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## Third Committee

### Summary record of the 45th meeting

Held at Headquarters, New York, on Monday, 17 November 2014, at 3 p.m.

*Chair:* Ms. Mesquita Borges . . . . . (Timor-Leste)  
*later:* Mr. Davis (Vice-Chair) . . . . . (Jamaica)

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*The meeting was called to order at 3.10 p.m.*

**Agenda item 63: Report of the Human Rights Council**  
(A/69/53 and A/69/53/Add.1)

1. **Mr. Ndong Ella** (Gabon), President of the Human Rights Council, introducing the report of the Council (A/69/53 and A/69/53/Add.1), said that the global situation had been difficult in 2014, as there had been numerous crises and conflicts, some of them involving non-State actors. The Council had held three ordinary sessions, three special sessions and examined 215 reports. It had held 57 interactive dialogues with special procedures mandate holders on thematic issues and country situations and 22 high-level panels on various human rights issues, including the situations in eastern Ukraine and South Sudan. The ordinary sessions had been attended by around 130 officials, and approximately 8,000 delegates had taken part in the 500 parallel events.

2. The first special session, held at the request of the African Group, had been convened on 20 January 2014 to consider the human rights situation in the Central African Republic, and an independent expert had then been appointed to monitor the situation and support the efforts of the transition authorities to bring peace and stability. On 23 July 2014, the Council had met to discuss the situation in the Occupied Palestinian Territory, including East Jerusalem, at the request of the Organization of Islamic Cooperation and the Group of Arab States. As a result of that session, the Council had established a commission of inquiry to investigate alleged violations of human rights and international humanitarian law. The members of the commission had been appointed and were currently in the early stages of the investigation. The third special session, which had taken place on 1 September 2014, had been convened to consider the human rights situation in Iraq in relation to the Islamic State in Iraq and the Levant. As human rights violations had been perpetrated by a non-State actor, it had been decided that an Office of the High Commissioner for Human Rights (OHCHR) fact-finding mission should be sent to Iraq as a matter of urgency.

3. Over the course of the year, bodies had also been set up to investigate the human rights situation in the Democratic People's Republic of Korea, Eritrea, and Sri Lanka. The Council had also appointed, or renewed the mandates of, mandate holders for 31 existing mandates and had introduced two new mandates:

Special Rapporteur on the rights of persons with disabilities and Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights.

4. At its three regular meetings, the Council had closely monitored the situations in Belarus, Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo, Democratic People's Republic of Korea, Eritrea, Guinea, Iran (Islamic Republic of), Iraq, Libya, Mali, Myanmar, Somalia, South Sudan, Syrian Arab Republic, Sri Lanka, Sudan, Ukraine and Yemen. The human rights situation in a total of 57 States had been examined through the universal periodic review mechanism. All of the States in question had participated and been represented at the ministerial level or higher, which indicated that the universal periodic review had become an integral part of the human rights system.

5. The council had adopted 106 resolutions, 6 declarations and 4 decisions. Of those decisions and resolutions, 35 per cent had been adopted by a recorded vote. Sponsors were encouraged to engage in dialogue with other Member States and stakeholders so that a greater percentage of texts could be adopted by consensus. Several of the resolutions contained specific recommendations to the General Assembly. In resolution 25/30 on the follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict, the Human Rights Council had renewed its recommendation that the General Assembly should remain apprised of the matter until it was satisfied that appropriate action with regard to implementing the recommendations contained in the report of the Fact-Finding Mission had been taken. In resolutions 25/33 and 26/1 on the International Decade for People of African Descent, the Council had invited the President of the General Assembly and his facilitator to participate in the twelfth session of the Intergovernmental Working Group on the Implementation of the Durban Declaration and Programme of Action and to consider and adopt the draft programme of activities for the Decade. Lastly, in resolution 26/10 the Council had recommended that the General Assembly should proclaim 13 June International Albinism Awareness Day.

6. The budget implications of the 114 adopted texts amounted to \$30 million, which was an increase of between 60 and 75 per cent compared to the budgets of previous years. OHCHR was no longer able to meet its

financial commitments, and required a funding increase of between 3 and 5 per cent as a matter of urgency. More than half of OHCHR resources were spent on Council-approved mandates and two-thirds of its budget was funded through voluntary contributions. The Human Rights Council was to some extent a victim of its own success: the number of resolutions, decisions, panels and interactive dialogues was constantly increasing and the workload had grown exponentially. The Council and the various stakeholders were concerned by the situation and were planning to modify the Council's working methods in order to improve its capacity to deal with contingencies and new situations. He had invited Member States to consider that issue throughout the term of his mandate.

7. Over the past year, he had taken the initiative to travel to New York after each session in order to ensure that the United Nations offices in New York and Geneva were equally well-informed of the Council's work, in the hope of eliminating any difficulties or misunderstandings that could result in postponement of the adoption of Human Rights Council reports by the General Assembly.

8. **Ms. Loew** (Switzerland) asked what measures could be taken to continue to improve the Council's working methods, which should be adapted to take into account the increase in its activities. Her delegation would be particularly interested to hear how sessions with increasingly full agendas could be better managed. It would also be glad to hear the President's thoughts on how the fundamentally important participation of civil society in the work of the Council could be maintained and encouraged, in light of the increase in intimidation and reprisals against civil society representatives who cooperated with that body.

