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Third Committee**Summary record of the 22nd meeting**

Held at Headquarters, New York, on Tuesday, 21 October 2014, at 3 p.m.

Chair: Ms. Mesquita Borges (Timor-Leste)
later: Mr. Faye (Vice-Chair) (Senegal)

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

Agenda item 68: Promotion and protection of human rights (*continued*) (A/69/383-S/2014/668)

(a) Implementation of human rights instruments (*continued*) (A/69/40 (Vol. I), A/69/40 (Vol. II, Part One), A/69/40 (Vol. II, Part Two), A/69/44, A/69/48, A/69/284, A/69/285, A/69/289, A/69/290, A/69/296 and A/69/387)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/69/36)

1. **Ms. Bras Gomes** (Rapporteur, Committee on Economic, Social and Cultural Rights), welcomed the adoption of General Assembly resolution 68/268, which would enable the human rights treaty bodies to better perform their important tasks. The Committee on Economic, Social and Cultural Rights would continue its dialogue with States parties and Member States, including in the framework of interactive dialogue with the Third Committee and the recently instituted information meetings with Member States at the end of each session.

2. The Committee had taken steps to deal with the backlog of State party reports awaiting consideration. With the additional meeting time granted by the Economic and Social Council and the General Assembly for the periods 2013-2014 and 2015-2017, and the adjustment of methods of work, including the reduction of the number of meetings dedicated to considering each periodic report from three to two, it was expected that less than 30 reports would remain pending by the end of 2014. The Committee hoped to consider up to 20 reports per year from 2015-2017, which should gradually allow the elimination of the backlog. Improved time management had enabled it to discuss in depth the General Assembly suggestions concerning the strengthening of treaty bodies, reinforce cooperation with other treaty bodies and plan its future work on general comments. Work on two general comments was in the advanced preparatory process and work on three others was at the background research stage.

3. She thanked the Office of the High Commissioner for Human Rights (OHCHR) for its unflagging support in spite of financial constraints and also expressed appreciation to States parties for submitting comprehensive reports, responding in a timely fashion

to the lists of issues, and sending prominent specialists to discuss the reports. She also welcomed the support received from civil society and other partners in raising awareness of economic, social and cultural rights and in the implementation of the International Covenant on Economic, Social and Cultural Rights, including follow-up to the concluding observations. She emphasized the importance of capacity-building at the country level in order to enhance cooperation between treaty bodies and States parties.

4. She welcomed the continuing progress in ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and noted with satisfaction that the number of States parties now stood at 16. The ratification process now needed to be speeded up. A workshop had been held with the Friedrich Ebert Foundation and OHCHR to address various substantive and procedural aspects of the implementation of the Optional Protocol. Regarding communications received under the Optional Protocol, two had not been eligible for registration because they concerned countries that were not States parties, while two others had been sent to the State party concerned for its views on admissibility. One of those was related to article 9 of the Covenant and the other to article 11. The Committee intended to build on the best practices of national jurisdictions and on the experience of international courts and treaty bodies that had dealt with claims related to economic, social and cultural rights.

5. Noting that the international community had entered the crucial phase of designing the post-2015 development agenda, she reiterated the recommendation made by the Chair of the Committee on Economic, Social and Cultural Rights to States parties in 2012 that the post-2015 development agenda should be explicitly and functionally linked with human rights and expressed the hope that economic, social and cultural rights would be a fundamental component of the Sustainable Development Goals.

6. **Ms. Schneeberger** (Switzerland), recalling that her Government had put forward the idea of a platform in Geneva to facilitate contact and cooperation among treaty bodies and with other human rights mechanisms, as well as with experts, universities and States parties, asked what characteristics such a platform should have in order to be useful for the work of the Committee on Economic, Social and Cultural Rights. Switzerland

welcomed the commitment shown by the treaty bodies to developing a common policy to address the issue of human rights defenders who faced intimidation and retaliation for their work with such bodies and asked what measures were envisaged to deal with that problem.

7. **Ms. Velichko** (Belarus) said that her Government had recently sent its responses to the concluding observations of the Committee on Economic, Social and Cultural Rights concerning its report submitted under the International Covenant on Economic and Social Rights and reiterated her Government's desire for further active cooperation with that Committee.

8. **Ms. Tschampa** (European Union) welcomed the efforts of the Committee on Economic, Social and Cultural Rights to consider periodic reports in a timely manner and asked what steps the Committee was planning to take to implement the provisions of General Assembly resolution 68/268 and to encourage the submission of overdue reports, some of which had been pending for 10 years or more; what kind of cooperation was envisaged between the Committee and the Working Group on Business and Human Rights and how that cooperation could help States parties to better implement their obligations; how and to what degree austerity measures taken by States as a result of the global financial and economic crisis might influence the enjoyment of economic, social and cultural rights and what the minimum requirements were for a human-rights based approach to guaranteeing those rights in times of economic crisis; what use the Committee was making of the Declaration on the Rights of the Indigenous Peoples, bearing in mind the recommendation to that effect in the outcome document of the World Conference on Indigenous Peoples; and whether that Committee had any plans to develop or update general comments.

9. **Mr. Estreme** (Argentina), speaking on behalf of the Group of Friends of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, said that economic, social and cultural rights related to the daily life of every person around the globe and were intrinsically linked with other human rights, reflecting the indivisibility of human rights, as recognized in Universal Declaration of Human Rights and in the International Covenant. The Optional Protocol reinforced the basic concept that every right required a remedy in case of its violation. Whether through individual communications or

through requests for the investigation of grave or systematic violations, the Optional Protocol corrected a historical imbalance by providing an international mechanism to remedy such violations.

10. The active collaboration of all stakeholders was required to overcome the many remaining challenges. The Group of Friends encouraged Member States which had not yet done so to ratify the International Covenant and the Optional Protocol. The primary responsibility for protecting economic, social and cultural rights lay with States; international protection mechanisms were subsidiary, and served to monitor and assist in the implementation of international standards. The Optional Protocol was also a reminder of the need to promote the adoption of legal mechanisms at the domestic level. Highlighting the vital role played by civil society organizations in promoting human rights and assisting victims in bringing cases to justice, he encouraged those organizations to continue to put pressure on States to fulfil their obligations.

