



General Assembly

Sixty-ninth session

Official Records

Distr.: General
1 December 2014

Original: English

Third Committee

Summary record of the 31st meeting

Held at Headquarters, New York, on Tuesday, 28 October 2014, at 10 a.m.

Chair: Ms. Mesquita Borges (Timor-Leste)

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The meeting was called to order at 10.05 a.m.

Agenda item 68: Promotion and protection of human rights *(continued)*

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

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(c) Human rights situations and reports of special rapporteurs and representatives *(continued)*

(A/69/301, A/69/306, A/69/307, A/69/356, A/69/362, A/69/398, A/69/548, A/C.3/69/2, A/C.3/69/3, A/C.3/69/4 and A/C.3/69/5)

1. **Mr. Kiai** (Special Rapporteur on the rights to freedom of peaceful assembly and of association), introducing his report on the rights to freedom of peaceful assembly and of association ([A/69/365](#)), said that global governance was becoming increasingly fragmented and diffused among a broad range of multilateral entities. The decisions of multilateral institutions were influencing development projects, economic and political reform and international law, and had a profound effect on the lives of ordinary people, which were often changed without their input or against their will. The rights to freedom of peaceful assembly and of association were being affected both by multilateral institutions themselves and by States working within those institutions. Many restrictions on peaceful assembly and association rights within multilateral institutions mirrored those set at the domestic level, such as categorizing civil society organizations as a threat to security and sovereignty, excluding them from public affairs and establishing administrative obstacles. Governments and multilateral institutions were increasingly welcoming the participation of businesses at the highest levels, while non-profit entities had to struggle to be included.

2. Multilateral institutions could play a key role in stimulating global public debate by strengthening the visibility of civil society organizations and by

facilitating peaceful assemblies. Most of them did incorporate some form of engagement with civil society, but it was not enough. True engagement required transparency and free access to information, which kept institutions accountable and provided a model for Governments to become more transparent and responsive, as well as robust mechanisms to enable ordinary individuals to submit information and complaints. Multilateral institutions also needed to recognize the positive effects of civil society involvement and refrain from preventing their participation.

3. Multilateral institutions must recognize and foster the right to freedom of peaceful assembly. They should establish their own guidelines for policing assemblies rather than delegating those duties to national authorities when protests occurred or discouraging peaceful rallies as the Office of the United Nations Security Coordinator had done in Kenya in July 2014. The number of reported violations of the right to peaceful assembly during summit meetings of multilateral institutions such as the North Atlantic Treaty Organization and the Group of 20 was alarming, as were the policies of private bodies such as the International Olympic Committee (ICO) and the Fédération Internationale de Football Association (FIFA), both of which wielded enormous social and economic power. The ICO Charter banned demonstrations at its events and FIFA executives openly expressed the view that less democratic States were better World Cup hosts.

4. States were obligated to uphold international human rights norms and standards in all their activities, whether within or beyond their borders. He welcomed the initiatives and policies that Member States had put in place to ensure that civil society could be heard at multilateral forums, such as the recent Human Rights Council resolution on civil society space ([A/HRC/24/L.24](#)). However, many States continued to hamper civil society participation in multilateral arenas; reprisals against individuals or their relatives because of their advocacy work in multilateral arenas were the area of greatest concern. He highlighted the case of Ms. Cao Shunli, a Chinese human rights defender who had died in State custody after being prevented from flying to Geneva in September 2013 to attend China's universal periodic review. State reprisals against persons who had participated at meetings of the Human Rights Council had also been

reported from Azerbaijan, Belarus, Bahrain, Colombia, Cuba, Egypt, Guatemala, Israel, the Lao People's Democratic Republic, Malaysia and the Russian Federation, among other countries. He welcomed the initiatives of States to address such reprisals; however, multilateral institutions themselves must take action as well, for example by intervening in specific cases and publicly condemning the Member State involved. Obstruction by Member States had also hindered the participation of civil society organizations in the United Nations. For example, the Committee on Non-Governmental Organizations had arbitrarily deferred some applications for consultative status for many years, with one organization, the International Dalit Solidarity Network, having received 64 written questions from India since 2008.

5. The astonishing fact that the United Nations human rights system received only 3 per cent of the regular budget, despite being one of the three pillars of the Organization, was hampering efforts to promote and protect the rights to freedom of peaceful assembly and of association at the multilateral level.

6. The underlying purposes of the rights to freedom of peaceful assembly and of association were to promote pluralism, tolerance and broadmindedness, which in turn contributed to the realization of democratic goals, development and security. Those were fundamental rights, because the ability to freely organize and assemble satisfied people's fundamental desire to take control of their own destiny. For that reason, multilateralism must be understood to go beyond State action to include the effective participation of a variety of voices within those States. Individuals and civil society organizations must be given a voice, or States would continue to implement public policy through multilateral institutions, sheltered from public view.

7. **Ms. Vasquez** (Chile), recalling that States had committed to take concrete measures to create an environment where non-governmental organizations could carry out their activities safely and free of impediments, said that her Government was concerned that applications for consultative status were being deliberately delayed within the Committee on Non-Governmental Organizations; she asked what changes could be made to that Committee and its working methods to prevent non-governmental organizations, particularly those from developing countries, from being penalized and what impact that

might have on the number and profile of organizations that might wish to join in the future.

8. **Mr. Hoelde** (Norway) said that his country shared the Special Rapporteur's concern regarding the practical and political barriers to the participation of civil society organizations at the multilateral level and welcomed the recommendation that the Committee on Non-Governmental Organizations should be reformed to prevent the unwarranted blocking of accreditation applications. It noted with concern that civil society did not have a meaningful participation in the working groups and the Implementation Review Group established under the United Nations Convention against Corruption, in violation of that Convention. It also shared the deep concern about reprisals against persons who engaged with multilateral bodies and asked what concrete measures other States and stakeholders could take to combat that trend.

9. **Mr. Ponikvar** (Observer for the European Union) said that non-governmental organizations were a valuable source of information, given that they were often the only bodies working in the field. They represented a diversity of views and should be heard, even if they did not always concur with the positions of Member States. It was therefore vital for all Member States to ensure the full and effective participation of civil society at the multilateral level. He asked how the United Nations and other multilateral forums could be made more accessible to civil society, particularly to local civil society organizations, grassroots groups, spontaneous social movements and civil society organizations dealing with marginalized groups. He also asked for further details about the Special Rapporteur's recommendation concerning a study on comparative good practices in civil society engagement in different multilateral institutions. The European Union strongly condemned reprisals and believed that the United Nations system and Member States had a responsibility to protect and to support those who contributed to the work of the Organization. He requested further information on the Special Rapporteur's observation that the United Nations did not have a "central" individual complaint mechanism in place and on what critical gaps were not being addressed.

10. **Ms. Fontana** (Switzerland) said that peaceful demonstrations were central to enabling civil society to contribute to the strengthening of human rights and democracy. Given that Geneva was considered to be

the centre of international human rights policy making, her country had a particular responsibility to ensure that human rights defenders were able to participate in meetings of the United Nations and other multilateral organizations that took place in Geneva. In light of the narrowing of civil society space in some States, she asked how democratic States could ensure that all States fulfilled their responsibilities and allowed civil society to play its essential role in multilateral settings. Civil society representatives should be protected from reprisals not only for their own sake, and also because their participation was essential to the work of the United Nations. A United Nations focal point on protecting civil society representatives from reprisals should, therefore, be established, pursuant to Human Rights Council resolution [A/HRC/RES/24/24](#). Non-governmental organizations should be included in the working groups established under the Convention against Corruption.