9. **Mr. Barriga** (Liechtenstein) said that an understanding on the division of work between the Human Rights Council, the General Assembly plenary meetings and the Third Committee had been reached in the past, and he asked whether the President of the Human Rights Council had any thoughts on how that understanding could be implemented. All OHCHR activities mandated by intergovernmental bodies such as the Human Rights Council must be funded by the regular budget, and his delegation would be interested to hear the thoughts of the President on how to achieve that, bearing in mind that the budget process did not focus on human rights activities, but covered the activities of the entire Secretariat.

10. **Ms. Coroa** (Portugal) said that her delegation welcomed the efforts to improve links between the General Assembly and the Human Rights Council. Her country firmly believed that the Council could help Member States strengthen their capacity to comply with their human rights obligations. She asked what could be done to ensure that the universal periodic review, which was instrumental in improving the protection of human rights at the national and international levels, continued to contribute to improving the human rights situation around the world. As a supporter of the free participation of civil society in the work of the Council, her delegation would also like to hear the President's thoughts on what more the Council and its member States could do to provide a free and enabling environment for civil society participation in Council activities. As a newly elected member of the Council for 2015-2017, her country looked forward to playing a more decisive role and supporting the Council in bringing about the universal realization of human rights.

11. **Mr. Rabi** (Morocco) said that the work of the Council was underreported at the local level, with the media rarely present at its discussions. He asked how the Council could increase its visibility at the national and local levels to improve its impact on the ground. He also asked whether the large number of resolutions, panels and special procedures that the Council dealt with every year had an impact on its effectiveness and what measures were envisaged to rectify any problems.

12. **Ms. Miller** (Observer for the European Union) reaffirmed her delegation's support for the Human Rights Council and welcomed its efforts to build closer ties between the Council and the wider United Nations membership. Her delegation valued the objectivity and effectiveness of the Council and reiterated the importance of universality and the equal treatment of all countries in the assessment of human rights situations. In that regard, her delegation would be glad to know how follow-up to universal periodic reviews could be further supported. It would also be interesting to hear further details on how to enhance efforts to protect individuals and groups cooperating with human rights groups from intimidation and reprisals, particularly in light of the large number of special procedures mandate holders that had been appointed or had their mandates renewed by the Council in 2014.

13. **Ms. Mballa Eyenga** (Cameroon) said that the Council often dealt with controversial issues or faced

political opposition to its work. In spite of such difficulties, the President of the Human Rights Council had consistently sought to bring about agreements and quality dialogue between parties. Her delegation welcomed his fruitful efforts to strengthen institutional relations between the United Nations offices in New York and Geneva and would be interested in hearing his advice on how to further improve that relationship.

14. **Ms. Derderian** (United States of America) said that while the Council continued to engage in important work on country situations and thematic issues, her delegation was concerned by the increasing number of mandates and resolutions, particularly with regard to their impact on the ability of smaller Member States to participate in all the work of the Council. Her delegation would be glad to hear how the proliferation of resolutions could be addressed, and specifically whether the President had any ideas about how to tackle resolutions on a biennial basis, in order to ensure that all members of the Council could be involved in its work. Her delegation would also be interested to hear any advice he might have on how the Council could best respond to crises around the world, other than by convening special sessions.

15. **Mr. Ó Conaill** (Ireland) said that his delegation condemned acts of reprisal and intimidation against civil society representatives who were engaged with the Human Rights Council and cooperating with human rights mechanisms, and he welcomed the efforts of the President to protect and preserve the space in which they made their essential contribution. His delegation would be glad to know how Member States could further encourage the inclusive participation of all civil society actors from all regions in the work of the Council and its special procedures, as that was the basis for successful work.

16. **Mr. Ndong Ella** (Human Rights Council) said that it was highly desirable to consider ways of improving the working methods of the Human Rights Council to take contingencies and new situations into account. The number of decisions, resolutions, special procedures and universal periodic review recommendations was increasing. One country had received 300 recommendations in 2014, and it would be very difficult to implement them all within four years. The agenda was overloaded and it had been extremely difficult for the Council to carry out its work, with meetings running continuously from 9.00 a.m. to 6.00 p.m. during its sessions.

17. However, proposals on updating the working methods had to come from Member States if they were to be successful. There had been a partial review of the working methods in 2011 and another review would be conducted in 2016. Complaints about the working methods of the Council came from many quarters, not only from within the Council but also from advisory committees and other groups that were involved in its activities, including the appointment of mandate holders. It was difficult to make changes to bodies such as the Human Rights Council, but the current situation was not viable and must be improved.

18. The Assistant Secretary-General for Human Rights was supporting the Council's efforts to ensure that civil society was able to participate in the work of the Council. In contrast with other bodies working in the field, the Council took an innovative approach of partnering with non-governmental organizations (NGOs), civil society and human rights institutions and was diligent in addressing the intimidation and reprisals that members of such organizations often faced as a result of their involvement with the Council. That issue had been addressed in Human Rights Council resolution 24/24 on cooperation with the United Nations, its representatives and mechanisms in the field of human rights. He welcomed the informal consultations on that resolution that were taking place, and he hoped that the process would be completed during the current session of the General Assembly.

19. The financial situation was complex and he did not have a miracle solution. However, as a general principle, voluntary contributions should be avoided as they were unpredictable and could be based on hidden agendas. He had therefore suggested a 3 to 5 per cent increase in the budget of the OHCHR, which funded the Council, in order to preserve the Council's independence, credibility and universality.

20. As for the relationship between the New York and Geneva offices, he had begun to build bridges that year by traveling regularly to New York in order to keep the General Assembly informed of the work of the Council and he intended to ask his successor to continue that practice. Misunderstandings could arise when those in the New York office did not have all the details of what had been happening in Geneva, such as discussions, dialogues, informal meetings and negotiations on draft resolutions.

