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## Third Committee

### Summary record of the 46th meeting

Held at Headquarters, New York, on Tuesday, 18 November 2014, at 10 a.m.

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

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*In the absence of Ms. Mesquita Borges (Timor-Leste), Mr. Faye (Senegal), Vice-Chair, took the Chair.*

*The meeting was called to order at 10.25 a.m.*

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

1. **Mr. Nina** (Albania) said that Albania remained strongly committed to the universal periodic review process and had submitted its related report under the second cycle for the period 2010-2014. His Government had utilized the universal periodic review follow-up process to discuss its legal, institutional and policy improvements as well as its measures to promote and protect human rights in the areas of education, health care, gender equality, social care and inclusion. It had accepted 164 recommendations from the first cycle and had volunteered to present a national interim report on their implementation.

2. Albania strongly supported the Human Rights Council and opposed attempts within the United Nations system to undermine that body. Albania had been elected to the Council in October 2014 and would strive to protect the rights of ethnic, linguistic and religious minorities; support regional and international initiatives to combat intolerance and discrimination; support initiatives to foster interreligious and intercultural dialogue; strengthen cooperation with United Nations human rights mechanisms; collaborate with Council members and Member States to fulfil the Council's mandate; and strengthen efforts to promote gender equality and the rights of the most vulnerable groups, including children and persons with disabilities.

3. **Mr. Fernandez Valoni** (Argentina) said that the United Nations should focus on human rights in a manner that was complementary and interrelated with the objectives of sustainable development and international peace. In that regard, the Human Rights Council should serve as the central forum for debate and decision-making on human rights-related matters. The interdependence of human rights and development had been recognized by the Human Rights Council in its resolution 27/30 on the effects of foreign debt on the full enjoyment of all human rights, which drew attention to the activities of vulture funds. Vulture funds, or "hold-outs", used the debt restructuring process to divert State funds towards debt cancellation, thus undermining Government capacity to guarantee

citizens their economic, social and cultural rights. The actions of vulture funds had reduced States' fiscal capacity and perpetuated extreme poverty; they constituted a real threat to many countries, including Argentina, that faced long-standing, high levels of debt and were still struggling to recover from the 2008 economic and financial crisis. The draft resolution submitted by his delegation requested that the Human Rights Council prepare a report on the impact of vulture funds on human rights. Other countries were urged to support that initiative.

4. **Mr. Kohona** (Sri Lanka) said that although his Government recognized the potential of the Human Rights Council to contribute to the protection and promotion of human rights, it was concerned that the politicization of the Council and its tendency to direct negative attention to specific countries while ignoring similar circumstances in others had caused it to lose credibility. In that regard, Human Rights Council resolution 25/1 on promoting reconciliation, accountability and human rights in Sri Lanka appeared to disregard his Government's efforts to overcome the recent conflict in the country and promote reconciliation and reconstruction in a short period. The resolution infringed on the principle of international law by which international mechanisms could not take action on human rights issues until all national remedies had been exhausted. Furthermore, it contained a call for a comprehensive investigation into Sri Lanka's alleged human rights violations, which challenged the State's sovereignty and independence, in particular as his Government had already launched its own inquiries. There was also an inherent contradiction in the request for parallel investigations by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Government of Sri Lanka.

5. The resolution would serve to harden the position of supporters of the defeated terrorist group, which set a negative precedent for other countries fighting terrorism. By calling for an investigation, the Council had ignored its mandate to work with the State concerned in the first instance and had undermined the credibility of the national reconciliation process. For those reasons, his Government had rejected the resolution. It should be noted that the Council had been divided on the resolution.

6. Selectivity on the part of the Human Rights Council undermined the principles of impartiality and

objectivity enshrined in the Charter of the United Nations and negatively affected States' with the Council. To be effective, the Council should move away from its politicized agenda and give balanced attention to the rights set out in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The universal periodic review was the most appropriate forum in which to discuss country-specific, human rights-related matters. Sri Lanka had participated in the universal periodic process twice and would continue its cooperation.