11. **Ms. Rahimova** (Azerbaijan) said that her country attached great importance to international cooperation in ensuring the rights to freedom of peaceful assembly and of association and to meeting its own obligations in that regard. It had made progress in improving its national human rights situation through interaction with international partners, particularly within the Council of Europe, and full cooperation with the various human rights bodies, and would continue its dialogue and cooperation with the Special Rapporteur.

12. **Mr. Kihwaga** (Kenya) said that his delegation particularly welcomed the call for business entities and civil society organizations to be treated equally. It thanked the Special Rapporteur for the support and technical advice he had provided to Kenya and looked forward to continuing to work with him in the future.

13. **Ms. Hampe** (Lithuania) said that her country appreciated the focus on multilateral institutions in the report and agreed with the view that States had an obligation to protect and facilitate the rights to freedom of peaceful assembly and of association of persons engaging with multilateral institutions. It was, therefore, concerning that some States continued to impede civil society participation and target individuals because of their advocacy work. Furthermore, the emerging trend to use government-organized non-governmental organizations to stifle independent voices eroded trust and confidence and impeded meaningful cooperation at the multilateral level. Her delegation was concerned that Member

States within the Committee on Non-Governmental Organizations had on several occasions unilaterally vetoed accreditation applications, or blocked them by means of perpetual questioning, and requested further details on the reforms envisaged by the Special Rapporteur.

14. **Mr. Ó Conaill** (Ireland) said that his country was deeply concerned by the continued narrowing of civil society space around the world, as civil society participation at the multilateral level was often the only way for the voices of the most vulnerable to be heard. It fully shared the concern about reprisals against individuals and organizations cooperating with multilateral institutions and asked for examples of good practices that had been put in place in multilateral institutions to address the problem.

15. **Ms. Kiernan** (United States of America) said that her country agreed that multilateral institutions were uniquely positioned to help foster the rights to freedom of peaceful assembly and of association at the national level by pressing Member States to comply with their commitments and by providing venues in which those issues could be discussed. It applauded the Open Government Partnership for its pilot mechanisms which gave a voice to civil society and other organizations for sharing their concerns. The Committee on Non-Governmental Organizations needed to be reformed with a view to preventing individual Member States from blocking applications; her country would use its seat on that Committee to promote the participation of civil society. It condemned reprisals against those wishing to participate in that Committee or other multilateral mechanisms. She asked whether the Special Rapporteur intended to undertake any coordinated efforts with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and/or the Special Rapporteur on the situation of human rights defenders.

16. **Ms. Mohammed** (Bahrain) said that freedom of assembly and of association were constitutionally guaranteed in her country and that any restrictions were applied in line with international obligations and practices elsewhere in the world. Restrictions on the freedom of assembly were limited to places where assemblies could not be held, such as hospitals, airports and certain vital areas in the capital. Notice had to be given of the time and route of gatherings or marches, but permits were not required. It was only

when demonstrations ceased to be peaceful and involved illegal or terrorist activities that threatened public order and infringed on the basic civil liberties of others, such as attacking passers-by, assaulting police officers, burning tires or blocking roads, that they were dealt with by the law, and all action taken against perpetrators accorded with the law. Her delegation stressed the importance of involvement of the countries concerned in the process of reviewing individual cases, as the report contained inaccuracies and errors taken from a single source, which could have been avoided. Her country allowed freedom of expression and assembly in accordance with the law, in order to safeguard security and stability, and guaranteed the welfare of its citizens at all times.

17. **Mr. Golyaev** (Russian Federation) said that his delegation noted with regret that the Special Rapporteur had once again gone beyond the limits of his mandate and made a number of erroneous suggestions. It wished to remind him that the freedom of association was not an absolute right, but was subject to limitations in accordance with national law. While it attached importance to the participation of civil society in both State life and the activities of international organizations, it wished to point out that non-governmental organizations (NGOs) regularly violated the rules of procedure of the United Nations forums in which they were allowed to participate and that their activities often had a negative impact on the work of United Nations bodies. The Special Rapporteur's recommendations regarding the functioning of international sports organizations were also very questionable. His delegation believed that the Special Rapporteur should engage in constructive cooperation with Governments in order to promote the right to peaceful assembly and association, but should not address issues that did not fall within his mandate.

18. **Ms. Zālite** (Latvia) said that her country guaranteed the rights to freedom of assembly and of association and provided support to civil society through a wide range of multilateral initiatives and development cooperation programmes. It would continue to advance those rights as a member of the Human Rights Council for 2015-2017. Latvia also strongly supported the participation of civil society at the multilateral level and was concerned about the shrinking space for civil society; it was particularly concerned about reprisals and intimidation against persons and groups cooperating with multilateral

mechanisms, including the United Nations and its human rights bodies, and called for the investigation of such acts. Her delegation would welcome the Special Rapporteur's recommendations in that regard and asked whether he envisaged carrying out any activities to address the issue of reprisals with multilateral institutions in the future.

19. **Ms. Calza** (Brazil), recalling that her country had facilitated the consultations following the meetings of the Panel of Eminent Persons on United Nations-Civil Society Relations, said that civil society representatives were included in its national delegations at many multilateral meetings. Her Government agreed that more effective mechanisms were needed to promote civil society participation in multilateral forums and supported the recommendation that multilateral institutions should encourage a diversity of perspectives and geography among civil society organization representatives. It also welcomed the recommendations on using funds and information technology to help facilitate the participation of smaller, local groups and increase the scale and diversity of civil society participation. It recognized the paramount importance of the discussions on reprisals. However, it had some concerns about the recommendations in paragraph 87(a) of the report, particularly subparagraphs (a) (ii), (iii) and (iv) and asked the Special Rapporteur to elaborate on those recommendations, especially in light of the intergovernmental nature of multilateral organizations and of the impact that civil society participation in the terms described could have on the functioning of those institutions, which were already often accused of negativity. It would also welcome a more detailed explanation of the recommendation in subparagraph (a) (iv) concerning the right to submit documents equivalent to Member States.

20. **Mr. Wang** Zhaoxue (China) said that his Government attached great importance to guaranteeing the rights to freedom of peaceful assembly and of association. Ms. Shunli, whom the Special Rapporteur had mentioned in his introduction, had been dealt with according to the law because she had broken the laws of China. When she was taken ill she was treated in hospital and her rights were respected.

21. **Mr. Sengsourinha** (Lao People's Democratic Republic) said that all citizens of the Lao People's Democratic Republic were equal before the law and that the rights to freedom of expression, assembly and

association were guaranteed by the Constitution and laws.

22. **Mr. Shaharis** (Malaysia) said that in his introduction, the Special Rapporteur had referred to acts of reprisal, in the form of killings, threats, harassment, torture, arbitrary arrests, surveillance and travel bans, allegedly taken by Malaysia, among other States, following participation at the Human Rights Council. His Government categorically rejected those allegations as baseless and defamatory and drew attention to the Peaceful Assembly Act of 2012 which allowed citizens to organize and participate in assemblies peacefully.

23. **Mr. Kiai** (Special Rapporteur on the rights to freedom of peaceful assembly and of association) said that his report covered civil society very broadly and was not limited to non-governmental organizations. Currently, civil society participation was very often limited to stakeholders from one part of the world. Redressing that balance could involve providing the means for representatives from other parts of the world to travel to speak at meetings of the United Nations and other multilateral organizations. The reason civil society groups had difficulty participating at the multilateral level was because of the shrinking civil society space at the domestic level in many countries. Those two issues had to be addressed together. The surest way to achieve progress was to expand the space for civil society at the national level.

24. With regard to the Committee on Non-Governmental Organizations, it was unacceptable, wrong and unfair that one organization had received 64 questions from one country in an attempt to obstruct its accreditation. A limit on how many questions a State could put to an organization seeking accreditation, as well as a time limit for decisions, should be introduced. There were many simple ways to reform that Committee, and it was the responsibility of Member States to begin the process.