21. With regard to increasing the visibility of the Council's work, he always advised visiting dignitaries to inform the Council of their activities and the progress they had made in protecting and promoting human rights in their countries. However, the sheer number of activities in Geneva made it impossible to give equal attention to all issues. Ad hoc meetings on conflicts, for example, often took priority over other meetings. It might be pertinent to consider the issue in the context of changes to working methods. Human rights violations drew a great deal of attention, but information about progress in a country should also be shared.

22. **Ms. Flores Herrera** (Panama) said that NGOs played an important role in protecting and promoting human rights by providing alternative reports, disseminating recommendations and monitoring State implementation of recommendations of the Human Rights Council and treaty bodies. Member States must ensure that human rights were respected, participate in the universal periodic review mechanism and implement the resulting recommendations and observations. Panama hoped to be able to continue to increase its contribution to the work of the Human Rights Council and welcomed the increased participation of civil society and the creation of space for such participation.

23. **Mr. Lazarev** (Belarus) said that some States were continuing their practice of imposing their human rights approaches on others. As a result, the number of resolutions adopted without consensus was steadily increasing, and the rift between States was growing. Decisions adopted by a comparatively small group of States without dialogue or agreement between all interested States had practically no value.

24. Despite expectations, the universal periodic review had not become a mechanism that ensured the equal, objective and impartial examination of human rights in all countries. The Human Rights Council had become a victim of increasing politicization, rather than a victim of its own success, as its President had claimed. Serious reform was needed in order to depoliticize its work. The President should be beyond reproach in terms of his conduct, impartiality and application of the rules of procedure of the Council. Belarus hoped that the next President would take greater note of those requirements in his work.

25. **Mr. Ndong Ella** (Human Rights Council) said that the credibility and importance of the Human Rights Council and its mechanisms were well established. As President of the Human Rights Council, he could attest to the fact that difficulties arose when delegations or countries did not cooperate with the mechanisms and that such actions were often a source of tension. Member States must make an effort to cooperate with the Council's mechanisms, allow them to operate as effectively as possible and do everything within their power to protect and promote human rights.

26. The Council was sometimes compelled to take action to assist individuals. In one case, the head of a human-rights focused NGO was at risk of attack because law enforcement officials in her country had been informed that her car was being used to transport terrorists. That was just one example of what human rights defenders were living through, and such situations had to be taken seriously. The universal periodic review mechanism, the special procedures and the Council itself all contributed to the Council's credibility. The fact that he was asking the Third Committee to increase the Council's budget was proof of its credibility, as the need for additional resources was the result of increasing demands on the Council and its mechanisms.

27. **Mr. Drobnjak** (Croatia), speaking also on behalf of Austria and Slovenia, said that the twenty-fifth anniversary of the Convention on the Rights of the Child was approaching. He called for the universal ratification and effective implementation of the Convention and its optional protocols. Given the alarming exposure of children to violations of their human rights in armed conflict, especially in the Central African Republic, the Democratic Republic of the Congo and the Syrian Arab Republic, the Council must take a decisive stance on that issue. The ever increasing incidence of child, early and forced marriage required an urgent, unanimous and strong response from the international community.

28. Further efforts must be made to empower women and support their roles as leaders and agents of change in their communities. Empowerment of women and gender equality deserved a prominent place in the elaboration of the post-2015 development agenda, both as a stand-alone goal and through gender mainstreaming.

29. The three States were committed to the promotion of and respect for the rights of lesbian, gay, bisexual, transgender and intersex persons. They advocated the principle of equality for all and firmly believed in the obligation to protect all citizens, regardless of their sexual orientation and gender identity. In that regard, they firmly supported the recent adoption of Human Rights Council resolution 27/32 on human rights, sexual orientation and gender identity.

30. Austria, Croatia and Slovenia fully condemned all acts of reprisals, intimidation and violence against those who were at the forefront of protecting human rights, such as human rights activists, advocates and journalists. It was the obligation of democratic governments to support human rights defenders and create a safe and enabling environment for their work. Civil society actors were entitled to the enjoyment of all human rights, most notably freedom of assembly, association and expression. In that light, Austria, Croatia and Slovenia called for the protection of the space in which those persons operated and commended the Council for its adoption of important resolutions on human rights defenders and peaceful protests.

31. Participation in the universal periodic review should be followed by effective implementation of the recommendations made. In that regard, Austria, Croatia and Slovenia fully supported the practice of submitting mid-term reports, as well as active civil society participation in the universal periodic review process. Lastly, the Council's role in responding to the escalation of conflicts, humanitarian crises and mass human rights violations should be supported, and its ability to convene special sessions was of particular importance.

32. **Ms. Derderian** (United States of America) said that there had been a marked improvement in the work of the Human Rights Council over the past five years. However, the United States remained concerned by the myopic focus on Israel.

33. The United States was grateful to Chile, Uruguay, Brazil and Colombia for introducing Human Rights Council resolution 27/32 on human rights, sexual orientation and gender identity. While some States claimed that violence and discrimination against lesbian, gay, bisexual and transgender persons were not human rights concerns, the growing support in the United Nations for that topic underscored that it was an

essential part of working to protect and promote human rights for all.

34. Similarly, the United States welcomed the important work on civil society space and political participation. It called on the body to conclude its review of Human Rights Council resolution 24/24, so that the United Nations focal point on reprisals could be appointed. It was pleased by the Council's launching of an OHCHR investigation in Sri Lanka and by the special session on the human rights situation in Iraq. It strongly supported the Council's continued attention to human rights violations and situations in, inter alia, Belarus, Burma, Democratic People's Republic of Korea, Eritrea and Iran (Islamic Republic of). It noted the importance of the continued cooperation with Somalia, Ukraine, Yemen and other States.