11. The Group of Friends also called for human rights to be integrated in the post-2015 development agenda. The Optional Protocol was a tool that materialized the interdependence of economic, social and cultural rights and civil and political rights. The approach to poverty eradication should take human rights into account and address not only income but also the conditions necessary for an adequate standard of living. Economic, social and cultural well-being were sustainably improved when civil and political rights were guaranteed. Minimum economic, social and cultural guarantees would be necessary to put an end to the inequality and discrimination that was seriously undermining development efforts, social cohesion and the conditions necessary for living in peace and security. Strong accountability systems for public and private actors would significantly increase the chances of creating a better world where no one was left behind.

12. **Mr. Mendoza-García** (Costa Rica) said that Costa Rica sought to promote and protect all human rights without distinction and systematically acted on its belief that these rights were universal, indivisible and interdependent. It recognized the importance of education and had instituted free and compulsory primary education for all children as early as 1869. It had later been the first country to ratify both the International Covenant on Civil and Political Rights

and the International Covenant on Economic, Social and Cultural Rights, and it had recently ratified the Optional Protocol to the latter instrument.

13. In Costa Rica and many other Ibero-American countries, economic, social and cultural rights were legally enforceable. While enforceability was not realized in the same way for every right, it was not true that ensuring civil and political rights merely required States to refrain from certain actions, while ensuring economic, social and cultural rights required them to take certain actions. Traditional classifications of fundamental rights had proven to be imprecise and inadequate, as in reality all rights gave rise to an obligation of States both to refrain from and to undertake certain actions. In some cases, immediate action was required, while in others, gradual enforcement was needed.

14. **Ms. Mkhwanazi** (South Africa) said that her Government believed that the effectiveness and legitimacy of the Committee on Economic, Social and Cultural Rights would be greater if it reported to the General Assembly through the Human Rights Council, as other treaty bodies did, rather than to the Economic and Social Council.

15. **Mr. Barros Melet** (Chile) said that Chile systematically supported the strengthening of the multilateral system for the promotion and protection of human rights, including through interaction with the treaty bodies, which had helped his country progressively bring its national legislation in line with international human rights law. It was now working on implementing the recommendations made by the Committee on Economic, Social and Cultural Rights on Chile's sixth periodic report through an ad hoc mechanism, as a first step towards developing a national mechanism to follow up on the recommendations from all the human rights treaty bodies, taking into account the views of all State and civil society actors. It was also working with OHCHR and its national human rights institute to develop indicators to measure and assess the implementation of recommendations and evaluate progress in relation to international standards.

16. **Ms. Moreno Guerra** (Cuba) said that Cuba welcomed the work of the Committee on Economic, Social and Cultural Rights and its promotion of cooperation and technical assistance to build national capacity; she asked for additional information about

the Committee's short- and medium-term plans to continue developing such cooperation, particularly in the context of the post-2015 development agenda.

17. **Ms. Bras Gomes** (Rapporteur, Committee on Economic, Social and Cultural Rights), responding to the first question from Switzerland, said that General Assembly resolution 68/268 had provided support for improvements that many or all treaty bodies had already been considering, such as improving working methods and systems for working with other treaty bodies and human rights mandate holders, making dialogues more focused, formulating more targeted concluding observations and doing more work on general comments. All platforms and initiatives that would help treaty bodies improve the way they worked together were worthy of attention, and she would be glad to work with Switzerland in assessing the potential benefits of the platform. Responding to the second question from Switzerland, she said that in cases of suspected violation of the rights of human rights defenders, the Committee consistently raised the issue during the dialogue and in its concluding observations.

18. She was glad that Belarus was already responding to the Committee's concluding observations on its latest report. The time between reports was indeed the appropriate time for Governments, with the help of civil society and national human rights institutions, to act on the concluding observations of treaty bodies.

19. In answer to the questions from the European Union, she said that improving time management and improving the quality of the dialogue with States parties was a longstanding concern. The changes to the working methods to deal with the backlog of reports were in the interest of both the Committee and States parties, who would wish their reports to be considered within a reasonable time frame. Dedicating three meetings to initial reports but only two to periodic reports had also given the Committee additional time for further discussion on the measures proposed in General Assembly resolution 68/268. The Committee had decided to maintain a rolling text that was carried over from session to session and set out a number of issues that needed to be considered in more depth. It would also take a more consistent approach to indicators and benchmarks. Some States had developed human rights indicators and adapted them to their national contexts, and those good practices would eventually be shared. For the time being, a standard

paragraph on indicators was included in the concluding observations.

20. With regard to overdue reports, the established practice of sending letters to States to remind them of their reporting obligations would be followed more consistently once the backlog of reports had been reduced; States would be reminded that it was in their interest to report on time, as that was an essential opportunity for them to assess their implementation of the International Covenant and engage in dialogue with civil society and national human rights institutions. Since many long overdue reports were due from States which had never submitted reports, tailored solutions would probably be required. The Committee was planning to develop closer ties with the missions of these States in order to familiarize them with its work and the nature of the dialogue.

21. On cooperation with specialized agencies and with the Working Group on Business and Human Rights, it was the longstanding practice of the Committee to collaborate closely with all the specialized agencies, although most agencies no longer had the capacity to attend Committee sessions. The Committee was very interested in the work of the International Labour Organization on social protection. The Working Group on Business and Human Rights was an important source of information on the violation of rights by the business sector, both nationally and extraterritorially. She hoped that the Working Group would also be able to benefit from the Committee's findings.

22. Austerity measures had reduced social spending, which had a negative effect on the implementation of economic and social rights. She recalled that in 2012, the Committee had reminded States parties that policy adjustment must respect the minimum essential level of each right, that changes must be non-discriminatory, that States were required to take all possible measures to mitigate inequalities that arose or increased as a result of such measures, and that changes must be necessary and proportionate.