25. Reprisals were a major issue because for many non-governmental organizations, the international space was the only place where they were able to raise their concerns. The Secretary-General could not take on alone the task of protecting that space; multilateral organizations themselves must begin to speak out and find ways to impose sanctions on States that carried out reprisals against individuals or associations.

26. He appealed to Member States to review the funding for the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the human rights system as a whole. The fact that that pillar of the United Nations received only 3 per cent of the budget strongly indicated that neither the United Nations nor Member States accorded high priority to human rights. Member States should review the situation and decide if that was how they wanted to proceed, and perhaps whether human rights should cease to be a pillar.

27. **Ms. Shaheed** (Special Rapporteur in the field of cultural rights), introducing her report on the impact of commercial advertising and marketing practices on the enjoyment of cultural rights (*A/69/286*), said that the topic was a continuation of her work on the dominance of certain narratives over others in public spaces and the link between power and culture. Commercial advertising and marketing practices were having an increasing impact, and their ability to deeply influence philosophical beliefs, aspirations, cultural values and practices was a threat to cultural diversity. While trying to convince someone was not an encroachment on their right to freedom of thought and opinion, and indeed supported democratic debate, the increasingly blurred lines between commercial advertising and other content, the quantity of advertisements and marketing communications people received daily, the wide variety of media used to systematically disseminate such material and the use of techniques aimed at circumventing individual, rational decision-making were cause for serious concern. Disproportionate and omnipresent commercial advertising and marketing were pushing consumption and uniformity. States wishing to protect cultural diversity and the right of people to choose their own way of life therefore needed to protect their societies from undue levels of commercial advertising and marketing and increase the space for not-for-profit expression. In her view, commercial messaging might be granted less protection than other forms of speech under article 19 of the International Covenant on Civil and Political Rights.

28. The power of advertising to influence individual choices demanded careful assessment of the means being used, taking into consideration the rights to privacy and to freedom of thought, opinion and expression as well as the right to education and to participate in cultural life. Some States had not yet prohibited the use of surreptitious communications and

subliminal techniques, and the use of neuromarketing and techniques such as embedded advertising should be called into question. Advertisers were using many different techniques to enter schools, which should be prohibited, as those institutions constituted a distinct cultural space and deserved special protection from commercial influence. Moreover, all forms of advertising to children under 12, or possibly 16, years of age should be banned, as should the practice of using children as brand ambassadors.

29. While many States had adopted laws in that area, commercial advertising and marketing was largely self-regulated. That situation was unsatisfactory, and States should adopt legislation to reduce the level of commercial advertising and marketing that people received daily, based on the fundamental principle that such advertising must always be clearly identifiable and distinguishable from other content. States had a responsibility to ensure that the public space remained a sphere for deliberation, cultural exchange, social cohesiveness and diversity. It was therefore important to identify spaces that should be especially protected from commercial advertising, such as schools, universities, hospitals, cemeteries, parks, sports facilities, playgrounds, as well as cultural heritage sites and institutions such as museums. The ability of individuals to relate to their environments as well as their freedom of thought and cultural diversity were at stake.

30. The dominance of narratives in the public space depended on who held the power. It was significant that civil society organizations denouncing excessive advertising and illegal billboards had been largely ignored or even charged with defamation against advertising companies, and that far more resources were spent removing graffiti than taking down illegal billboards. An appropriate balance had to be found between the space given to advertising and the space given to artistic expression, with an approach that promoted human rights, particularly cultural rights, on a basis of equality and non-discrimination.

31. **Mr. de Bustamente** (Observer for the European Union) said that while children and adolescents in Europe were increasingly using Internet-capable devices, digital advertising and unsupervised Internet surfing had simplified their access to age-inappropriate advertising, putting them under increasing pressure to make online purchases or pay for services in ways that were often difficult for State authorities, parents,

caregivers and teachers to detect or restrict. He asked whether the Special Rapporteur believed that there were other risks associated with the rapidly increasing use of information technology by children. The European Union was committed to protecting media pluralism, which was central to the right to information and freedom of expression; he asked the Special Rapporteur to elaborate further on her recommendation that those issues should be given further attention owing to the increased dependency of print and audiovisual media on advertising revenue. The European Union agreed that States should develop and enhance media and health literacy in schools, while monitoring the effectiveness of such programmes; he requested more details on ways and means to gauge the effectiveness of such initiatives, which was largely untested.

32. **Ms. Calza** (Brazil) said that her delegation particularly welcomed the consideration of the impact of commercial advertising on children. She asked the Special Rapporteur to comment on the responsibility of States to protect vulnerable groups while still respecting the freedom of the media and journalists and freedom of expression.

33. **Ms. Shaheed** (Special Rapporteur in the field of cultural rights) said that the digital age, and children's access to the Internet in particular, were of concern and merited more attention. Further research and discussion were needed to determine how to protect children from being drawn into media and activities that would be harmful to them, particularly since children increasingly had unsupervised access to the Internet. There was clearly a risk that when children were being drawn in to the Internet through what appeared to be games, they could be exposed to pornography or become victims of sexual exploitation. While the issue of avoiding censorship while still protecting children was complex, banning all forms of commercial messaging within schools, including finding alternative resources for schools that depended on that revenue, and having discussions on the use of the Internet and digital touchscreen devices would be a step in the right direction.

34. Media pluralism was another area of great concern. Further discussion with business communities was needed on how to avoid an increasing monopolization by the largest companies. The impact of decreasing State funding for television and radio should also be considered. Not enough was being done

to make public service messages, such as health messages, as interesting and creative as commercial advertising, as a result of which such messages might not be reaching the target audience. It was strange that illegal billboards were often in place for years, but persons who protested against the illegal activities of advertising companies were being jailed; that was a new area of investigation, but it needed to be explored in order to determine how to move forward.

35. **Mr. Haraszi** (Special Rapporteur on the situation of human rights in Belarus), introducing his report on the situation of human rights in Belarus (A/69/307), said that since the Government of Belarus still refused to cooperate with his mandate or to allow him to access the country, he had had to work remotely, from primary and secondary sources. The report described the highly oppressive regime currently in place, which practically prohibited the exercise of all public freedoms. With the help of a governmental mechanism of laws and practices, human rights were being systematically violated, and scant, if any, progress had been made in the implementation of the recommendations of the High Commissioner for Human Rights in her report to the Human Rights Council in 2012 (A/HRC/20/8). Belarus was still the only country in Europe where the death penalty was used, where the President single-handedly appointed and removed judges and prosecutors and where privately-owned broadcast media were banned.

36. His mandate had been established in response to the systemic violation of human rights in the presidential elections in 2010. Key political figures and hundreds of individuals had been arrested; seven of the ten presidential candidates had been detained and four of them sentenced to prison for “mass disturbances”. Indeed none of the nine elections held in Belarus since 1991 had been considered free or fair according to the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE). Given that Belarus was preparing for another presidential election in 2015, now was the time to further focus on those human rights which were essential to guaranteeing fair and free elections, and to assist the authorities with the implementation of recommendations for an inclusive electoral process.

37. Despite some positive legislative changes, including recent amendments to the law on public associations and on political parties, the rights to freedom of association, assembly and expression

remained severely restricted. The three main stumbling blocks disabling civil society were the restrictive, permission-based registration regime; the ensuing widespread denial of registration; and the criminalization of all unregistered civil activities and funding. The time-consuming and costly procedures for registration allowed for the discriminatory and arbitrary denial of registration by the authorities. Civil society groups, including lesbian, gay, bisexual and transgender (LGBT) organizations, had repeatedly been denied registration on grounds that were not even mentioned in the regulations. The public defamation of LGBT defenders and groups continued unchecked. Furthermore, not just leaders, but also members, of unregistered groups faced prison sentences of up to two years. Unregistered NGOs were forbidden to receive funding or to open bank accounts abroad, and all international funds sent to registered groups had to be approved and managed by the authorities.