35. The United States strongly regretted the creation of a new commission of inquiry on the Palestinian territories before the new Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 had even begun his work, which reflected a continued bias against Israel, a State that received more scrutiny than any other from the Council. The situation in Israel and the Palestinian territories should be addressed under a general agenda item rather than a specific one. The United States was also concerned about the launching of the intergovernmental process on business and human rights, which threatened to distract from or undo all the excellent work in creating and implementing the voluntary principles on business and human rights. Finally, it was concerned by the Council's creation of a new Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, as the issue of sanctions was a matter for the Security Council rather than the Human Rights Council.

36. **Mr. Yao Shaojun** (China) said that his country commended the efforts of the Human Rights Council in protecting the rights of vulnerable groups, promoting the right to development, fighting racism and combating violence and impunity. However, the overburdened agenda of the Council had resulted in continuous reduction of the time allocated for the discussion of various items, inadequate consultations on draft resolutions and low effectiveness of the Council's work. Some countries insisted on naming and shaming, double standards and selectivity, and

forcing the adoption of resolutions. Different categories of human rights failed to get equal attention, with some countries imposing their national values on others and focusing solely on promoting civil and political rights, while neglecting or even openly opposing any mention of economic, social and cultural rights and the right to development. Some NGOs abused their consultative status and violated the sovereignty and territorial integrity of Member States.

37. China hoped that the Council would pay attention to those problems, act within its mandate, adhere to the principles of objectivity, impartiality and non-selectivity, improve its working methods, ensure respect for the historical, cultural and religious backgrounds of all countries and regions, attach equal importance to various categories of human rights and provide a platform for constructive dialogue and cooperation on human rights. China was ready to join others in working relentlessly towards that goal.

38. **Ms. Haruki** (Japan) said that the country-specific mandates and commissions of inquiry were indispensable tools for tackling human rights violations in a robust and timely manner. Her country appreciated the continuing contributions made by many special procedures mandate holders to improving the human rights situations of countries around the world. Japan had issued a standing invitation to the special procedures mandate holders and would continue to cooperate fully with them. The universal periodic review played a mutually reinforcing role in relation to the special procedures.

39. Human Rights Council resolution 27/31 on civil society space, sponsored by Chile, Ireland, Japan, Sierra Leone and Tunisia and adopted in September 2014, recognized the important role of civil society in addressing important issues, including the promotion and protection of human rights. Japan looked forward to deepening the discussion on that topic on the basis of the practical recommendations to be prepared by the High Commissioner for Human Rights and submitted to the Council in accordance with the resolution.

40. The international community must work to prevent reprisals against individuals and organizations cooperating with the United Nations and its representatives and mechanisms. Japan strongly supported the implementation of Human Rights Council resolution 24/24. The Council must have a budget sufficient for its mandates, and priority should

be given to the establishment of special procedures and working groups. It was also necessary to enhance the overall effectiveness and efficiency of the Council and prevent the duplication of mandates.

41. **Ms. Apinyanunt** (Thailand) said that her delegation was pleased to see that the Council's 2014 resolutions had covered a wide range of issues. Thailand had always emphasized the importance of technical assistance and capacity-building in bridging the gap that still existed among States, as clearly reflected in the annual resolution on enhancement of technical cooperation and capacity-building in the field of human rights. In the current year's resolution, the High Commissioner was requested to prepare a report on technical cooperation to support inclusive and participatory development at the national level, to serve as a basis for a thematic panel discussion.

42. At the Council's twenty-sixth session, Thailand had organized a thematic panel discussion to share experiences in securing the rights of persons with disabilities in both the social and economic spheres. The panel discussion at the twenty-seventh session had focused on identifying challenges and good practices in the promotion and protection of human rights in pre- and post-disaster situations.

43. Although the Council had been very productive in addressing and advancing human rights issues, its workload had become a challenge, resulting in a low level of participation at many events during the Council's most recent session. The work programme of each session should therefore be further streamlined to allow more time for discussion of key issues and more opportunity for participation in the various activities.

44. **Mr. Guilherme de Aguiar Patriota** (Brazil) said that, since the World Conference on Human Rights, it had been agreed that there was a single human rights spectrum — from economic, social and cultural rights to political and civil rights. It was therefore surprising that year after year the resolution on the right to development should be called to a vote in both Geneva and New York.

45. His delegation had actively engaged in the negotiations on Human Rights Council resolution 27/30 on the activities of "vulture funds", sharing the view that reduced debt burdens and increased fiscal capacity contributed to creating the necessary conditions for the realization of human rights. The international community needed to address the

financial and legal uncertainties and the negative social and economic impacts that might result from the lack of predictable mechanisms for debt restructuring.

46. Brazil attached great importance to the International Decade for People of African Descent and believed that the programme of activities would be instrumental in raising awareness and combating prejudice, intolerance and racism. Brazil had worked arduously for a comprehensive and strong agreement that could serve as a roadmap for a concerted international effort for the promotion of racial equality worldwide. Brazil had also upheld the rights of indigenous peoples in various United Nations forums. In New York, it had actively engaged in the negotiations on the Outcome Document of the World Conference on Indigenous Peoples.

47. Although two decades had gone by since the Beijing Declaration and Platform for Action, in many parts of the world women could not yet exercise their “right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health”. Equal access to the labour market was a prerequisite for promoting gender equality and an effective policy for eliminating extreme poverty.

