the geographical and cultural diversity of its staff. He wished to know the High Commissioner's opinions with regard to the deadlines for attaining that goal. He also asked her opinion on what had been achieved with regard to implementing the monitoring of the code of conduct for special procedures and on actions to address cases of clear violations that could harm the credibility of the system. Her responses to the questions on the topic of strengthening treaty bodies and the intergovernmental process were awaited with great interest.

76. **Mr. Rahman** (Bangladesh) said that his delegation was concerned by the rise in religious intolerance, which had been encouraged by the global community. Although freedom of expression was a fundamental human right, it was limited as set out in the International Covenant on Civil and Political Rights. The differences among countries regarding permissible limitations should be overcome through dialogue; his delegation welcomed the OHCHR initiative to hold regional meetings on the matter and would monitor progress. It applauded the report of the High Commissioner on strengthening the treaty body system (A/66/860), but suggested that major change in the area should be made only after the intergovernmental process was complete. He asked why the meetings of the Committee on the Elimination

of Discrimination against Women had been moved from New York to Geneva without consultation.

77. His delegation welcomed OHCHR technical support for national efforts and emphasized the need for qualified staff with long-term contracts from different regions and backgrounds.

78. **Mr. Eshraq** (Islamic Republic of Iran) said that his delegation agreed that the universal periodic review was important for the promotion of human rights, and underlined the need to uphold the right to development. It was concerned by any attempts to amend the treaty body system outside the intergovernmental process.

79. The death penalty was permitted under international law, and each country had the sovereign right to maintain or abolish it. OHCHR should avoid addressing controversial matters, such as sexual orientation, which were not internationally recognized as human rights questions.

80. The international community should not confine itself to condemning the increasing tendency to defame Islam but should take preventive action against it through binding instruments.

81. The resolution of the crisis in the Syrian Arab Republic required a peaceful process aimed at the cessation of hostilities and the establishment of dialogue between the opposition and the Government, helped by regional cooperation. His delegation welcomed the ceasefire initiative of the Joint Special Representative for Syria.

82. **Mr. Al-Obaidi** (Iraq) said that he wished to dispel the concerns about capital punishment in Iraq expressed in the report of the Secretary-General on a moratorium on the use of the death penalty (A/67/226). There were numerous guarantees of due process in the Iraqi legal system. A defendant could hire a lawyer or have one appointed by the court. All convictions went through a federal appeals process, and death sentences then had to be approved by the office of the President of the Republic. Even after all those steps, the convicted person could request review of the verdict if he could demonstrate grounds. In Iraq, sentences of death were imposed only for the most serious crimes, in accordance with the International Covenant on Civil and Political Rights, and were handed down mostly in cases of terrorist crimes committed by the Al-Qaida organization.

83. **Ms. Belskaya** (Belarus) said that the work of the Office to address trafficking in persons must be strengthened, particularly in the area of capacity-building for national law enforcement agencies. Belarus looked forward to the active participation of the Office of the High Commissioner in the work of the International Training Centre on Migration and Combating Trafficking in Human Beings in Minsk, as well as in the upcoming assessment in the General Assembly of implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons.

84. The work of the Office of the High Commissioner was more often undermined by a lack of desire on the part of the Office to establish cooperation with countries based on the principle of the sovereign equality of States and by its reliance on inaccurate information and bias against States' official positions than by Governments' refusal to cooperate. In that connection, Belarus wished to express concern with regard to selective monitoring of particular country situations that was lacking in objectivity and the readiness of the Office to pass over in silence human rights violations occurring in a number of western countries.

85. The response of the Office to situations involving the incitement of ethnic, racial and religious hatred had been inadequate, particularly with regard to those that had followed the release of the film "The Innocence of Muslims." In that case, freedom of speech had been used to justify incitement to hatred on a global scale, leading to widespread public disorder and casualties.

86. Belarus was also concerned by the lack of action in response to the use of unilateral coercive measures by certain States against other States. Given how such measures impacted ordinary citizens, the High Commissioner should clearly call for the repeal of unilateral coercive measures against any States that were the target of sanctions. The Office should hold a workshop on the impact of unilateral coercive measures on human rights prior to the twenty-third session of the Human Rights Council, in accordance with the provisions of Human Rights Council resolution 19/32.

87. Without cooperation in an atmosphere of mutual respect, the Office could not effectively carry out its mandate and achieve real progress in the area of international human rights cooperation.

88. **Mr. Giorgio** (Eritrea) said that although the Human Rights Council held all countries accountable, some States were bent on adopting the practices which had discredited the Commission on Human Rights. The integrity of the universal periodic review should be maintained. If the international community was to promote human rights, it should respect the principles of impartiality, objectivity, non-selectivity and constructive cooperation.