38. He welcomed the release of Ales Bialilatski, leader of the still unregistered Viasna Human Rights Centre, in June 2014, but called for the immediate and unconditional release and rehabilitation of all political prisoners. There had been a recent increase in short-term arbitrary detentions and so-called “preventive” arrests, including for participating in peaceful demonstrations, and he continued to receive reports of the torture and ill-treatment of arrested or detained persons. With the approach of the presidential election in 2015, it was worrying that none of the previously alleged cases of torture of political candidates and activists while in prison had been clarified by the authorities.

39. Information collected since the time of writing the report showed that there had been no improvement in the human rights situation. It was now imperative to guarantee the independence of civil society organizations and human rights defenders, enabling them to operate without the fear of reprisals; repeal the laws criminalizing unregistered public activities, and allow NGOs and human rights defenders to receive funding, including funding from abroad, in line with international law; register all NGOs whose registration has been denied on political grounds; and put an end to the harassment, intimidation, punishment and vilification of NGOs. He would be glad to support efforts taken by the Belarusian authorities in that regard and called on the Government of Belarus to cooperate with his mandate.

40. **Mr. Lazarev** (Belarus) said that the theme of the current report was even more offensive than that of the previous so-called report on the human rights situation in Belarus. The report attempted to explain to his country which NGOs were good and which were bad. According to the Special Rapporteur, NGOs that did not agree with State policy were good and should be able to receive funding, which for some reason should come from abroad, whereas NGOs that cooperated with State bodies were labelled “pro-government” and consequently almost anti-national.

41. The Special Rapporteur had evaluated the media in a similar fashion. Information provided by Belarusian media was, in the Special Rapporteur’s opinion, inaccurate and not credible, whereas information from foreign media, particularly Western European media, was almost the ultimate truth in his eyes. Moreover, the Special Rapporteur had actually based his report on information from Western sources.

42. The reports and the Special Rapporteur’s work in particular were riddled with such inconsistencies and contradictions that they could only be seen as an attempt to interfere in the internal affairs of Belarus. His Government suggested that OHCHR should review more carefully the reports of some of the so-called Special Rapporteurs in terms of their compliance with international law and even common sense.

43. It was obvious that reports on the situation of human rights in Belarus were written by the Special Rapporteur exactly as instructed by Brussels. His Government had warned of that problem at the time of the establishment of the mandate. It was no coincidence that a representative of one of the countries that had sponsored the draft resolution establishing the mandate had been appointed as Special Rapporteur.

44. Belarus had its own opinion regarding the so-called human rights standards that were promoted in the United Nations by countries to the west of Minsk, and human rights violations in those countries. To say that there were repeated and systematic human rights violations in a country that was ranked fifty-third in the Human Development Index was absurd. The new accusations against his country, for example in relation to homophobia, could not be taken seriously. Such accusations once again confirmed the validity of his country’s position with regard to its rejection of the Special Rapporteur’s mandate. His Government called

on the creators of the mandate of the Special Rapporteur to recognize that nothing could be achieved through threats, coercion and sanctions; the only way to solve any issues, including human rights issues, was through mutually respectful dialogue and joint efforts.

45. **Ms. Vadiati** (Islamic Republic of Iran), speaking on behalf of the States members of the Non-Aligned Movement, said that the Heads of State and Government of the Non-Aligned Movement, at their summit meeting in August 2012, had emphasized the role of the Human Rights Council as the United Nations organ responsible for the consideration of human rights situations in all countries through the universal periodic review process, based on cooperation and constructive dialogue; in the final document of their seventeenth Ministerial Conference in 2014, they had called for an end to the use of human rights for political purposes, including the selective targeting of individual countries, since that practice contravened the founding principles of the Movement and the Charter of the United Nations. They had also stressed that the universal periodic review was the main intergovernmental mechanism for reviewing human rights issues at the national level in all countries without distinction. Regardless of the contents of the Special Rapporteur’s report on the situation in Belarus, the continued submission of politically-motivated resolutions that targeted certain member States of the Non-Aligned Movement and the proliferation of country-specific reports only deepened the feeling that human rights issues were being politicized and impacted negatively on the credibility of the Human Rights Council as the competent authority that assessed and acted upon proven human rights violations in all countries, regardless of their level of development or political affiliation.

46. **Mr. Golyaev** (Russian Federation) said that his country noted with regret the politically motivated and inappropriate nature of the Special Rapporteur’s report, which contained pre-established conclusions. From the start, his Government had opposed the establishment of the Special Rapporteur’s mandate; the biased overview of the situation of human rights in Belarus provided strong support for its position. The report was one-sided and did not contain any reference to the positive transformations in the legislative and law enforcement spheres in Belarus. It was particularly regrettable that the Special Rapporteur reached his conclusions exclusively on the basis of information from NGOs,

disregarding information from official sources. As a result, most of the information in the report did not correspond to the truth.

47. The universal periodic review was an important and objective monitoring mechanism in the United Nations human rights system. His delegation pointed out that the Belarusian authorities cooperated not only with that mechanism, but also with the human rights treaty bodies, submitting periodic reports on the actual human rights situation in that country. It was unfortunate that the Special Rapporteur had made no reference to the Belarusian initiative to combat trafficking in persons, which had been met with approval and was clear confirmation of the openness and preparedness of Belarusian authorities to cooperate in the field of human rights. The report once again demonstrated that the establishment of politically motivated special procedures was counterproductive and lacked viability. His country considered those working methods to be ineffective and capable of exacerbating confrontation between Member States. Given that States bore primary responsibility for the promotion and protection of human rights, they should be provided with constructive assistance in that regard.

48. **Mr. Wickramarachchi** (Sri Lanka) said that the report of the Special Rapporteur did not adequately reflect the engagement demonstrated by Belarus with the Human Rights Council and its mechanisms. Belarus had accepted 74 of 93 recommendations in its first universal periodic review in 2010 and voluntarily submitted an interim report on their implementation in 2012. In addition Belarus had invited the High Commissioner for Human Rights, as well as special procedures mandate-holders, to visit the country, and cooperated closely with United Nations treaty bodies, including through the submission of several periodic reports to the Committee on Economic, Social and Cultural Rights in 2013. In his report, the Special Rapporteur had condensed all those important actions into four paragraphs, using language that was sceptical and negative in tone, but had gone to great lengths to describe negative issues.

49. The promotion and protection of human rights must be based on the principles of cooperation and genuine dialogue. No progress could be achieved without the consent of the country concerned. The approach of politically isolating a Member State was not only unacceptable, it was counterproductive. His delegation encouraged the international community to

engage in an objective and constructive dialogue with Belarus and support its efforts to improve the human rights situation in that country.

50. **Mr. Pirimkulov** (Uzbekistan) said that his delegation found the substitution of the universal periodic review process to be unacceptable. It also condemned the double standards and the duplication of resolutions based on selectivity and in violation of the principles of universality and objectivity, which were counterproductive and did not facilitate the promotion of human rights. Belarus had successfully participated in the universal periodic review and accepted the majority of the recommendations made, clearly demonstrating its openness to taking additional measures for the protection of human rights. In view of the subsequent cooperation of Belarus with the Human Rights Council and United Nations treaty bodies, his delegation considered that it was not necessary to monitor the human rights situation in that country or for the Human Rights Council or its special procedures mandate holders to carry out any further evaluations. It stressed the necessity of respecting the principles of impartiality, objectivity, fairness, non-discrimination and non-politicization of human rights when reviewing the human rights situation in any country.