7. OHCHR funding should come from the regular budget in order to lessen the Office's unhealthy dependence on voluntary contributions. Its strengthened financial independence would serve to enhance transparency and balance, and lessen the politicization of its work. The excessive burdens on the Human Rights Council had undoubtedly affected the quality of its work. Its working methods should be revised to allow more time for deliberation on Council resolutions. The President of the Human Rights Council should consider returning the focus to the fundamental objectives, which would gain the Council the support of all parties.

8. *Ms. Mesquita Borges (Timor-Leste) took the Chair.*

9. **Ms. Petrenko** (Ukraine) said that the Human Rights Council had been one of the major international platforms monitoring the situation in Ukraine. It had helped debunk the false charges made by the Russian Federation regarding the violation of the rights of a minority group, which that State had used to justify its occupation and illegal annexation of the Autonomous Republic of Crimea in March 2014. The Council had continued to monitor the events in Crimea, where Russian-backed illegal armed groups and regular Russian army units terrorized local populations under their control. The situation posed a serious threat not only to the territorial integrity, sovereignty and the human rights of the population of Ukraine, but also to peace, stability and security in Europe and beyond. That threat had been confirmed by the downing of a Malaysian Airlines aircraft by pro-Russian terrorists and the daily killings of Ukrainian soldiers, despite the protocol agreement signed in Minsk in September 2014 and the declared ceasefire.

10. The President of Ukraine had sought to reinstate peace, stability and the rule of law in Ukraine upon the

assumption of his mandate in May 2014. The Government's policies and programmes sought to introduce European and international human rights norms and standards in the light of the European aspirations of the Ukrainian people. The events on the Maidan in 2013 had made those goals apparent and had swept away the corrupt ideals of past authorities.

11. The Ukrainian leadership needed the support of the international community to protect human rights in the face of unprecedented threats. In that regard, she drew attention to Human Rights Council resolution 26/30 on assistance to Ukraine in the field of human rights, which was based on the unbiased monthly reports of the United Nations Human Rights Monitoring Mission in Ukraine. Those reports continually highlighted the wide-scale and systemic human rights violations taking place in occupied Crimea, in particular with regard to Crimean Tatars and ethnic Ukrainians, and in the south-eastern region of the country controlled by pro-Russian militants. The reports also offered a counterpoint to the vast stream of anti-Ukrainian propaganda issued by the Russian Federation.

12. The Ukrainian national human rights strategy would take into account all recommendations provided by the Mission and other human rights mechanisms, including those of the Special Rapporteur on minority issues and the Special Rapporteur on the human rights of internally displaced persons, both of whom had visited the country in 2014. In that connection, her Government anticipated collaboration with all international human rights mechanisms with a view to receiving technical assistance, information on best practices and accumulated knowledge. It would also welcome assistance from international organizations and partner countries. Ukraine was confident that with sustained international support, aimed primarily at countering the aggression of the Russian Federation, it could improve the human rights situation in the country, including by applying European standards, and guarantee the protection of human rights within the internationally recognized borders confirmed by General Assembly resolution 68/262.

13. **Mr. Zagaynov** (Russian Federation), speaking in exercise of the right of reply, said that the representative of Ukraine continually abused United Nations forums to spread unfounded accusations. Ukraine sought to lay blame on the Russian Federation for its lack of political will to settle its domestic issues

through dialogue rather than force. The representative of Ukraine was right to express concern about the human rights situation in the territory. However, instead of repeating the clichés of propaganda, her delegation should seriously analyse whether the activities of Ukrainian authorities and soldiers respected human rights. In particular, there had been reports of the disappearance of persons, killings and arbitrary detention. In addition, the disproportionate use of artillery shelling in residential areas had resulted in civilian victims, including children. The lack of progress in the investigations into the deaths that had occurred in Maidan, Mariupol and Odessa, including the attempts to hide evidence, should also be brought to light. Those were just some of the issues that had been documented in the sources indiscriminately cited by the representative of Ukraine.

**Agenda item 65: Rights of indigenous peoples**  
(continued)

**(a) Rights of indigenous peoples (continued)**  
(A/C.3/69/L.27)

*Draft resolution A/C.3/69/L.27: Rights of indigenous peoples*

14. **Ms. Sabja** (Plurinational State of Bolivia), introducing the draft resolution, said that Argentina, Armenia, Belize, Cuba, Finland, Guatemala, Guyana, Honduras, New Zealand, Nicaragua, Paraguay, Peru, Spain and Venezuela (Bolivarian Republic of) had joined the sponsors. In the draft resolution, Governments were urged to fulfil the commitments made at the United Nations World Conference on Indigenous Peoples.