23. The situation of indigenous peoples, specifically in terms of access to goods and services and the enjoyment of their rights, remained a concern, compounded as it was by land grabbing and development projects undertaken without their prior consent. The Committee would continue to raise the issue in its work with States parties.

24. In response to the question from Cuba, she said that States that were able to provide international cooperation and assistance were required to do so under the International Covenant. The Committee on Economic, Social and Cultural Rights took every opportunity to remind States parties of the importance of that provision.

25. **Sir Nigel Rodley** (Chairperson, Human Rights Committee) said that the failure to promote and protect all human rights, including civil and political rights, contributed to the root causes of the escalating violence in certain regions of the world. The Human Rights Committee, through the reporting and individual communications procedures, tried to assist States parties in meeting their obligations under the International Covenant on Civil and Political Rights in an attempt to attack those roots. The help of States was needed to bring about positive change and full implementation of the International Covenant.

26. The adoption of General Assembly resolution 68/268 represented a turning point in the recognition of the importance of the treaty bodies and the need to ensure that they were all sufficiently resourced. The additional meeting time allotted to the Human Rights Committee under the resolution would go some way towards reducing the backlog of communications under the Optional Protocol, which was the Committee's main challenge, and gradually reduce the backlog of State party reports. Since the previous session of the General Assembly, the Committee had adopted decisions on 94 communications and reviewed 18 State party reports.

27. He encouraged all States parties to follow through on the Committee's recommendations. He also encouraged those States that were behind in their reporting to abide by their obligations. The 24 States that were at least five years overdue with their initial or periodic reports might consider availing themselves of technical cooperation to be offered by OHCHR under General Assembly resolution 68/268.

28. The Human Rights Committee was constantly revising its working methods with a view to increasing efficiency and had already adopted several of the proposals made at the twenty-sixth meeting of the Chairs of the human rights treaty bodies in response to General Assembly resolution 68/268. In particular, the simplified reporting procedure had been made available to all States parties and a Rapporteur on

reprisals had been appointed. The Human Rights Committee hoped to adopt a general comment on article 9, relating to the right to liberty and security of person, during the current session. He welcomed recent ratifications of the Second Optional Protocol to the International Covenant on Civil and Political Rights, and called on States that had not yet done so to follow suit.

29. **Ms. Tschampa** (European Union) said that the European Union fully supported the process of strengthening the treaty bodies, which were an essential element of the international human rights protection system and played a crucial role in assisting States parties in implementing the treaties as well as monitoring their compliance with their obligations. The European Union recognized the challenges resulting from the growth of the treaty body system and was pleased that General Assembly resolution 68/268 reaffirmed the importance of the independence and impartiality of the treaty bodies and their members. It also looked forward to efficient cooperation among all stakeholders in the reporting system, as the success of that process depended on constructive partnership among all actors working towards a common goal. She requested a preliminary assessment of the simplified reporting procedure, in terms of its practicability, effectiveness and capacity to improve the examination of the human rights situation in the States parties. She also asked what further challenges were entailed in the implementation of General Assembly resolution 68/268.

30. **Ms. Velichko** (Belarus) said that it was regrettable that the report of the Chairs of the human rights treaty bodies on their twenty-sixth meeting (in document [A/69/285](#)) was significantly biased towards civil society. The views of States were only reflected in passing, even though States bore the main responsibility for implementing the provisions of human rights treaties. Her delegation stressed that the working methods of treaty bodies should not create new obligations for States parties. All treaty bodies, in particular the Human Rights Committee, should avoid duplication and focus solely on the subject matter of the relevant conventions.

31. Her Government had repeatedly pointed out that the Human Rights Committee was the only treaty body that misused references to general comments in its concluding observations, substituting them for the provisions of international treaties. It was also

unacceptable that the Human Rights Committee frequently took up individual communications in violation of the provisions of the Optional Protocol, under cover of working methods that did not comply with the relevant provisions of the Optional Protocol. The Committee did not always pay attention when complaints were written by one and the same author for several people using the same text and merely changing the names of the complainants. Her Government called upon the Committee to stop admitting communications that were in violation of the Optional Protocol. Unless the Committee implemented the provisions of treaties responsibly, there could be no constructive dialogue. Belarus had recognized the competence of the Human Rights Committee by signing the Optional Protocol, but the Committee's abuse of authority undermined the trust of her country, as well as that of other countries.

32. Her Government asked the Human Rights Committee to accelerate its decision regarding the date of the report on the implementation of the Optional Protocol which her delegation had requested.

33. **Sir Nigel Rodley** (Chairperson, Human Rights Committee) said that, since it had had little experience of working with the simplified reporting procedure, the Human Rights Committee was not yet in a position to make a preliminary assessment of it. The Committee was of the view, however, that the new procedure accorded with the nature of its work and offered a number of advantages.

34. As to the questions posed by the representative of Belarus, he said that the International Covenant on Civil and Political Rights was not open to auto-interpretation by any State. The Human Rights Committee had the power to adopt its own rules of procedure, including the rules on admissibility under the Optional Protocol, and to determine how to ensure their consistent application. Those rules were published, and no State had complained about them. He was not aware of the request made by Belarus for a report on the implementation of the Optional Protocol, and even if such a request had been made, the Committee's tight schedule would not allow it to review longstanding and otherwise noncontroversial practices.

35. **Ms. Schneeberger** (Switzerland) said that her delegation welcomed the adoption of resolution 68/268, which it hoped would be implemented in a

timely manner; while the treaty bodies must establish more efficient working methods, States parties also needed to do their part and meet their reporting deadlines. Recalling that her Government had put forward the idea of a platform in Geneva to facilitate contact and cooperation among treaty bodies and with other human rights mechanisms, as well as with universities and States parties, she asked what characteristics would make such a platform useful to the Human Rights Committee in particular. On the subject of intimidation and reprisals, her delegation welcomed the treaty bodies' adoption of a common policy and the appointment of a Rapporteur by the Human Rights Committee and asked what role the Rapporteur and the treaty bodies would have in ensuring protection system-wide and what other measures the Committee envisaged putting in place to address the issue.

36. **Mr. Hoelde** (Norway) asked what the role of the Human Rights Committee would be in the post-2015 development framework, in particular in relation to protecting freedom of expression and freedom of assembly.