51. **Ms. Rahimova** (Azerbaijan) said that there should be no hierarchy of human rights norms and that each category of human rights should be accorded equal treatment. International efforts must be based on cooperation and dialogue and seek to reinforce national efforts, not to undermine them.

52. **Mr. Fiallo** (Ecuador) said that the universal periodic review process was the correct forum for promoting human rights. The resolution which had established the Special Rapporteur's mandate, since it was politically motivated, contravened the principles of international cooperation and respect for sovereignty. Such mandates in general reflected a double standard that targeted the countries of the South. Developed countries should focus more on the rights of migrants, refugees and asylum seekers and the leading role played by Belarus in the Inter-Agency Coordination Group against Trafficking in Persons. Since the Special Rapporteur's report was politically motivated, he would not comment on it.

53. **Ms. Tschampa** (Observer for the European Union) said that the European Union echoed the call made by the Special Rapporteur to the Government of

Belarus to implement all the recommendations made by the United Nations human rights mechanisms and cooperate with them in that regard. It strongly urged Belarus to halt threats against opposition activists, remove all legal and administrative impediments to the freedom of peaceful assembly, association and speech, including the receiving of funding by NGOs, and bring relevant legislation and practice into line with international law. The European Union further called on the Belarusian authorities to release all political prisoners and imprisoned human rights defenders, ensure their full rehabilitation and enable them to operate freely, without fear of reprisals; and to end the impunity for those who committed acts of violence against human rights defenders and opposition activists, and address reports of torture and ill-treatment by law-enforcement officials through comprehensive and transparent investigations. The European Union also reiterated its call for Belarus to introduce a moratorium on executions as a first step towards the abolition of the death penalty.

54. In the light of the forthcoming presidential election in Belarus in 2015, she asked what the international community could do to improve the exercise of fundamental rights and freedoms and to ensure the safety of political activists in Belarus; whether a presidential decree on the strengthening of the judicial system would have a positive impact in terms of the independence of judges and fair trial; and what opportunities existed for increasing the engagement of Belarus with international organizations working in the field of human rights.

55. **Ms. Ntaba** (Zimbabwe) said that no country had achieved a level of perfection that lent it the moral authority to give condescending lectures to others on human rights. No country should be singled out for chastisement. Politicizing the issue of human rights was ultimately counterproductive; the establishment of country mandates without the concurrence of the country concerned was tantamount to interference in the internal affairs of a sovereign State and precluded the cooperation required for the mandate-holder's work to be effective. Furthermore, the institutionalization of naming and shaming practices undermined the impartiality and non-selectivity that should underpin the procedures of the Human Rights Council and poisoned the work of the Committee in the field of human rights. Consequently, Zimbabwe reaffirmed its position that any consideration of human rights must

be done in a manner that was impartial and accorded each State the primary role in the promotion and protection of the rights of its citizens. Moreover, consideration of human rights questions must be carried out in a spirit of cooperation that recognized Member States' efforts and the challenges they faced.

56. **Mr. Suárez Moreno** (Bolivarian Republic of Venezuela) said that his delegation rejected the selective handling of human rights issues and the establishment of country-specific procedures. The use of human rights for political reasons violated the Charter of the United Nations, as well as the principles of objectivity and universality, which must be upheld in the field of human rights. The preparation of politically-motivated reports undermined the mandate of the Human Rights Council.

57. **Mr. Wang Zhaoxue** (China) said that China always supported constructive dialogue on human rights issues, but was opposed to country-specific resolutions and mechanisms. Naming and shaming would undermine international cooperation and was not conducive to the promotion and protection of human rights. China appreciated the challenges that Belarus faced and hoped that the Special Rapporteur would adhere strictly to his mandate and assess the human rights situation in Belarus in a fair, objective and balanced way.

58. **Ms. Sabja** (Plurinational State of Bolivia), speaking on behalf of Nicaragua and her own country, said that the universal periodic review process promoted cooperation in the field of human rights on the basis of the principles of non-selectivity, objectivity and universality and constructive dialogue. Her delegation and that of Nicaragua rejected politicized country-specific reports that had been prepared without the support of the country concerned and contributed nothing to the advancement of human rights.

59. **Mr. Dempsey** (Canada) said that his delegation was deeply concerned by the ongoing violation of human rights, the lack of independence of the judiciary and the repression of civil society and political opponents in Belarus and urged the Belarusian authorities to engage meaningfully with international human rights bodies. Canada called on the current regime to cease the judicial intimidation and punishment of political opponents, human rights activists and civil society, release all political prisoners

and ensure that the forthcoming presidential election would be free and fair by international standards. He asked what concrete steps Belarus needed to take to implement its human rights obligations and how the international community could assist in that regard.

60. **Mr. Sengsourinha** (Lao People's Democratic Republic) said that his delegation congratulated the Government of Belarus for successfully completing its first universal periodic review and for its acceptance and implementation of 74 of the 93 ensuing recommendations. The peer review of the universal periodic review process was the most appropriate mechanism for constructive dialogue and engagement within the United Nations human rights system. Special procedures should adhere to the principles of the Charter of the United Nations, in particular respect for national independence, sovereignty, territorial integrity and non-interference, uphold the human rights principles of objectivity, non-selectivity and non-discrimination, and avoid double standards and politicization.

61. **Ms. Skácelová** (Czech Republic) said that it was regrettable that the Belarusian Government had repeatedly refused to recognize the mandate of the Special Rapporteur and had denied him access to the country. His report showed that the State policy aimed at restricting civil society and the activism essential for democratic development, unfortunately, worked. Her delegation remained seriously concerned by systematic and systemic human rights violations and practices that clearly breached fundamental freedoms, and called on the Government of Belarus to immediately release and fully rehabilitate imprisoned human rights defenders and activists and to stop violence against, and harassment of, civil society representatives, political opposition activists and independent journalists. She asked whether a further tightening of restrictive State policies towards civil society, political opponents and independent media was expected in the lead up to the 2015 election and how the Special Rapporteur gauged the mood of Belarusian society in general.

62. **Ms. Fontana** (Switzerland) said that Switzerland, particularly as the holder of the Chairmanship of the Organization for Security and Co-operation in Europe (OSCE), was committed to promoting the establishment of a vibrant and independent civil society and to the protection of human rights defenders against acts of reprisal. Her delegation was especially concerned by the legal and practical obstacles to freedom of association in

Belarus, as well as by the vague wording used in the frequent amendments made to national legislation on the subject, which encouraged arbitrariness on the part of the authorities and self-censorship among civil society groups. The few positive developments mentioned in the Special Rapporteur's report were insufficient for tackling the systematic violation of human rights in that country; her delegation asked whether other positive steps could be expected from the current Government of Belarus and how, in the light of the Special Rapporteur's mandate, the signs of openness shown by the Government of Belarus to certain OSCE bodies should be interpreted.

63. **Mr. Hoelde** (Norway) said that the unwillingness of Belarus to cooperate with the Special Rapporteur signalled an unwillingness to cooperate with the General Assembly and hence merited special attention. The report of the Special Rapporteur painted a bleak picture, but the anticipated new wave of repression leading up to the election in 2015 was not inevitable. Belarus could choose to cooperate. Norway called on the Belarusian Government to accept the recommendations made in the report and to cooperate with the Special Rapporteur and the Human Rights Council.