48. Brazil, together with Colombia, Chile and Uruguay, had sponsored Human Rights Council resolution 27/32 on human rights, sexual orientation and gender identity, in which they had expressed grave concern at the acts of violence and discrimination committed against individuals because of their sexual orientation and gender identity in all regions of the world. As the twentieth anniversary of the International Year of the Family approached, it was time to recognize that “in different cultural, political and social systems, various forms of family exist”.

49. Brazil had been part of the core group that had introduced Human Rights Council resolution 27/8 on promoting human rights through sport and the Olympic ideal, which recognized sports as a universal language with the potential to contribute to educating people on the values of respect, diversity, tolerance and fairness and as a means to combat all forms of discrimination and promote social inclusion for all. As the host of the first World Indigenous Games in 2015 and of the Olympic and Paralympic Games in 2016, his Government firmly believed in the potential of sports

for social inclusion, poverty eradication and sustainable development.

50. Together with Germany, Brazil had inaugurated a much-needed debate in the United Nations on the right to privacy in the digital age. The resolution introduced at the current session incorporated respect for the principles of international law and encouraged the Human Rights Council to consider establishing a special procedure on the subject.

51. Brazil strongly encouraged the Israeli authorities to facilitate the visit to Israel and the Occupied Palestinian Territory of the Special Rapporteur on the situation of human rights in the Occupied Palestinian Territory. Lastly, he noted that the universal periodic review had strengthened the international regime of human rights, as it was non-selective and universal. In an ideal world, more countries would participate in that process, and there would be less country-specific resolutions aimed at advancing specific agendas and interests.

52. *Mr. Davis (Jamaica), Vice-Chair, took the Chair.*

53. **Ms. Gueye** (Senegal) said that in order to respond to the challenges of armed conflicts, poverty, the economic and financial crisis and insufficient budgetary resources, international cooperation must be strengthened through OHCHR and other international mechanisms with a view to ensuring the full realization of human rights. In order to do so, it was essential to avoid resorting to budget trade-offs that weakened the international system for the promotion and protection of human rights. The financing of OHCHR through the United Nations regular budget would strengthen the significant progress made by the universal periodic review through its holistic approach supported by the majority of Member States. The universal periodic review was a key pillar of the dual principle of universality and non-selectivity, as it ensured the equal treatment of human rights. The fruitful exchanges between her delegation and the Council during the second cycle of the universal periodic review confirmed the commitment of her country to the promotion and protection of human rights.

54. The family was a key vehicle for improving children’s education and health and above all for strengthening the empowerment of women. On that basis, it was important to increase international efforts to ensure greater protection for the family, particularly in the face of armed conflicts and poverty. Noting the



round table on the protection of the family held in accordance with Human Rights Council resolution 26/11, she hoped that its conclusions would form the basis for a general consensus on the responsibility of States for the full respect of relevant international provisions.

55. Ahead of the launching of the International Decade of Persons of African Descent, Senegal reaffirmed its support for the fundamental rights of those persons, who for centuries had been victims of the worst forms of slavery, racism and racial discrimination. The Decade was an opportunity for the international community to join forces to promote access to justice, education, health and decent work for persons of African descent and to ensure their full participation in decision-making processes.

56. The examination of the report of the Human Rights Council recalled the urgent need to strengthen the call for economic, social and cultural rights, including the right to development, alongside civil and political rights. Senegal, with other stakeholders, would tirelessly pursue its efforts to place the promotion and protection of human rights at the centre of the concerns of the international community.

57. **Mr. Phansourivong** (Lao People's Democratic Republic) said that the Human Rights Council played an important role in strengthening the promotion and protection of human rights around the world through its mechanisms, in particular the universal periodic review. The Council should uphold the principles of impartiality, objectivity, non-selectivity, non-discrimination, avoidance of double standards and non-politicization.

58. His country fully supported 71 of the recommendations made by the Working Group for the Lao People's Democratic Republic and partly supported another 15 recommendations. In order to implement those recommendations, the relevant ministries and agencies would incorporate the relevant recommendations into their respective roles and functions. Raising awareness of the universal periodic review and dissemination of its recommendations had been organized at the central and local levels by the Ministry of Foreign Affairs.

59. The Lao People's Democratic Republic had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2012. It was currently in the process of studying and

disseminating the contents of other human rights conventions.

60. The Lao People's Democratic Republic was preparing for the second cycle of the universal periodic review and had submitted its national report to the Working Group. It would continue to promote and protect the universal principles of human rights and contribute to their effectiveness at the national, regional and international levels. In that regard, it had decided for the first time to present its candidature to the Human Rights Council for the term 2016-2018, with a view to contributing to the efforts of the international community in enforcing human rights instruments.

61. **Ms. Tsheole** (South Africa) said that her country fully supported the mandate of the Human Rights Council, but was concerned that the Council continued to adopt a plethora of resolutions at each session, some of which related to the work of other United Nations bodies. There was a risk of "mandate creep" and unnecessary duplication in the work of the Council. Its workload far exceeded the resources available to implement decisions in an effective manner. Most importantly, it could have a negative impact on the substantive quality of the interactive dialogues between States and the Council's special procedures and mechanisms.

62. The Council was increasingly reliant on extrabudgetary resources, which to a large extent remained earmarked. South Africa remained concerned at attempts to utilize OHCHR as a donor-driven organisation, thereby limiting the independence of the High Commissioner in identifying the priorities of his office. OHCHR should be able to do more in the areas of economic, social and cultural rights, including the right to development, the elimination of racism, racial discrimination, xenophobia and related intolerance, the rights of migrant workers and members of their families, and the promotion of cultural and religious tolerance. The ever increasing activities that were assigned to OHCHR but went beyond its mandate remained another area of concern.