15. **Mr. Khane** (Secretary of the Committee) said that Costa Rica, Cuba, Dominican Republic, Greece, Lithuania, Palau, Panama, Ukraine and Uruguay had joined the sponsors.

**Agenda item 67: Right of peoples to self-determination (continued)** (A/C.3/69/L.55)

*Draft resolution: A/C.3/69/L.55: Universal realization of the right of peoples to self-determination*

16. **The Chair** said that the draft resolution had no programme budget implications.

17. **Mr. Masood Khan** (Pakistan), introducing the draft resolution, said that Seychelles had also joined the sponsors. The draft resolution reaffirmed the

fundamental significance of the universal realization of the right of all peoples to self-determination and firmly opposed all acts of aggression and foreign occupation that suppressed that basic human right. That right had been affirmed in a number of international summits and declarations and was upheld by many organizations, including the Non-Aligned Movement and the Organization of Islamic Cooperation. The consistent support of the General Assembly for the draft resolution on the right to self-determination demonstrated the continued relevance and validity of the issue.

18. **Mr. Khane** (Secretary of the Committee) said that Kyrgyzstan, Madagascar and Palau had joined the sponsors.

19. **Mr. Shapoval** (Ukraine) said that his Government supported the draft resolution and was strongly committed to the right to self-determination. The arbitrary interpretation of that principle in pursuance of narrow political interests by certain Member States was detrimental to international law and undermined peace and security at the global and regional levels. Those principles should be understood and implemented in harmony with other core principles of the Charter of the United Nations, in particular the principle of territorial integrity and sovereignty of all Member States and the principle of non-use of force in international relations.

20. The draft resolution underscored the inadmissibility of external intervention, such as the occupation of the Autonomous Republic of Crimea by the Russian Federation. That State's support for illegal armed groups and its deployment of its own regular troops were blatant acts of aggression. The Russian Federation had violated international law by holding a number of fake elections and referendums in the territory of Ukraine under the pretext of the exercise of the right to self-determination. The people of Ukraine had exercised their right to self-determination on 24 August 1991 when they had declared the independence of Ukraine, in full accordance with international law. Since that time, the pluralistic State had existed peacefully until the interference by the Russian Federation.

21. **Mr. Otto** (Palau) said that Palau was celebrating its twentieth anniversary as a sovereign State and anticipated the realization of the right to self-

determination by other peoples, in particular those in Pacific nations.

22. *Draft resolution A/C.3/69/L.55 was adopted.*

23. **Mr. García-Larrache** (Spain) said that the international community was witness to situations in which the administering Power and authorities of the territory that it had colonized had established a political relationship in their own interest and denied any colonial link while still claiming a so-called right to self-determination. That was a distortion of the Charter of the United Nations, the relevant General Assembly resolutions and the conventions mentioned in the draft resolution.

24. The original population of Gibraltar had had to leave the territory whereas the current inhabitants were descendants of those installed by the occupying Power for military purposes. In such circumstances, Spain denied the existence of a right to self-determination protected under international law. The United Nations had deemed that the situation in Gibraltar compromised the territorial integrity of Spain and thus had repeatedly called for dialogue on the issue. Spain believed that a solution that respected the rights of Gibraltar's inhabitants could be found, and hoped that the United Kingdom would join it in seeking such a solution.

25. **Mr. Fernandez Valoni** (Argentina) said that his Government fully supported the right of peoples to self-determination, a right that should be interpreted as applicable only to peoples subjected to alien subjugation, domination and exploitation, in accordance with the purposes and principles of the Charter of the United Nations and relevant resolutions. The draft resolution should be interpreted and applied in a manner consistent with the relevant resolutions of the General Assembly and the Special Political and Decolonization Committee.