64. **Ms. Hullman** (Germany) urged the Government of Belarus to cooperate with the Special Rapporteur and other special procedures mandate-holders. Specifically, Germany called on Belarus to impose a moratorium on the use of the death penalty, release all political prisoners and end the repression of civil society, the independent media and opposition activists. Civil society organizations must not be criminalized, and impediments to their funding must be removed. She asked the Special Rapporteur if he had detected any signs that the three main stumbling blocks identified in his report might be removed and whether he had any advice for civil society in Belarus and the international community outside Belarus about how to remove them.

65. **Ms. Kiernan** (United States of America) said that her delegation remained deeply concerned by the restrictions imposed on civil society, the decreasing number of NGOs registered and the violations of the freedoms of peaceful assembly, association and expression in Belarus. Her delegation called on the Government of Belarus to grant the Special Rapporteur access to the country and to end the harassment of LGBT persons and those who defended their rights.

The United States supported the Special Rapporteur's recommendations, especially those related to the amendment of the laws on freedom of assembly and association. She asked what steps the Special Rapporteur would recommend to encourage the Belarusian Government to establish a constructive dialogue with civil society and human rights defenders, particularly in relation to its universal periodic review.

66. **Mr. Kim Song** (Democratic People's Republic of Korea) said that his country rejected the mandate of the Special Rapporteur, which was an example of politicization, selectivity and double standards in the handling of human rights issues. The mandate had not been based on alleged human rights violations, but on the geostrategic importance of Belarus and the political interests of certain countries. The United Nations could not be used to serve the political purposes of specific States, and human rights issues must not be used as political weapons. All human rights issues must be addressed through the universal periodic review mechanism.

67. **Mr. Mattar** (Egypt) said that the universal periodic review process allowed for the objective and reliable assessment of the human rights situation in all countries and was the right framework for cooperation in that area.

68. **Mr. Duddy** (United Kingdom) said that his delegation welcomed the report of the Special Rapporteur, especially its findings on LGBT rights. He called on the Belarusian authorities to recognize the mandate of the Special Rapporteur and allow him access to speak directly with local people and organizations. The report mentioned some positive steps that had been taken to amend legislation on public associations, but those amendments had not been translated into action. He asked what further steps the authorities should take and what the international community could do to improve the situation.

69. **Mr. Sargsyan** (Armenia) said that Human Rights Council initiatives must have the agreement of, and be coordinated with, the country concerned. Direct dialogue was a good basis for achieving goals in the field of human rights; it should be noted that Belarus continued to cooperate with the United Nations human rights treaty bodies, including in terms of meeting its reporting obligations. Moreover, the series of legislative amendments on civil society and political parties mentioned in the Special Rapporteur's report

signalled the Belarusian Government's intention to improve the human rights situation in that country.

70. **Ms. Alsaleh** (Syrian Arab Republic) said that the Special Rapporteur's mandate undermined the credibility of the political and legal mechanisms of international relations, including cooperation-based mechanisms such as the universal periodic review. Her Government completely rejected, on principle, the selective use of human rights issues to pursue other goals. Interfering in the internal affairs of other States on legal and humanitarian pretexts contravened the principles of sovereignty and equality established in the Charter of the United Nations.

71. **Mr. Glagolev** (Kazakhstan) said that Kazakhstan noted with satisfaction the considerable efforts made by the Government of Belarus to introduce political reforms aimed at ensuring fundamental human rights and freedoms and enhancing the further democratization and liberalization of that country. It also welcomed the clear readiness of Belarus to cooperate with international human rights institutions, including the special procedures of the Human Rights Council, and called on the Special Rapporteur to pursue a constructive dialogue and cooperation with the Government of Belarus. The special procedures, as well as the mandate-holders themselves, must uphold the principles of impartiality, objectivity, non-bias and non-politicization.

72. **Mr. Pérez** (Cuba) said that his delegation objected to the imposition of selective country-specific mandates that were politically motivated, lacked the support of the State concerned, failed to take into account the information that the State provided and contravened the spirit of dialogue and cooperation, as was the case of the mandate under consideration. The universal periodic review was the way to analyse human rights situations without selectivity. Cuba would continue to oppose politicized exercises that did not reflect genuine concern for human rights in a given country and only poisoned the analysis of the situation.

73. **Mr. Eyerberdiyev** (Turkmenistan) said that his delegation applauded the commitment of Belarus to its international obligations in the area of human rights, as well as its willingness to engage in dialogue with United Nations human rights mechanisms and to take effective steps towards promoting and protecting human rights, as indicated in the non-paper "Belarus and human rights: general views and cooperation with United Nations

human rights mechanisms from 2012 to 2014” (A/C.3/69/3). Turkmenistan supported the universal periodic review process, since it enabled an objective and reliable assessment of the human rights situation in every country and noted that Belarus had successfully undergone that process in 2010 and accepted most of the recommendations. In that regard, Turkmenistan deemed it unacceptable to replace the universal periodic review with the implementation of selective country-specific resolutions that violated the principles of universality and objectivity. Turkmenistan reiterated its long-standing and principled position that all initiatives should be coordinated with the country concerned and conducted in a spirit of cooperation and collaboration. Country-specific mandates did not help the situation on the ground and were counterproductive.

74. **Mr. Haraszti** (Special Rapporteur on the situation of human rights in Belarus) said that his report dealt with the situation of civil rights and not with human rights in general. In reply to the representative of Ecuador, he said that he did not understand the comment that countries of the South were being singled out, since Belarus was one of the northern-most countries. While his report included comments about the universal periodic review mechanism, it was not primarily concerned with the mechanism. In that regard, only one of the recommendations accepted by Belarus dealt with the rights of civil society — the recommendation to establish an independent human rights institution with the help of civil society in line with the Paris Principles. However, that recommendation had not been implemented.

75. With regard to the right to vote, it was hard to underestimate the importance of civil society watchdogs in achieving democratic institutions and human rights. As it was nearing the crucial pre-election period before the presidential election in 2015, Belarus should acknowledge the rights and importance of civil society. Since the report had been written, new restrictive legislation had been implemented, for example the ban on propagating or proposing a boycott of the elections had been made a crime. Such legislative steps must be abandoned.

76. He reiterated his readiness to support and cooperate constructively with the Government of Belarus. The first step for such cooperation would be for Belarus to acknowledge the mandate and talk to the mandate holder.

77. **Mr. Darusman** (Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea) said that since he had last appeared before the Committee, the commission of inquiry on human rights in the Democratic People’s Republic of Korea, of which he was a member, had completed its report and submitted it to the Human Rights Council; that was the first time such a comprehensive investigation of the human rights situation in the Democratic People’s Republic of Korea had been mandated and its conclusions could not be ignored. The commission of inquiry had documented a number of long-standing and ongoing patterns of systematic and widespread violations in the Democratic People’s Republic of Korea and concluded that they met the high threshold required for crimes against humanity in international law. No Member States speaking at the Human Rights Council in March 2014 when it had adopted resolution 25/25, with the exception of the Democratic People’s Republic of Korea, had denied that the dire human rights situation had to be addressed.

78. Perhaps prompted by the intensive focus that had been brought to bear by the commission of inquiry, the Democratic People’s Republic of Korea had shown the beginnings of a disposition towards re-engagement with the international community on human rights. In May 2014, it had participated in the second cycle of the universal periodic review, accepting 113 recommendations out of the 268 made and providing an update on its position with regard to a number of recommendations from the previous review.

79. He hoped that rapid progress would be made in the bilateral process of investigation into the outstanding cases of abduction of Japanese nationals, which had been reopened, within a comprehensive strategy on the resolution of international abductions and that the investigation would be conducted transparently in the interests of the families concerned and of the international community as a whole.