37. **Sir Nigel Rodley** (Chairperson, Human Rights Committee) said that he had only that afternoon heard about the platform proposed by Switzerland. He could say, however, that the treaty bodies appreciated opportunities to interact more often than just once a year at their annual meeting. As to reprisals, the Committee had asked the secretariat to come up with a menu of actions that could be taken to address the issue, with a view to framing a joint strategy for the treaty bodies. At their twenty-fifth annual meeting, held in May 2013, the Chairpersons of the human rights treaty bodies had issued a joint statement on the post-2015 development agenda concerning the need to incorporate human rights in that agenda. It would be extremely deleterious for human rights, including civil and political rights, not to be fully reflected in the development goals beyond 2015.

38. **Mr. Sfregola** (Italy) said that in honour of the legacy of Cesare Beccaria, who had written the first philosophical and scholarly rationale against the use of the death penalty, in 1764, Italy had made the campaign for a moratorium on executions one of its highest priorities. Negotiations were now beginning for the fifth draft resolution on such a moratorium. The resolution did not set out to indict any one system or culture; Italy was committed to the same inclusive,

cooperative approach that had helped build and sustain momentum around the issue since it had first been brought before the General Assembly in 2007. In addition, the sponsors recognized that each nation might have to move at a different pace and were prepared to offer technical support and train judges on how to move away from the application of capital punishment

39. As a member of the Group of Friends on Responsibility to Protect, Italy supported all initiatives to mainstream human rights in United Nations mechanisms in order to help prevent armed conflicts as well as ethnic, social and religious strife. The promotion of interreligious and intercultural dialogue was of the utmost importance since religion could play a pivotal role in conflict prevention, including as a stabilizing factor. That issue and other such matters could not, however, be tackled by one country alone; cooperation, mutual respect and understanding among all Member States, in accordance with the Charter of the United Nations, would be needed to ensure respect for all human rights. Italy was ready to play its part in that global endeavour.

40. **Mr. Joshi** (India) said that his delegation commended the efforts of OHCHR and relevant United Nations agencies to develop national capacities for the promotion and protection of human rights. The provision of financial, technical and human resources by donors and United Nations agencies, at the request of national governments, needed to be stepped up, and must be aligned with the national priorities of the States concerned. The international community, including the Human Rights Council, must respect the rights of each State to organize and manage its affairs, including in the field of human rights, and the Council must continue to function in a non-selective, non-politicized and transparent manner. The special procedure mandate holders must also remain truly independent and impartial and adhere to their mandate.

41. The peer review mechanism enshrined in the Universal Periodic Review had proved to be an effective tool that had steadily and tangibly improved the promotion and protection of human rights and fundamental freedoms in every Member State. On the question of the right to development, while nobody could deny the responsibility of States to promote that right, international cooperation was imperative for creating an environment that was conducive to its genuine realization.

42. India had consistently promoted civil and political rights on the one hand, and economic, social and cultural rights on the other. The fundamental civil and political rights of its citizens were enshrined in the Constitution, and an independent and impartial judiciary, a progressive Parliament, a free and vibrant media and a thriving civil society ensured that they were upheld. Moreover, the National Human Rights Commission, a powerful and independent body, monitored human rights in India and shared its experience and expertise with its counterparts in other countries. His Government's priority was to promote sustained, inclusive socioeconomic development, with special attention to gender issues and the inclusion of vulnerable and marginalized sections of society in development efforts. In a paradigm shift from welfare to a rights-based approach, India had enacted the landmark National Food Security Act in 2013 to ensure the rights to life and to dignity; it had also strengthened laws protecting women and children. Information and communication technologies and social media were being used for the dissemination of human rights principles; the Right to Information Act had also proved most useful in empowering citizens.

43. **Mr. Sengsourinha** (Lao People's Democratic Republic) said that his country was party to seven of the nine core United Nations human rights treaties. The obligations they imposed had been translated into national policies, laws and actions, including a master plan to consolidate the rule of law and a socioeconomic development plan to reduce poverty, achieve the Millennium Development Goals and graduate from least developed country status by 2020.

44. A number of national committees and commissions had been set up specifically for the purpose of fulfilling the reporting obligations associated with the human rights treaties, which was a huge task for his country. The National Steering Committee on Human Rights, established in November 2012, was responsible for coordinating human rights activities and monitoring the implementation of the country's commitments. Information on the treaties and the concluding observations of the treaty bodies had been broadly disseminated, and, with the support of the international development partners, the Ministry of Foreign Affairs had organized workshops and seminars on human rights to increase awareness and understanding of human rights among Government officials at the central and local levels.

45. **Ms. Yaguchi** (Japan) said that her Government had been taking concrete measures to make progress on human rights issues, including through bilateral human rights dialogue, as well as through active participation in international forums. It participated actively in the universal periodic review process and in efforts to strengthen the functioning of the human rights treaty body system. Since signing the Convention on the Rights of Persons with Disabilities in 2007, her Government, in consultation with the Diet and relevant stakeholders, had overhauled the legal framework for persons with disabilities, which had paved the way for ratification of the Convention in 2014. Her Government now intended to contribute proactively to the implementation of the Convention around the world through continued international cooperation and further participation in the Committee on the Rights of Persons with Disabilities. Japan had also been making sincere efforts towards the realization of the rights of women as stipulated in the Convention on the Elimination of All Forms of Discrimination against Women. A variety of measures, including legislation, had been introduced with a view to increasing the proportion of women in political and public-sector posts to at least 30 per cent by 2020.

46. *Mr. Faye (Senegal), Vice-Chair, took the Chair.*

47. **Ms. Sandoval** (Nicaragua) said that her Government promoted and guaranteed the full enjoyment of human rights by all citizens. Its poverty reduction strategy had been acclaimed for its community-led, multi-stakeholder approach, which was based on shared responsibility, direct participation and citizens' empowerment. Nicaragua was party to the main human rights treaties and was adapting its legislation accordingly. The Office of the Attorney General for the Defence of Human Rights, which abided by the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles), monitored the human rights situation and made recommendations to government agencies on human rights issues, paying special attention to education, health, violence against women, disabilities, HIV/AIDS and sexual diversity. The Office had expanded its human rights training programme for public officials, especially those working in the police force, the Armed Forces, the prison service and the judiciary, and provided courses for lawyers and judges in, inter alia, rights-based criminal justice, sentencing in human trafficking cases,

women's justice and the rights of indigenous and Afro-descendant peoples.