63. The report covered many resolutions that referred to the notion of a human-rights-based approach, a notion that remained unclear to her delegation and had not been universally negotiated and adopted. South Africa therefore continued to advocate an approach based on the right to development and did not support

the so-called human-rights-based approach, as that would undermine the efforts of the Working Group on the Right to Development. It was not in a position to support undefined notions, which were all too often resorted to as conditionalities for development assistance and cooperation.

64. South Africa was deeply concerned by some of the resolutions contained in the report, which had mainstreamed Human Rights Council resolution 24/24 in total defiance of the General Assembly. Resolution 24/24 had been deferred by the General Assembly for further consultations, because the sponsors sought to ascribe to the Council powers that far exceeded its mandate, thereby also undermining the Secretary-General's efforts on system-wide coherence. In that context, South Africa did not condone or support reprisals in any form. The United Nations human rights system must develop a common understanding and universally agreed definitions of the notion of reprisals. Once the consultations commenced, the issue of reprisals should be dealt with comprehensively in order to address the daily reprisals suffered in connection with the special procedures mechanisms of the Council.

65. **Mr. Nuñez** (Cuba) said that the Human Rights Council needed to be saved from the selectivity and political manipulation that were clearly evident in several of the country-specific resolutions adopted during the period covered by the report. Instead of consolidating the cooperation-based universal periodic review process, preference was being given to confrontation and coercion. Moreover, attempts were being made to stigmatize developing countries without giving them the opportunity to defend themselves and to impose punitive measures without checking the facts on the ground. It was unacceptable for the sponsors of a resolution adopted by the Council to seek, by manipulating procedures and fabricating pretexts, to impose punishments and refer matters to the International Criminal Court and the Security Council, where the powerful nations enjoyed total impunity. Cuba would not be complicit in a practice that represented a threat to fundamental rights and developing countries.

66. **Mr. Masood Khan** (Pakistan) said that his delegation hoped that the Human Rights Council would raise awareness of the post-2015 development agenda and be a partner in its implementation given the important role of development in improving the

protection of all rights. Pakistan was in favour of awarding the same priority to economic, social and cultural rights as to civil and political rights.

67. In its resolution 25/22, the Council had raised concerns about the use of armed drones. Pakistan called for the immediate cessation of all drone strikes, which had a devastating impact on individuals, families and communities. Both the United Nations High Commissioner for Human Rights and the Secretary General had repeatedly stressed that drone attacks must comply with international human rights and humanitarian law and be conducted within a framework of accountability and transparency. Not only did the drone strikes in Pakistan violate the country's sovereignty, as well as the principles of precaution, distinction and proportionality, they radicalized more people and were counterproductive in combating terrorism and extremism in the long run. Moreover, their use was wholly unjustified in the light of Pakistan's current counter-terrorism operations within its borders.

68. In view of the Council's obligation to implement decisions faithfully and non-selectively, it must follow through on its decisions, including on those relating to protection of the rights of the Palestinian people, and it must ensure that the United Nations Independent Commission of Inquiry on the 2014 Gaza conflict was allowed to do its work. The Council had addressed the systematic human rights violations committed by Islamic State in Iraq and the Levant and should now coordinate efforts with other bodies to protect civilians. The fact-finding mission dispatched by the Council was an important first step in that direction.

69. **Mr. Mattar** (Egypt) said that the adoption of General Assembly resolution 65/281, which reaffirmed the Human Rights Council's status as a subsidiary body of the General Assembly, had undoubtedly undermined the main objective of the Council, which was to promote and protect human rights. The Council's annual report showed that it had played an important role in capacity-building and human rights monitoring and in strengthening the efforts of the international community to combat discrimination and intolerance, as well as in protecting the rights of the Palestinian people in the occupied Arab territories. However, despite the Council's efforts to promote transparency and understanding and avoid confrontation, its work was being marred by the very politicization, selectivity and double standards that had

hindered the work of its predecessor, the Human Rights Commission. The international community must address the politicization of Council resolutions and all attempts to use the Council to legitimize the intervention of the Security Council in human rights matters. It must also combat any attempt to promote, with total disregard for the diversity of the values of Member States, controversial motions such as those on sexual orientation and gender identity, which were not based on any international consensus and had no foundation in international human rights law. The Human Rights Council must not be allowed to become the political tool of a few.

70. Egypt reaffirmed its commitment to supporting the work of the Council to promote and protect human rights in all countries through the universal periodic review and encouraged all States to engage constructively with the special procedures mandate holders, who should, however, adhere strictly to their mandates and to the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council.

71. **Mr. Hoem** (Norway) said that in 2014 Norway had negotiated the extension of the mandates of both the Special Rapporteur on the situation of human rights defenders and the Working Group on the issue of human rights and transnational corporations and other business enterprises. The Working Group also addressed important issues such as remedies for victims of human rights abuses committed by States or businesses. Norway had been pleased that several other resolutions had also included language on protecting human rights defenders, condemning reprisals and expanding the space for civil society. Unfortunately, those resolutions had not translated into improvements on the ground. Threats, attacks and acts of intimidation continued against many of those who cooperated or sought to cooperate with the United Nations. In that regard, Norway called for a firmer response from the international community and for the speedy implementation of Council resolution 24/24 on reprisals.