80. He was pleased to report that he had had his first ever meeting as Special Rapporteur with official representatives of the Democratic People’s Republic of Korea in New York on the previous day; that was an encouraging development that would allow for further discussion on a number of pending issues, including possible effective collaboration on ways to initiate resolution of the human rights situation in that country. He firmly believed that the international community

should seize the unique opportunity created by both the commission of inquiry and the engagement by the Democratic People's Republic of Korea with the universal periodic review to help make a difference in the lives of the people of that country, including victims, and to ensure accountability of those responsible for serious violations of human rights.

81. The openings for dialogue and change were due to the combined pressure and scrutiny of the General Assembly and Human Rights Council. The international community must adopt a common and effective strategy, including carefully targeted action and engagement by all relevant mechanisms. The Security Council itself had a critically important role to play and would benefit from a more comprehensive analysis of the human rights situation in its deliberations on the Democratic People's Republic of Korea, given the intrinsic links between peace and security and human rights in the Korean peninsula. The commission of inquiry's report should therefore be submitted to the Security Council for its consideration and appropriate action.

82. He looked forward to concrete actions by the various United Nations departments and agencies to follow up the commission of inquiry's recommendations and ensure that all engagement with the Democratic People's Republic of Korea took into account and addressed human rights concerns effectively. He appreciated the commitment expressed by the Secretary-General to support a Human Rights Up Front response to the human rights situation in the Democratic People's Republic of Korea during a meeting with the three members of the Commission of Inquiry in April 2014.

83. He welcomed the efforts towards the establishment of an OHCHR field-based structure in the Republic of Korea, tasked by the Human Rights Council with following up on the work of the commission of inquiry. That would provide an important new platform for information and exchange as well as possible future cooperation. It was of utmost importance that the structure should function with independence and sufficient resources and should not be subjected to any reprisals or threats. It was similarly important that all Member States and other concerned actors should facilitate and provide the OHCHR structure and his own mandate with timely access to relevant information and potential witnesses, especially escapees who might have information crucial for ensuring institutional and individual accountability.

84. He would remain ready to visit the Democratic People's Republic of Korea to engage in further dialogue and technical cooperation. The international community must send an unequivocal signal that it was determined to follow up the findings and recommendations of the commission of inquiry, and would take Human Rights Council resolution 25/25 to a new level through concrete actions.

85. **Mr. Kim Song** (Democratic People's Republic of Korea) said that country-specific procedures were a typical example of the politicization, selectivity and double standards of some forces and groups of countries that attempted to misuse human rights as a tool to put pressure on individual countries selectively, particularly those that had different values. The Special Rapporteur was a product of political confrontation and had been used as a tool by the hostile forces that had been attempting to isolate and stifle his country, invoking the august name of the United Nations; he served as a mouthpiece for the political interests of those hostile forces.

86. He stressed that the reports of the Special Rapporteur and the commission of inquiry had no credibility since they had been based on the unfounded testimonies of those who had deserted their families and betrayed their motherland. The fact that such documents had been issued as official documents of the United Nations was vivid proof of the money and power possessed by some countries, which only reflected their own interests. The United Nations should live up to the principles of sovereign equality and non-interference in the internal affairs of Member States and not succumb to the influence of certain countries.

87. His Government attached great importance to international cooperation and equal dialogue in the field of human rights. However, the resolutions concerning his country had no relevance to genuine human rights and clearly sought confrontation, which was incompatible with cooperation and dialogue. His delegation would oppose the draft resolution tabled by the European Union and Japan during the current session.

88. **Ms. Vadiati** (Islamic Republic of Iran), speaking on behalf of the States members of the Non-Aligned Movement, said that the Heads of State and Government of the Non-Aligned Movement, at their summit meeting in August 2012, had emphasized the

role of the Human Rights Council as the United Nations organ responsible for the consideration of human rights situations in all countries through the universal periodic review process, based on cooperation and constructive dialogue; in the final document of the seventeenth Ministerial Conference, in 2014, they had called for an end to the use of human rights for political purposes, including the selective targeting of individual countries, since that practice contravened the founding principles of the Movement and the Charter of the United Nations. They had also stressed that the universal periodic review was the main intergovernmental mechanism for reviewing human rights issues at the national level in all countries without distinction. Regardless of whether the report in document [A/69/548](#) was related to the human rights situation in the Democratic People's Republic of Korea, the continued submission of politically motivated resolutions targeting certain member States and the proliferation of country-specific reports only deepened the impression that human rights issues were being politicized and impacted negatively on the credibility of the Human Rights Council as the competent authority to assess and act upon proven human rights violations in all countries, regardless of their level of development or political affiliation.

89. **Mr. Ponikvar** (Observer for the European Union) said that the European Union and Japan had been at forefront of bringing the dire situation in the Democratic People's Republic of Korea to the attention of the General Assembly and the Human Rights Council, tabling a draft resolution with a strong emphasis on accountability with the objective of bringing change to the human rights situation in the country and justice to victims.

90. He asked whether the Special Rapporteur had received any indication from the authorities of the Democratic People's Republic of Korea of their willingness to engage with the mandate in a meaningful way in the future or implement the recommendations. He also asked for the Special Rapporteur's view on the balance between the Human Rights Up Front project and the humanitarian presence in the Democratic People's Republic of Korea.

91. **Mr. Pérez** (Cuba) said that Cuba had always opposed the establishment of country-specific mandates. They represented the highest level of manipulation and were aimed at bullying the countries of the South. The former Commission on Human

Rights had been discredited by the application of such double standards and the politicization of the consideration of human rights issues. Only genuine international cooperation based on objectivity, impartiality and non-selectivity could effectively promote and protect human rights. The Human Rights Council and its universal periodic review mechanism was the forum for examining the human rights situation in all countries on an equal footing.

92. **Mr. Rishchynski** (Canada) said that his country completely endorsed the call for accountability for all crimes against humanity in the Democratic People's Republic of Korea. It was concerned by the total lack of human rights and fundamental freedoms of the people of the Democratic People's Republic of Korea, in particular the lack of freedom of expression, the deplorable living conditions in detention centres and the appalling treatment of victims of torture, rape, forced abortion and public executions. He asked whether it was realistic to hope for any genuine engagement resulting from the recent platitudes by the Democratic People's Republic of Korea about engaging in human rights dialogue, given that it continued to rebuff all efforts of the commission of inquiry, the Special Rapporteur and other special procedures mandate holders; and what steps could be taken by individual countries to support the Special Rapporteur's work.

93. **Mr. Jung-Hoon Lee** (Republic of Korea) said that his delegation concurred with the Special Rapporteur that the human rights situation in the Democratic People's Republic of Korea required a systemic and comprehensive approach, and greater urgency. It called on the Democratic People's Republic of Korea to accept the recommendations made by the commission of inquiry and cooperate fully with the Special Rapporteur, and to take concrete and genuine measures to address its human rights situation.

94. He asked how the Special Rapporteur planned to deal with the urgent issue of international abductions by the Democratic People's Republic of Korea. His delegation called on the Democratic People's Republic of Korea to take immediate measures to resolve the issue of abductees from the Republic of Korea during and after the Korean War and the prisoners of war still detained in the Democratic People's Republic of Korea. It called on all States to adhere to the principle of non-refoulement to ensure that refugees and asylum seekers fleeing the Democratic People's Republic of

Korea were not forcibly returned. It remained deeply concerned about separated families in the Republic of Korea and the Democratic People's Republic of Korea. To address that issue, both sides must promptly agree on family reunions on a larger scale and a regular basis.

95. His country would join others in ensuring that the annual resolution on the human rights situation in the Democratic People's Republic of Korea duly reflected the recommendations of the commission of inquiry. It would continue to provide humanitarian assistance to build confidence and cooperation with the Democratic People's Republic of Korea and was working closely with OHCHR to establish a field-based structure to build upon the work of the commission of inquiry.