89. **Mr. von Haff** (Angola) said that his delegation would welcome more active dialogue with States to make the work of OHCHR more objective. It therefore called on Member States to continue financing the Voluntary Trust Fund for the universal periodic review and monitor the implementation of recommendations by States. It urged the international community to finance technical assistance for the reinforcement of human rights capacities, and welcomed the High Commissioner's role in the reform of the treaty bodies. His Government had sponsored Human Rights Council resolution A/HRC/21/L.12 on the organization of a high-level panel discussion to commemorate the twentieth anniversary of the adoption of the Vienna Declaration and Programme of Action.

90. **Ms. Pillay** (United Nations High Commissioner for Human Rights) called on Member States to support her efforts to increase the share of the regular budget allocated to human rights, which was currently less than 5 per cent. The Secretary-General's call for zero growth in the 2014-2015 budget with a 5 per cent reduction in programme support costs had made matters even more difficult. Although human rights, one of the three pillars of the United Nations, had been neglected for many years, the situation had changed because of the treaty body mechanisms, the universal periodic review, the special procedures, the growth of OHCHR and the great demands made on it for assistance, which resulted from the legal framework created through the Member States' initiatives. Human rights could not, therefore, remain the least supported of the three pillars.

91. With regard to funding mechanisms for unforeseen expenditure, OHCHR had been able to use such mechanisms to finance the first extension of the mandate of the Commission of Inquiry on Syria, but not the second extension, because it had been asked to carry that financing over to the 2013 budget.

92. With regard to the geographical distribution of OHCHR recruitment, 58 per cent of appointments in 2012 had been made from unrepresented or underrepresented States, although the target was only 20 per cent. More than half of employees were women. She urged the representatives to encourage applications from their States.

93. Regarding the follow-up to her report on the strengthening of the treaty bodies, she welcomed the intergovernmental process and respected General Assembly resolution 66/295. Her request for information from the Member States on standing national reporting and coordination mechanisms was not an additional reporting requirement but part of an ongoing process of sharing best practices as part of the general OHCHR remit and the consultation within the intergovernmental process, in response to requests from Member States for OHCHR to enrich their debates and provide more options for consideration.

94. With regard to the Committee on the Elimination of Discrimination against Women and the Human Rights Committee, the number of sessions had not been reduced; rather, the New York sessions had been moved to Geneva following consultations with the commissioners concerned because OHCHR had exceeded its spending from extrabudgetary funds by \$40 million. Since extrabudgetary funds had decreased dramatically as a result of constraints in donor countries, and the staff who serviced treaty body meetings were paid for through such funds, her Office had suggested eliminating the New York sessions. She called on States for donations to ease the situation.

95. The matter of regular budget funding for posts supporting special procedures should be addressed by the General Assembly. Despite the many new mandates and the requests from Member States for expert monitoring, no additional support had been forthcoming from the regular budget. Without such support, 39.5 per cent of special procedure funding from 2008 to 2012 had come from extrabudgetary funds. She hoped to be able to rely on the regular budget for all special procedure funding in future. Details of extrabudgetary contributions could be found in the annexes to her annual report.

96. With regard to the Code of Conduct for Special Procedures Mandate-Holders, such mandate-holders were independent and appointed by the Member States. They had established a Coordination Committee to

ensure that the Code was respected. Complaints from the Member States about their performance should therefore be sent to the Committee, which had so far received none.

97. Although OHCHR tried to ensure that all States participated in the universal periodic review, the goal of full participation was compromised in the second cycle because Israel had been disengaging from the Human Rights Council and OHCHR. She had written to the Israeli Government asking it to reconsider; Member States had an obligation to participate in the United Nations rather than distance themselves.

98. In response to the requests for more information regarding the universal periodic review, it was a weakness that there was no mechanism for verifying the information provided or following up on State commitments to implement recommendations. The only guarantees were the good faith of the States and stakeholders. She therefore invited the international community to explore ways of making the review more effective. She encouraged the practice followed by some States of filing interim reports instead of waiting for the second cycle.

99. Reprisals against human rights defenders and individuals cooperating with the United Nations should be investigated by States. She had cooperated in the production of the Secretary-General's report on such reprisals (A/HRC/21/18).

100. She was committed to the fight against racism, and the Durban Declaration and Programme of Action and its follow-up documents. Many States had national action plans to eliminate racism, racial discrimination and xenophobia.

101. With regard to the development agenda beyond 2015 and the Tunis Imperative, the agenda should not replicate the shortcomings of the Millennium Development Goals but should be universal, consistent and based on human rights. OHCHR was active within the United Nations System Task Team, which supported the Secretary-General's High-level Panel of Eminent Persons and the open working group on sustainable development goals approved at the Rio+20 Conference.

102. Building on the momentum of the twenty-fifth anniversary of the United Nations Declaration on the Right to Development in 2011, OHCHR was encouraging the broadening of constituencies active in

the area. It had organized the 2012 Social Forum in Geneva, which had discussed people-centred development and globalization. She was encouraged by the progress of the Intergovernmental Working Group on the Right to Development and was organizing an informal two-day meeting of that group to discuss its effectiveness.

*The meeting rose at 1.10 p.m*