48. Nicaragua worked actively with several international and regional human rights mechanisms and, in its pursuit of sustainable development on the basis of peace and security and respect for human rights, had recently become party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and established a national mechanism for the prevention of torture under the Office of the Attorney-General for the Defence of Human Rights.

49. **Ms. Vadiati** (Islamic Republic of Iran) said that the adoption of General Assembly resolution 68/268 had marked a turning point in the enhancement of the effective functioning of the human rights treaty body system; her delegation encouraged OHCHR to continue to support that process. The Islamic Republic of Iran looked forward to the effective and constructive participation of Member States in its second universal periodic review. As a universal mechanism based on cooperation, interactive dialogue and equal treatment of all human rights situations, the process played a unique and effective role in the promotion of human rights. Her Government had continuously engaged with OHCHR at different levels, including holding several high-level meetings to enhance technical cooperation between the two sides.

50. The Vienna Declaration and Programme of Action underscored the universality, interrelatedness, interdependency and indivisibility of all human rights, based on a non-selective and non-politicized approach. No ready-made model human rights system should be imposed on States. International cooperation must allow for different cultures and civilizations to have their own interpretations within the larger concept of universal human rights, while deepening common understanding of those rights. Unfortunately, certain States, driven by narrow, political objectives, had adopted a biased policy of naming and shaming a number of countries, human rights issues and mechanisms, blatantly contradicting the principles underpinning the Vienna Declaration and Programme of Action.

51. Her delegation concurred with the view that economic inequality and exclusion undermined the realization of human rights, in particular the right to development. In that connection, OHCHR should give

more balanced and equal attention to economic, social and cultural rights, including the right to development. Unilateral sanctions and coercive measures were counterproductive and curtailed ordinary people's full enjoyment of their human rights, including their rights to development, health and food. It was to be expected that the High Commissioner would condemn the imposition of sanctions as a violation of the Charter of the United Nations and international human rights law.

52. The Islamic Republic of Iran was deeply disturbed by the terrorism and extremism that continued to threaten the rights of thousands of people in the Middle East, especially their right to life. Her Government totally rejected any attempt to sully the name of Islam by associating it with the bloodshed and violent acts committed, with total disregard for human rights and in total violation of international humanitarian law, by groups such as the so-called Islamic State in Iraq and the Levant.

53. **Ms. Ren Xiaoxia** (China) said that her Government fulfilled its treaty obligations in good faith, engaged in dialogue with human rights treaty bodies in a spirit of sincere cooperation and treated their conclusions seriously. It also submitted its comments on those conclusions so as to enable the treaty bodies to have a full understanding of its position, while actively implementing the viable recommendations they contained.

54. Her delegation welcomed the adoption of General Assembly resolution 68/268. To ensure the effective implementation of its provisions, and avoid selectivity, transparent and balanced consultations should be held between States parties, the treaty bodies and OHCHR. The advisory services, technical assistance and capacity-building that OHCHR was to provide under the resolution should be in line with the actual situation and needs of the State party concerned, and the views of those States should be fully respected.

55. Treaty bodies should limit reporting obligations to the scope of the relevant treaty in order to reduce the burden on States parties. Treaty bodies and States parties should also actively explore more effective modalities to reduce unnecessarily high reporting burdens. Meanwhile, the supervision and accountability of human rights treaty bodies should be strengthened. They must avoid exceeding their mandates and should carry out their work on the basis of the principles of objectivity, impartiality and

independence, avoiding politicization or selectivity in the field of human rights.

56. Her Government supported the regulated participation of non-governmental organizations in the treaty body system in accordance with Economic and Social Council resolution 96/31. Treaty bodies and their secretariats must, however, screen the information submitted by NGOs and individuals that applied to participate in their deliberations in order to ensure the veracity and reliability of such information.

57. **Ms. Izanova** (Kazakhstan) said that Kazakhstan was consistently implementing the provisions of the Universal Declaration of Human rights and also undertaking comprehensive legal reforms for the further development of the human rights protection system, based on its national plan of action in the field of human rights. Her country had ratified the majority of the human rights treaties and was working to bring national legislation and law enforcement in line with the ratified treaties. In 2014, her Government had presented its combined sixth and seventh periodic reports on its implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, and its combined third and fourth reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. On 30 October, the second cycle of the universal periodic review would be held for Kazakhstan. Kazakhstan extended a standing invitation to all special procedures mandate-holders of the Human Rights Council; so far seven special rapporteurs had visited Kazakhstan, including, in 2014, the Special Rapporteur on contemporary forms of slavery and the Special Rapporteur on freedom of religion or belief. Kazakhstan adopted measures to implement recommendations by treaty bodies and Special Rapporteurs.

58. The provision of technical assistance to countries to improve the effectiveness of the work of the special procedures mandate holders was of great importance. The Special Rapporteur on contemporary forms of slavery and the Special Rapporteur on freedom of religion or belief had visited her country that year. Aware of the need to promote religious tolerance and cooperation in order to maintain peace and security, her country did its part to strengthen interreligious understanding by organizing and hosting conferences involving leaders of world religions.

59. Kazakhstan had recognized the competence of four committees to receive individual complaints of treaty violations and work was underway to recognize the competence of the Committee on Enforced Disappearances. It believed that global efforts were necessary to stop violence against children, reduce child morbidity and death, and prevent and eliminate child, early and forced marriages. Various law enforcement bodies worked to ensure the protection of children's rights in her country. In order to ensure the right to high- quality education, a State programme for the development of education, 2011-2020, was being implemented. A draft law on the protection of children from information harming their health and development had been developed. Kazakhstan's draft laws for the protection of stateless people, refugees and migrant workers had been recognized by UNHCR and the International Migration Organization as models for other States members of the United Nations and the Organization for Security and Cooperation in Europe. A law defining the legal status of refugees and asylum-seekers had recently been adopted, and a law was being drafted on a national mechanism for the prevention of torture.