72. His delegation was very pleased that in 2014 the Council had adopted, with a large majority, a resolution on sexual orientation and gender identity (resolution 27/32). Meanwhile, the universal periodic review had maintained its 100 per cent participation rate. The Council had also shown that it did not shy away from addressing serious human rights situations

when needed. Its actions had included an initiative to establish a commission of inquiry on Eritrea, a cross-regional effort to establish an OHCHR investigation on Sri Lanka, and three special sessions. The steady demand from States for country-specific resolutions and initiatives on their own situations attested to the increasingly positive reputation of the Council and its ability to support States' efforts to promote human rights.

73. His delegation was concerned by the increasing workload of the Council and the chronic underfunding of the human rights pillar of the United Nations. Member States had a responsibility to ensure that OHCHR could fulfil its mandate in the light of increasing demands. His delegation was also disappointed that the resolution on the Council's report continued to be submitted to the Third Committee, whereas, according to General Assembly resolution 65/281, it was the General Assembly, rather than the Third Committee, that should take action on the report.

74. **Mr. Zakaria** (Sudan) said that the Sudan had ratified several human rights instruments and was proud to work with all international human rights mechanisms, especially the Human Rights Council. His delegation called on all stakeholders to honour their technical cooperation and capacity-building commitments. The Government of the Sudan welcomed the appointment of an independent expert on the situation of human rights in the Sudan, to whom it pledged its full support and cooperation.

75. The Sudan had strengthened its institutional and legal framework for the protection of human rights. It had an independent human rights commission that operated in accordance with the Paris Principles, and had passed legislation to protect minors, including by prohibiting their recruitment by the Armed Forces, and to protect persons with disabilities. The court established in 2011 to investigate the crimes committed in Darfur had been hearing complaints on a regular basis. Special units had been set up to protect children and combat violence against women and girls. A new law to combat human trafficking had been enacted, and the Government had hosted a well-attended regional conference on trafficking in persons in the Horn of Africa in October 2014. The President's national dialogue initiative was also expected to have a positive impact on human rights in the country.

76. Economic, social and cultural rights should receive the same attention as civil and political rights, and human rights issues must be addressed without politicization and on the basis of constructive cooperation. The family was the nucleus of society, and any attempts to introduce new sexual concepts, with total disregard for the cultural and religious rights, traditions and customs of many of the world's countries, must be rejected. All countries faced human rights challenges, which should be addressed through cooperation between the Human Rights Council, national human rights commissions and the countries themselves. No country should set itself up as the judge of another. To help developing countries improve their protection of human rights, a comprehensive approach should take into account the need for debt relief, an end to unilateral sanctions and measures to mitigate the effects of climate change.

77. **Mr. Emadi** (Islamic Republic of Iran) said that his delegation valued the universal periodic review as a mechanism for examining human rights situations in all Member States on an equal footing. The practical steps taken by the Iranian Government together with civil society to constantly promote and protect human rights had been set out in the second national report that had been submitted for the review process in October 2014. They included not only new legislation and mechanisms, but also human rights training for the judiciary, the police, prison officers, families and civil servants.

78. It was regrettable that certain countries were keen to politicize the issue of human rights and to persist in the counterproductive practice of introducing politically motivated country-specific resolutions, while turning a blind eye to their own human rights problems. His delegation strongly rejected such ill-intentioned actions, which undermined the United Nations human rights machinery by making it a forum for political manoeuvring. The Islamic Republic of Iran therefore disassociated itself from the part of the Human Rights Council's report (A/69/53) containing the so-called resolution on the situation of human rights in the Islamic Republic of Iran. Given the Council's obligation to uphold the principles of fairness, impartiality, non-selectivity and mutual respect for different values, traditions and cultures and to refrain from imposing a single lifestyle and non-consensual concepts on others, the Islamic Republic of Iran was also unable to accept the resolution on sexual orientation and gender identity

adopted by majority vote at the twenty-seventh session of the Council. Meanwhile, his delegation looked forward to the implementation of the resolutions that the Islamic Republic of Iran had coordinated as the chair of the Movement of Non-Aligned Countries.

79. Lastly, the Iranian Government had welcomed the holding of the twenty-first and twenty-second special sessions of the Council. At its twenty-first special session, the Council had responded to the atrocities committed against innocent Palestinians in Gaza by the Israeli occupying Power and had dispatched a commission of inquiry to investigate those crimes. At its twenty-second special session, the Council had sent a clear message against the violent extremism that was currently mostly embodied by the so-called Islamic State in Iraq and the Levant (ISIL).

80. **Mr. Ntwaagae** (Botswana) said that Botswana applauded the work of the Human Rights Council, particularly in the light of the budgetary and resource limitations it faced. While convinced that the Council's activities should be covered by the regular budget, his delegation urged OHCHR to streamline its operations. Some of the resolutions mentioned in the Council's report had created new mandates that overlapped with those of existing mechanisms, resulting in an apparent loss of focus and efficiency. Botswana strongly supported the work of the Council's special procedures mandate holders, but the urgency of rationalizing their functions and roles could not be overemphasized.

81. Botswana reiterated its commitment to the promotion and protection of human rights and the work of the United Nations human rights bodies. As a member of the Human Rights Council, Botswana continued to participate actively in its proceedings. His Government was also continuing to implement the recommendations made during its own universal periodic review process. However, like many other countries, particularly in the developing world, Botswana still required sizeable technical assistance and capacity-building to make significant strides in its efforts to meet its human rights obligations.