26. **Ms. Philips** (United Kingdom) recalled that the United Kingdom had sovereignty over Gibraltar and the territorial waters surrounding it and that, as a separate Territory, Gibraltar enjoyed the rights accorded to it by the Charter of the United Nations. Her delegation also recalled that the people of Gibraltar enjoyed the right to self-determination. The 2006 Gibraltar Constitution provided for a modern and mature relationship between Gibraltar and the United Kingdom, a description that would not apply to any relationship based on colonialism. Her country's

Government would not enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their wishes and would not enter into sovereignty negotiations which they opposed. The United Kingdom was committed to safeguarding Gibraltar, its people and its economy.

27. **Ms. Robl** (United States of America) said that the United States of America attached importance to the right of peoples to self-determination and had therefore joined consensus on the draft resolution. However, the text contained multiple misstatements of international law and was inconsistent with current State practices.

#### **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*) ([A/C.3/69/L.35/Rev.1](#))

*Draft resolution A/C.3/69/L.35/Rev.1: International Albinism Awareness Day*

28. **The Chair** announced that the draft resolution contained no programme budget implications.

29. **Mr. Bari-Bari** (Somalia), introducing the draft resolution, said that Austria, Belgium, Bulgaria, Canada, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Poland, Portugal, Romania, Singapore, Slovenia, Thailand and Venezuela (Bolivarian Republic of) had joined the sponsors. The draft resolution, the first initiative to be brought before the Third Committee that addressed the plight of persons with albinism, incorporated proposals by delegations spanning all regional groups. Non-controversial and procedural in nature, the resolution sought to operationalize the recommendation contained in paragraph 1 of Human Rights Council resolution 26/10 to proclaim 13 June as International Albinism Awareness Day. Accordingly, it had been rightfully introduced in the Third Committee; attempts to isolate recommendations contained in the report of the Human Rights Council for consideration by the Second Committee constituted violations of the decisions of the General Committee and of General Assembly resolution 60/251. Welcoming the adoption by consensus of resolution 263 of the African Commission on Human and Peoples' Rights, he commended the commitment of that entity and of the

Human Rights Council to addressing the plight of persons with albinism worldwide.

30. Albinism affected approximately one in 20,000 persons in North America and Europe, and its prevalence was estimated to be as high as 1 in 1,400 persons in some parts of Africa. Stigma, often rooted in misunderstanding and ignorance, endangered the lives and security of persons with albinism, who were subject to torture, abandonment at birth and discrimination at multiple levels of society, forces that had driven some to seek asylum abroad. Persons with albinism faced varying degrees of discrimination; in some exceptional cases, they held high-ranking positions in Government and civil society, and, among the Guna people of Panama, of whom 1 in 125 was albino, they were accorded a special place in cultural mythology. His delegation hoped that International Albinism Awareness Day would provide persons with albinism and other stakeholders with a platform to raise awareness and visibility of the human rights challenges faced by those persons, with a view to eliminating discrimination, stigma and physical attacks.

31. While States were the primary guardians of all human rights, religious leaders also had a crucial role to play in promoting respect for the rights of persons with albinism. To that end, he had recently led a group of persons with albinism to an audience with Pope Francis in Rome, and his delegation was planning similar consultations with leaders of all religions to pave the way for an interfaith meeting aimed at promoting the rights of persons with albinism. Acknowledging the vital role of international humanitarian organizations, civil society and the Secretariat in preparing the draft resolution, he encouraged Member States to adopt it by consensus.

32. **Mr. Khane** (Secretary of the Committee) announced that Bosnia and Herzegovina, Burkina Faso, Chile, Congo, Côte d'Ivoire, Croatia, Ethiopia, Hungary, Lebanon, Liberia, Malaysia, Mali, South Africa, the former Yugoslav Republic of Macedonia, Ukraine and Uruguay had joined the list of sponsors.

33. **Ms. Maduhu** (United Republic of Tanzania), introducing an oral amendment to the draft resolution, said that the draft resolution did not adequately address the need for global action to support national initiatives relating to persons with albinism. To that end, her delegation proposed the inclusion of a paragraph

recognizing the need to support relevant regional and national efforts and requesting the Secretary-General, at the seventieth session of the General Assembly, to submit a proposal on the strengthening of national capacities to address albinism and its root causes. Although the draft amendment had received support from some Member States, her delegation regretted that the proposal had not been given due consideration or circulated broadly among Member States, despite having been submitted during the informal consultations.