60. Her Government attached great importance to cooperation with civil society. Its commission on human rights provided a link between the President and civil society institutions. Since the establishment under the Ministry of Internal Affairs in 2013 of the Human Dimension Dialogue Platform, involving many civil society leaders, more than 150 recommendations had been made to the Government, half of which had been approved by State bodies and Parliament for further elaboration in conjunction with non-governmental organizations.

61. Her Government supported adequate financing of the work of the Human Rights Council and the special procedures for the provision of advisory and technical assistance to States when implementing the final recommendations of the Universal Periodic Review. It had been making voluntary contributions to OCHCR since 2008 and to the Universal Periodic Review Voluntary Trust Fund since 2013.

62. **Mr. Taula** (New Zealand) said that his Government welcomed the establishment of the mandate for a Special Rapporteur on the Rights of Persons with Disabilities as another step towards bridging the gap between mere words and the actual realization of the rights of all persons with disabilities.

It welcomed the inclusion of disabilities in the final proposal for the Sustainable Development Goals and would continue to defend the inclusion of references to persons with disabilities in the final phase of negotiations on the post-2015 development agenda. It called on all States to work to ensure that no one was left behind. It also welcomed the explicit recognition of disabilities in the outcome document of the World Conference on Indigenous Peoples. New Zealand would continue to work alongside persons with disabilities to ensure the full realisation of their rights as set out in the Convention on the Rights of Persons with Disabilities; it called on States which had not yet done so to sign the Convention.

63. **Ms. Abdullah** (Yemen) said that human rights were a priority for her Government, although progress in that area varied from year to year. Legal and constitutional guarantees provided a basis that enabled her Government and non-governmental organizations to carry out human-rights-related activities. The outcome document of the National Dialogue Conference stipulated that the State undertook to abide by international laws and standards when formulating and implementing transitional justice processes, to achieve national reconciliation, and to ratify all international human-rights instruments relating to transitional justice programmes and processes. The State was also committed to upholding the human rights principles set forth in the international instruments to which it was a party.

64. Despite its meagre resources and circumstances, her country had cooperated with international partners to achieve successes in strengthening human rights. The Council of Ministers had approved the Rome Statue of the International Criminal Court and the International Convention on Enforced Disappearances and was currently drafting a national law on enforced disappearance. Her Government had approved a project to combat trafficking in persons and was partnering with civil society organizations to formulate a national human rights strategy. A draft law to establish an independent national human rights institution had been forwarded to the Council of Deputies for approval. An office of the United Nations High Commissioner for Human Rights had opened in Sana'a.

65. Her country focused in particular on the rights of women, older persons, children, refugees from neighbouring countries and persons with disabilities and was working to adopt legislation and amend laws

in order to safeguard those groups. Together with the United Nations, friendly countries and the United Nations Children's Fund (UNICEF), it was working to set up a children's rights observatory. It was also working with UNICEF to rescue children working in armed groups and implement the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups.

66. Her country had hosted a number of international conferences and seminars, including conferences on new democracies, the rights of Arab women, international humanitarian law and emigration from the Horn of Africa to Yemen. There had also been a conference on Guantánamo detainees. In that connection, her country called for the situation of Yemeni citizens held in Guantánamo who had been found to have no involvement in terrorist activities to be handled in a legally appropriate manner and in accordance with human rights standards, and for persons who had ties to terrorist activity to be granted fair trials.

67. **Mr. Konate** (Burkina Faso) said that over the past few decades, his country had put in place a framework allowing for the establishment of political institutions that were based on the principle of the separation of powers and the integration into domestic law of most human rights set forth in international and regional instruments. His Government had reviewed the criminal code in order to take into account the provisions of international conventions relating to, inter alia, child labour, torture and violence against women. In 2014, it had adopted laws on the prevention and suppression of torture and similar practices, on the definition and suppression of the sale of children, child prostitution and child pornography, and the protection of children in conflict.

68. His Government had forged a successful partnership with civil society to conduct awareness-raising campaigns for the protection and promotion of individual and collective freedoms. Through those campaigns, the freedoms of association, assembly, expression, conscience and religion, and the right to information were now a reality in his country. The participation of women in public and political life had made considerable progress, with the percentage of women in the National Assembly increasing from 8 per cent in 2002 to 18 per cent in 2014.

69. The implementation of the National Strategy for Accelerated Growth and Sustainable Development 2011-2015, which aimed to achieve social justice and equity for all social classes, had led to progress in economic, social and cultural rights. The introduction of free primary education had increased the enrolment rate from 71 per cent in 2007/2008 to over 80 per cent in 2014. The National Health Development Plan and the Action Plan to Fight HIV/AIDS had led to improvements in respect of the right to health. Certain types of health care were provided free of charge, including vaccination for all children of vaccination age and vaccinations during large epidemics. A dynamic policy to develop agriculture and livestock raising by increasing the number of water reservoirs and dams had led to a marked improvement in the situation regarding the right to food. In order to promote national cultural values, his Government had undertaken the organization on a biennial basis of large cultural events, such as the Pan African Film and Television Festival of Ouagadougou, the National Culture Week of Burkina Faso and the International Art and Craft Fair, Ouagadougou. Despite those efforts, there were still shortcomings; the effectiveness of economic, social and cultural rights remained the biggest challenge for his country in terms of the promotion and protection of human rights.

70. **Ms. Byaje** (Rwanda) said that, in its quest to promote and protect human rights, her country had ratified all relevant regional and international legal instruments and ensured that human rights were enshrined in the Constitution. It had undertaken to submit regular reports to various United Nations treaty bodies, the African Commission on Human and Peoples' Rights and other similar African mechanisms. Membership of the Human Rights Council served as catalyst for the promotion of human rights in her country. Furthermore, her country had created an independent National Commission for Human Rights in accordance with the Paris Principles, and had undertaken a number of legal, institutional and administrative initiatives for the advancement of women.