82. **Mr. Mažeiks** (Latvia) said that the most important role of the Human Rights Council was to protect and monitor human rights, and the work done by the special procedures mandate holders was truly essential for the fulfilment of that role. Latvia actively encouraged all countries to issue a standing invitation to all such mandate holders, and was pleased that the

number of countries doing so had almost doubled. Latvia also encouraged all countries to increase efforts to preserve the effectiveness of the universal periodic review process. In the meantime, the overburdening of the Council had to be addressed and its working methods needed to be improved. It was of paramount importance for the Council to remain able to respond to human rights violations and challenges in an effective and timely manner and to provide technical assistance and capacity building where it was needed most.

83. Latvia attached particular importance to promoting the core principle of universality of human rights and supporting human rights defenders. The increased imposition of legislative restrictions on civil society was a matter of great concern, and his delegation condemned the reprisals and acts of intimidation against persons or groups cooperating with multilateral mechanisms, including the United Nations. Such acts must be investigated.

84. Latvia was committed to strengthening the rule of law, good governance and overall respect for human rights and fundamental freedoms around the world. Having been through a democratic transition process itself after regaining independence, Latvia currently provided expertise and technical assistance in the field of justice, contributed to institution building and supported legislative reforms in other countries. Latvia would also continue to actively promote gender equality and women's empowerment internationally and through its development cooperation policy. Welcoming Human Rights Council resolution 26/13, which had been adopted in June 2014 and reaffirmed the principle that human rights that applied offline must also be guaranteed and protected online, his delegation was pleased to announce that Latvia would host World Press Freedom Day in May 2015, which would focus on freedom of expression and press freedom, both online and offline.

85. **Mr. Wi Seok-yoon** (Republic of Korea) said that his delegation noted with appreciation the Council's adoption of more than 100 resolutions in 2014, while drawing attention to the adoption of resolution 27/31 on civil society space for the second consecutive year, since it firmly emphasized the important role played by civil society in the promotion and protection of human rights. The Council should continue to give priority to existing core human rights concerns and focus on ensuring its own effectiveness in the light of its limited resources and budget constraints.

86. His delegation expressed its appreciation for the leading role that the Council had played in addressing the dire human rights situations in the Syrian Arab Republic and the Democratic People's Republic of Korea through its commissions of inquiry, which had significantly contributed to raising international awareness of the human rights situations in those countries. His delegation sincerely hoped that the recommendations of the commission of inquiry on the human rights situation in the Democratic People's Republic of Korea would be faithfully implemented.

87. The universal periodic review was a crucial element of the Council's work, and it was imperative that States should translate accepted recommendations into concrete action. The Republic of Korea remained fully committed to the promotion and protection of all human rights and would continue cooperating closely with the international community, as well as with the United Nations' human rights mechanisms.

88. **Mr. Tesfay** (Eritrea) said that the Human Rights Council should be guided by the principles of objectivity and impartiality and should not allow itself to be used by any country. The Council must guard against politically motivated resolutions, and the dictum "innocent until proven guilty" must be respected by all Member States and the Council. To allow the reports of one or two individuals to determine the destiny of millions was procedurally wrong and a travesty of justice. The Council should thoroughly interrogate the country-specific mandate holders to ascertain the facts. The proliferation of country-specific mandates ought to be reviewed by the Fifth Committee and other United Nations bodies since the establishment of a special rapporteur and a commission of inquiry for the same issue and the same country, such as in the case of Eritrea, was an unjustifiable waste of time and resources.

89. Eritrea was a target for criticism due to its highly strategic location and its fiercely independent foreign policy. The report of the Human Rights Council had attacked the country's economic policy, which was based on the pursuit of self-reliance. The Government did not reject official development assistance; it viewed it as a catalyst. The report had also attacked the country's participative grass-roots infrastructure and afforestation activities as forced or slave labour and had called on the Government to abandon its national military service programme. His delegation completely dissociated itself from the report, since it did not

reflect the reality of the situation in Eritrea. The Government of Eritrea had recorded notable achievements in human rights, including in the protection of women's rights and the rights to education and health. Moreover, Eritrea was the most peaceful country in the Horn of Africa and the Red Sea region. In closing, he noted that both the African Group and the Non-Aligned Movement were opposed to the adoption of country-specific resolutions.

90. **Ms. Azimova** (Kazakhstan) said that her delegation had actively participated in the Council's general and special sessions, working group sessions and forums on the full range of human rights issues, as well as in the preparation of reports of the Working Group on the Universal Periodic Review. To date, eight special rapporteurs had been invited to her country, including two experts invited for their second visits. Her country supported ongoing close and regular cooperation with the human rights treaty bodies.

91. Kazakhstan had participated in the second cycle of the universal periodic review and had accepted 143 of the 194 recommendations made. Kazakhstan was implementing a policy to realize those recommendations. It had established a national mechanism for the prevention of torture and adopted a number of legal acts, including new criminal procedure, penal enforcement and criminal codes. An advisory and consultation body had been established, serving as a platform for dialogue on the human dimension, in which representatives of NGOs and international organizations participated alongside State bodies. The main priorities should be compliance with obligations and the supremacy of law.

92. One of the strategic priorities in the work of the Council was building the confidence of Member States in its activities by developing equal dialogue, finding consensus-based solutions and preventing the politicization of human rights. Any problems in that regard required a collective solution and active cooperation. The working methods of both the Council and its special procedures should continue to be improved to ensure an impartial and balanced approach towards work with States.

93. Kazakhstan shared the concern of the majority of States with regard to the increase in the number of resolutions adopted by the Council and their duplication in General Assembly resolutions. A coordinated and balanced approach should be taken towards solving the issue of the establishment of new

mandates and there should be follow-up on the development of methods for cooperation and dialogue between States and special procedures mandate holders.

*The meeting rose at 6 p.m.*