34. **Mr. Khane** (Secretary of the Committee) said that the potential budget implications of the proposed oral amendment had not yet been examined by the Secretariat. Further clarification would be provided after the Committee had taken action on the proposal.

35. **The Chair** announced that a recorded vote had been requested on the proposed oral amendment to draft resolution [A/C.3/69/L.35/Rev.1](#).

36. **Mr. Bari-Bari** (Somalia) noted that delegations had expressed ongoing concerns regarding the proposed amendment. Somalia would vote against its inclusion in the draft resolution urged all delegations to do the same.

37. **Mr. Lambertini** (Italy), speaking on behalf of the States members of the European Union in explanation of vote before the voting, said that, while those States had participated in informal consultations with sponsors to facilitate consensus on the amendment, they had never formally stated their position on the matter. Owing to the delayed circulation of the text, the Secretariat had been unable to analyse its budget implications, and there had not been sufficient time to consider the proposal. The States members of the European Union would therefore vote against the draft amendment.

38. *A recorded vote was taken on the oral amendment proposed by the United Republic of Tanzania.*

*In favour:*

Botswana, Burundi, Cuba, Democratic Republic of the Congo, Lesotho, Madagascar, Mauritius, Mozambique, Namibia, Philippines, Rwanda, Sudan, Thailand, United Republic of Tanzania, Viet Nam, Zambia, Zimbabwe.

*Against:*

Albania, Andorra, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria,



Canada, Central African Republic, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Jordan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Monaco, Montenegro, Morocco, Netherlands, Nigeria, Norway, Panama, Poland, Portugal, Romania, San Marino, Saudi Arabia, Serbia, Slovakia, Slovenia, Somalia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

*Abstaining:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Brazil, Brunei Darussalam, Chad, Chile, China, Colombia, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Grenada, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Kenya, Kiribati, Kuwait, Lebanon, Malawi, Malaysia, Maldives, Mauritania, Mexico, Mongolia, Myanmar, Nepal, New Zealand, Niger, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Saint Lucia, Sierra Leone, Singapore, Solomon Islands, South Sudan, Sri Lanka, Suriname, Trinidad and Tobago, Tunisia, Uganda, Yemen.

39. *The oral amendment was rejected by 66 votes to 17, with 75 abstentions.*

40. **Ms. Burgess** (Canada) said that, as a sponsor of the draft resolution, her delegation had consistently striven to bridge divided opinions on the issue of albinism. However, Canada had been unable to support the inclusion of the amendment. Canada would continue to provide support to the international community in its efforts to address the issue of albinism.

41. **Mr. Khane** (Secretary of the Committee) confirmed that, in light of the rejection of the proposed amendment, the draft resolution had no programme budget implications.

42. *At the request of the representative of the United Republic of Tanzania, a recorded vote was taken on draft resolution [A/C.3/69/L.35/Rev.1](#).*

*In favour:*

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern

Ireland, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen.

*Against:*

None.

*Abstaining:*

Angola, Botswana, Comoros, Democratic Republic of the Congo, Fiji, Kenya, Lesotho, Madagascar, Mauritania, Mozambique, Namibia, Niger, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

43. *Draft resolution A/C.3/69/L.35/Rev.1 was adopted by 160 votes to 0, with 16 abstentions.\**

44. **Ms. Franceschi** (Panama) said that Panama, which had the largest albino population in the world, attached great importance to the issue of albinism and had therefore voted in favour of the draft resolution. Persons with albinism were entitled to the full enjoyment of their human rights. To that end, raising awareness and understanding of albinism and the vulnerability of the persons affected was of crucial importance.

45. **Mr. Lambertini** (Italy), speaking on behalf of the States members of the European Union, said that the discrimination faced by persons affected by albinism worldwide was a matter of great concern. Those States had thus voted in favour of the draft resolution. Recalling the European Union's support for the proclamation of international days, years and decades, in accordance with Economic and Social Council Resolution 1980/67, he expressed the hope that the observance of International Albinism Awareness Day would increase global awareness of discrimination, stigma and violence against persons with albinism.