71. Rwanda had been the first African country to subject itself voluntarily to the evaluation of the African Peer Review Mechanism (APRM) in 2005. In 2007, in order to implement APRM recommendations, her country had established an inter-institutional task force on treaty reporting, which was in charge of the

implementation of and reporting on duly ratified human rights treaties, working in partnership with civil society organizations and United Nations agencies. Her country would continue to engage constructively with Special Rapporteurs on human rights. There was a full chapter on the protection of the fundamental rights and freedoms of all citizens without discrimination in the Constitution, which was based on the principles of equal rights and equal treatment of all citizens and persons without any distinction. It guaranteed social, economic and political freedoms, justice, and freedom of thought, expression, religion, faith, worship and association. Since the establishment of the Rwanda Governance Board in 2008 to regulate and guarantee the rights of political parties, faith-based organizations and NGOs, a number of laws and regulations on political organizations and NGOs had been adopted and/or improved.

72. Her country had held several free and fair elections, which had ushered in leaders committed to the consolidation of democratic institutions, protection of human rights, rule of law and good governance. Her Government had launched a new framework for social change, focusing on education, health, women, youth, and the disadvantaged. It had abolished the death penalty, a necessary decision for a country rebuilding itself from genocide. It had also significantly improved the conditions in detention facilities by rehabilitating prisons and constructing new ones in accordance with international standards.

73. The policy of leaving no one behind had been mainstreamed in all activities undertaken by her Government, which was committed to ensuring the rights to education, health care, housing, decent employment and social protection for people with special needs. It had developed programmes to reduce inequalities and lift people from poverty. It believed that ensuring the economic and social well-being of all citizens and making them active participants in all decisions aimed at improving their lives would contribute to the promotion and protection of human rights.

74. Regarding the right to justice, Rwandan citizens were provided with legal aid through various mechanisms and the justice system had been restored to meet international standards. A law on access to information, under which all public officials were obliged to give appropriate information to mass media, had been promulgated. As a result, media outlets were

continuing to grow. Civil society was playing an active role in assisting victims of human rights violations and helping the Government shape human rights compliant policies, foster a culture of accountability and change societal attitudes through awareness-raising. The independent judiciary had taken significant steps to guarantee the protection of the constitutional rights of all citizens and improve accountability.

75. **Ms. Ochir** (Mongolia) said that her country recognized the centrality of human rights in development and acknowledged that human rights, the rule of law and democracy were interlinked and mutually reinforcing. It was a party to more than 280 multilateral conventions, including core international human rights treaties and conventions. Ensuring human rights and the rule of law was at the heart of the ongoing legal reform aimed at streamlining existing legislation and bringing the body of national laws in line with international commitments and standards. According to the Constitution, international treaties had the same effect as domestic legislation. Since the ratification in 2012 of the Second Optional Protocol, step-by-step measures had been taken to amend the existing legislation in order to abolish the death penalty in law and in practice. The Parliament had ratified the International Convention for the Protection of All Persons from Enforced Disappearance in October 2014 and was nearing the final stages of ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the third Optional Protocol to the Convention on the Rights of the Child.

76. Her Government had adopted an action plan to follow through the recommendations made under the Universal Periodic Review on its first national report and had been engaging all stakeholders in its implementation. It was fulfilling its reporting obligations under the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women and was currently working on the development of a new action plan on human rights reflecting emerging challenges faced in the promotion and protection of human rights.

77. Mongolia had extended a standing invitation to all special procedures mandate holders in 2004, and had received eight visits by Special Rapporteurs as well as a visit from the Working Group on Business

and Human Rights. In full compliance with the Paris Principles, her country had established an independent National Human Rights Commission in 2001 to ensure human rights and freedoms, supervise the implementation of national laws and international obligations on human rights, demand restoration of violated rights, and make proposals and recommendations to state authorities. The Commission had been admitted as a full member of the Asia-Pacific Forum of National Human Rights Institutions.

78. **Ms. Savitri** (Indonesia) said that her country had been engaging constructively with various United Nations human rights mechanisms for many years, including through dialogue relating to its periodic reports under several human rights conventions to which it was party. In view of the overlapping nature of the mandates of the various treaty bodies, it was imperative that every dialogue between treaty bodies and the countries concerned should provide added value for States in enhancing the implementation of their international human rights obligations. It was also important for the members of the human rights treaty body system to maintain their independence, professionalism and accountability in order to improve the efficiency and effectiveness of the system. Her country attached great importance to the work of OHCHR; it was critically important for that Office to receive the necessary political and financial support and to be able to discharge its mandate in an objective, independent and non-politicized manner.

79. In May 2012, her country had undergone the review process under the second cycle of UPR, which served as one of the key mechanisms for strengthening its efforts to make real progress in the field of democracy and human rights. It had also conducted dialogue with various treaty bodies, including the Committee on the Elimination of Discrimination against Women, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child, which had enabled it to identify gaps in its national human rights protection framework and obtain input from experts for furthering its national efforts in human rights promotion and protection. It had welcomed the visits of various special procedures mandate holders, including the Special Representative of the Secretary-General on the situation of human rights defenders, the Special Rapporteur on the question of torture and the Special Rapporteur on adequate housing. In March

2014, together with Chile, Denmark, Ghana and Morocco, her Government had launched the Convention against Torture Initiative, through which States and non-State parties were able to collaborate to promote technical advice, support and cooperation in order to help States overcome technical and capacity-related obstacles to ratification and implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

80. In order to implement the Vienna Declaration and Programme of Action, her country was implementing its third Human Rights Action Plan (2011-2014), which incorporated all the international human rights instruments it had ratified. Her Government called upon all countries to share their experiences and good practices and develop effective technical cooperation in the implementation of the Programme of Action, in a spirit of openness, inclusivity and mutual respect without any prejudice.

81. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) said that his country had established institutions to guarantee the enjoyment of civil, political, economic, social and cultural rights. The general human rights system had been further strengthened, not only through the adoption of legislation, but also through the implementation of policies to guarantee human rights without discrimination or exclusion. Human rights and fundamental freedoms were enshrined comprehensively in the Constitution of 1999. The rights of all citizens, including indigenous, vulnerable and minority groups, as well as environmental rights, were recognized in law. The human rights treaties that his country had signed and ratified, including the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Their Families and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, had constitutional force and took precedence over domestic legislation. Venezuela was up to date in its reporting obligations to human rights bodies and had recently submitted its latest report relating to the Convention on the Elimination of All Forms of Discrimination against Women.

82. Inequality and poverty had decreased significantly over the past 15 years owing to the implementation of public policies which had enabled

sectors of society that historically had been neglected to meet their health, education, cultural and housing needs. All citizens had the right to freedom of expression and of peaceful assembly. The diversity of the country had created a vibrant, politically conscious democracy that took into account the role of citizens in decision-making. The right to accurate, timely, unbiased and uncensored information was recognized by law. Policies had been implemented and laws enacted to make the media more democratic by opening up opportunities for public and community media. The widespread use of radio, television and newspapers contributed to ensuring the right to freedom of expression and information of all Venezuelans.

83. His Government ensured the inviolability of the right to life and expressly prohibited the death penalty. The protection of the rights of women, people of African descent, indigenous peoples and other vulnerable groups had made significant progress.

84. Venezuela rejected any action that undermined or limited fundamental freedoms and human rights resulting from political persecution, the death penalty, torture, extrajudicial executions or arbitrary detention. Consideration of human rights issues must abide by the principles of objectivity, impartiality, non-selectivity and non-politicization and involve transparent cooperation, based on the principles of the Charter of the United Nations.

85. **Mr. Sargsyan** (Armenia) said that his country was committed to continuous action within a strategic framework for human rights protection through the implementation of numerous policies, such as the 2012-2016 Legal and Judicial Strategy, the Strategic Gender Policy Programme and Strategic Action Plan to Combat Gender-Based Violence for 2011-2015 and the National Programme for the Protection of Children's Rights for 2013-2016. However, it needed to introduce a comprehensive strategy and a credible monitoring and evaluation system and to bring all the policy issues under a single umbrella to demonstrate the shared responsibility of all parts of the State, as well as civil society, in the protection of human rights. To that end, his Government had adopted the National Strategy on Human Rights Protection in October 2012 and the Action Plan for its implementation had become official Government policy in 2014. Following the adoption of the 2004 OSCE Action Plan for the Promotion of

Gender Equality, the office of the Ombudsman in Armenia had appointed a women's rights defender.

86. The international community should show zero tolerance to torture and inhuman treatment throughout the world. As a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, its Optional Protocol and many other international instruments, Armenia strongly believed in the need to further improve the preventive system at national and international levels. It strongly condemned all forms of cruelty and torture and reaffirmed its unwavering commitment to the fight against that menace at home and abroad. The cases of two Armenian citizens who had been detained in Azerbaijan must be investigated independently and the perpetrators must be held accountable. Karen Petrosyan had accidentally crossed the border to Azerbaijan where he had been captured, tortured and killed by the Azerbaijani authorities. They had declared Petrosyan an "Armenian saboteur" and insisted that he had crossed the border as part of a "commando group", although the evidence clearly showed that he had been alone, unarmed and not wearing any uniform. The Minsk Group co-chair countries had expressed their concern regarding his death and called for an investigation of the case. Mamikon Khojovyan had been detained earlier in 2014 in Azerbaijan in similar circumstances. Although he had later been freed and returned to Armenia, he had died due to the injuries inflicted upon him during his detention.

87. **Mr. Cassidy** (International Labour Organization (ILO)) said that labour rights were human rights; international labour standards were integral to the larger international human rights framework. There were important synergies between the standards adopted by the ILO International Labour Conference and the United Nations human rights system. ILO had a comprehensive and long-standing supervisory system, linked to Governments' regular reporting obligations under ratified Conventions, and review by the independent Committee of Experts on the Application of Conventions and Recommendations. ILO maintained a dialogue with Governments, employers and workers' organizations under a transparent and participatory approach which clearly demonstrated the importance of engaging on equal terms with stakeholders.

88. ILO had been committed to protecting migrant workers since its inception and its normative

framework in that regard included the Migration for Employment Convention (No. 97), the Migrant Workers Convention (No. 143) and the Private Employment Agencies Convention (No. 181). Furthermore, the 2006 ILO Multilateral Framework on Labour Migration provided comprehensive non-binding principles and guidelines for a rights-based approach. The eight core conventions of ILO were also human rights instruments that laid important foundations for protecting migrant workers, addressing challenges such as forced labour, child labour, discrimination in employment and occupation, and freedom of association and collective bargaining. ILO efforts to improve the plight of migrant domestic workers globally demonstrated that considerable headway could be made to reduce abusive practices through a sectoral focus, which could allow for labour inspection and access to justice for migrant workers to be addressed.

89. The ILO Domestic Workers Convention had been instrumental in starting the process of improving the working and living conditions of millions of domestic workers worldwide. Under that Convention, ILO aimed to protect the rights of domestic workers and strengthen national capacities and institutions, including through policy and legislative reforms. ILO urged Member States to ratify the Convention.

90. ILO was also active in eradicating forced labour and human trafficking, which disproportionately affected women, low-skilled migrant workers, children, indigenous peoples and other groups suffering discrimination. The vast majority of workers were exploited by private individuals or businesses operating outside the rule of law. At the ILO International Labour Conference in June 2014, its tripartite constituency, consisting of Government, worker and employer representatives from 185 member States, had adopted a new legally binding Protocol, supplemented by a Recommendation providing technical guidance on its implementation, in order to strengthen global efforts to eliminate forced labour and human trafficking. The new Protocol brought the existing ILO Forced Labour Convention, 1930 (No. 29) into the modern era by addressing practices such as human trafficking and by creating new obligations on protection, prevention and remedies, including compensation, and reaffirmed the obligation to punish perpetrators of forced labour and end the impunity that was still pervasive in so many countries.

The meeting rose at 6.10 p.m.