96. **Mr. Wang** Zhaoxue (China) said that his country opposed the adoption of country-specific human rights special procedures, because they were contrary to the principles of the Charter of the United Nations, damaged mutual trust and would be of no help to cooperation in the field of human rights.

97. **Mr. Suárez Moreno** (Bolivarian Republic of Venezuela) said that his delegation rejected any politically-based selectivity in dealing with human rights issues as a violation of the Charter of the United Nations, as well as the establishment of country-specific mandates, which violated the principles that should underpin the consideration of human rights issues. Selective, country-specific resolutions and politically-motivated reports only weakened the mandate of the Human Rights Council.

98. **Ms. Belskaya** (Belarus) said that her Government reaffirmed its opposition to politically motivated country mandates and the corresponding reports. It considered the universal periodic review to be the only effective means by which to examine objectively, comprehensively and judiciously the human rights situation in individual countries. She asked whether the Special Rapporteur envisaged any possible steps that could be taken by the sponsors of resolutions on the Democratic People's Republic of Korea in order to shift the dialogue from the level of reports and resolutions to that of the universal periodic review.

99. **Ms. Fontana** (Switzerland) said that her country agreed that the international community must use all the means at its disposal, including recourse to the International Criminal Court, to protect the people of the Democratic People's Republic of Korea from the crimes

against humanity highlighted in the report and put an end to impunity. She asked for the Special Rapporteur's opinion on how Member States could effectively lobby the Government of the Democratic People's Republic of Korea to ensure the implementation of the recommendations accepted during the universal periodic review; how the international community could support the Special Rapporteur's work; and what steps the Special Rapporteur envisaged in order to assist in the implementation of the commission of inquiry's recommendations?

100. **Ms. Carayanides** (Australia) said that her country urged the Democratic People's Republic of Korea to implement the recommendations of the commission of inquiry. She asked how Member States could use their relationships with the Democratic People's Republic of Korea to facilitate the implementation of the universal periodic review recommendations and how the international community might be able to verify that they were being implemented. Welcoming the decision to establish a field-based structure to document and monitor the human rights situation, she asked what other mechanisms were available to help ensure the accountability of those responsible for human rights violations.

101. **Ms. Skácelová** (Czech Republic) said that her country had long been condemning the systematic, widespread and gross human rights violations taking place in the Democratic People's Republic of Korea and fully supported the recommendation to submit the report of the commission of inquiry to the Security Council for its consideration and appropriate action, including referral of the human rights situation in the country to the International Criminal Court. It also supported the draft resolution tabled by Japan and the European Union and the establishment of a field-based structure of OHCHR in the Republic of Korea. She asked the Special Rapporteur whether there had been any progress on the creation of a contact group to raise concerns and provide for initiatives to improve the human rights situation in the Democratic People's Republic of Korea and what mechanism it could use to achieve tangible results.

102. **Mr. Okamura** (Japan) said that his country sincerely hoped that all Member States would support the draft resolution it had tabled with the European Union given the grave human rights situation in the Democratic People's Republic of Korea. It hoped that

the Special Rapporteur and OHCHR would play a vital role in implementing the resolution.

103. **Ms. Walker** (United Kingdom) said that although there had been recent and encouraging indications that the Democratic People's Republic of Korea was prepared to engage on human rights issues, the situation on the ground had not changed or improved. Her country renewed its call for the authorities of the Democratic People's Republic of Korea to respond in detail to the commission of inquiry's report and take action to implement its recommendations, including by giving full and unimpeded access to OHCHR, the Special Rapporteur and other relevant United Nations bodies. Her country was ready to offer its support to the OHCHR field-based structure in the Republic of Korea and asked the Special Rapporteur what the priorities would be for that structure in its first months of operation and how Member States could support that work. In light of the Special Rapporteur's offer to assist Member States in forming a contact group, she asked what prospect there was of the Democratic People's Republic of Korea engaging constructively with such a group.

104. **Mr. King** (United States of America) called on all States to offer protection to nationals of the Democratic People's Republic of Korea at risk of harm, considering that those persons who were repatriated were commonly subjected to torture, arbitrary detention, execution and sexual violence. He called on the Democratic People's Republic of Korea to dismantle prison camps immediately, release political prisoners unconditionally and stop arbitrary detention. While his country welcomed that Government's initial steps to engage directly with the Special Rapporteur, such engagement should not simply be an opportunistic offer to delay and postpone action. The Democratic People's Republic of Korea could either address its human rights record and abide by its international obligations and commitments or face further isolation. It would be judged by its actions, not by its words.

105. **Mr. Holbach** (Liechtenstein), speaking also on behalf of Iceland, asked whether the increased engagement of the Democratic People's Republic of Korea had been accompanied by a change in the human rights situation on the ground. Liechtenstein and Iceland agreed that the situation in the Democratic People's Republic of Korea should be referred to the International Criminal Court to the attention of the

Security Council. However, given that such a referral appeared unlikely in the short term, he asked what actions should be taken in the meantime by the international community to lay the groundwork for future judicial accountability.

106. **Ms. Sameer** (Maldives) asked how Member States could strategically engage with the Democratic People's Republic of Korea to ensure the full implementation of the universal periodic review recommendations, given the lack of transparency and limited access to the field. She also asked how the Special Rapporteur proposed to overcome the transparency issues.

107. **Mr. Hoelde** (Norway) said that his country appreciated the acceptance of a number of recommendations by the Government of the Democratic People's Republic of Korea as an important first step and called for their full implementation. He asked for the Special Rapporteur's advice on how the international community could best support the Democratic People's Republic of Korea in the implementation of the universal periodic review recommendations.

108. **Ms. Hampe** (Lithuania) said that the international community must act to protect the people of the Democratic People's Republic of Korea from crimes against humanity and ensure that those responsible were held accountable. Regrettably, the perpetrators enjoyed impunity, because they acted in accordance with State policy. Her country welcomed all initiatives that could help to pave the way for formal consideration of the issue of accountability by the Security Council, including regular briefings by OHCHR and the Special Rapporteur. She asked the Special Rapporteur to elaborate more on how the international community could use existing instruments, such as the universal periodic review, as well as political dialogue, to seize the opportunities for engagement with the Government of the Democratic People's Republic of Korea on human rights issues.

109. **Mr. Darusman** (Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea) said that the most significant developments in the human rights situation in the Democratic People's Republic of Korea had taken place during the six months since the commission of inquiry's report had been issued rather than in the previous 10 years. He noted the publication in September 2014 by the Democratic People's Republic

of Korea Association for Human Rights Studies of a report on the human rights situation in that country, which could help in further understanding the country's administrative and legislative framework. It might not be coincidental that those significant developments had taken place in the aftermath of the commission of inquiry's report. That report had incontrovertibly established the facts and the task now was to seek ways out of the dire human rights situation in the Democratic People's Republic of Korea, in view of the almost total denial of human rights. He suggested that the approach moving forward should be a combination of the pursuit of accountability and the opening up of cooperation and collaboration.

110. In response to the question from the representative of Belarus regarding how dialogue could move from the report framework to the universal periodic review framework, he said that such a transition was possible, but would require the consent and readiness of the Democratic People's Republic of Korea to engage in dialogue. Accordingly, efforts should focus on how to establish dialogue between the international community and the Democratic People's Republic of Korea, the signs of which had now been manifested. At the same time, as recommended in the commission of inquiry's report, the international community should move forward on a two-track path, pursuing accountability in relation to those individuals who had clearly been involved in the perpetration and denial of human rights, on the one hand, and opening up space for cooperation with the Democratic People's Republic of Korea, on the other.

The meeting rose at 1.10 p.m.