46. **Ms. Robl** (United States of America), noting that her delegation had voted in favour of the draft resolution, reaffirmed the relevance of international instruments, including the Convention on the Rights of Persons with Disabilities, for addressing issues of stigma and violence against all persons. There was also a need for States to take effective measures to protect the human rights of persons with albinism. Her delegation regretted that the proposed amendment had been submitted on short notice and without

investigation of its programme budget implications, a motion that conflicted with rule 153 of the rules of procedure of the General Assembly. Future discussion of ways to prevent attacks against persons with albinism could be informed by addressing the root causes of discrimination against persons with disabilities.

47. **Mr. Bari-Bari** (Somalia) acknowledged the support of all delegations that had contributed to making the long-anticipated International Albinism Awareness Day a reality and expressed the hope that all persons with albinism would receive the protection that they deserved.

**(c) Human rights situations and reports of special rapporteurs and representatives (continued)**  
(A/C.3/69/L.28/Rev.1 and A/C.3/69/L.63)

48. **Mr. Reyes Rodríguez** (Cuba), speaking on behalf of the Movement of Non-Aligned Countries, said that the members of the Movement continued to strongly oppose the selectivity, double standards and politicization reflected in draft resolutions that specifically targeted them. Such resolutions breached the principles of universality, objectivity and non-selectivity that should be observed when addressing human rights issues and undermined cooperation, an essential component of efforts to protect human rights.

49. The Human Rights Council had an important role to play as the United Nations organ responsible for the consideration of human rights situations in all countries, regardless of their level of development and political positions, within the framework of the universal periodic review. The universal periodic review must be an action-oriented, cooperative mechanism based on objective and reliable information; moreover, it must involve an interactive dialogue with the States under review, to be conducted in a transparent, non-selective, constructive, non-confrontational and non-politicized manner. In that context, he urged Member States to continue their coordinated efforts to support all members of the Non-Aligned Movement that were under review.

50. The repeated introduction of draft resolutions that targeted specific States based on political motivations only undermined the credibility of the Human Rights

\* The delegation of Spain subsequently informed the Secretariat that it had intended to vote in favour of the draft resolution.



Council. He therefore urged all delegations to vote against the country-specific draft resolutions.

*Draft resolution A/C.3/69/L.28/Rev.1: Situation of human rights in the Democratic People's Republic of Korea*

51. **The Chair** said that the draft resolution had no programme budget implications.

52. **Mr. Lambertini** (Italy), speaking on behalf of Japan, the European Union and the other sponsors of the draft resolution, said that since the introduction of the draft resolution, Maldives, Marshall Islands, New Zealand and Serbia had joined the sponsors. The findings of the landmark report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea had concluded that the gravity, scale and nature of human rights violations in that country were without parallel. Such violations were also committed in a pervasive culture of impunity. Both the Commission and the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea had called for the perpetrators to be held accountable.

53. Although the Government had accepted the recommendations resulting from the universal periodic review and expressed a willingness to consider dialogue and cooperation on human rights, it had continuously refused to cooperate with United Nations special procedures. In particular, the authorities had neither allowed the Commission of Inquiry to visit the country nor replied to its various requests for information. The sponsors therefore urged the Government to follow up on its early talks with the Special Rapporteur with a view to granting full, free and unimpeded access to the country. The horrifying testimonies of human rights violations in the Democratic People's Republic of Korea were not fabricated and must not leave the international community indifferent; it must take action.

54. **The Chair** drew attention to the amendment to draft resolution [A/C.3/69/L.28/Rev.1](#) contained in [A/C.3/69/L.63](#) and noted that the amendment had no programme budget implications.

55. **Mr. Reyes Rodríguez** (Cuba) said that the sponsors had revised paragraph 14 of draft resolution [A/C.3/69/L.28/Rev.1](#) to take into account much of the language his delegation had intended to introduce in its proposed amendment. He therefore orally revised the

text of the amendment to read: "Delete operative paragraphs 7 and 8 and insert a new operative paragraph 7 reading as follows: Decides to adopt a new cooperative approach to the consideration of human rights in the Democratic People's Republic of Korea".

56. The proposed amendment did not refer to the draft resolution as such; indeed, Cuba intended to vote against it. Moreover, the amendment did not constitute an attempt to prevent the Security Council from seeing the report of the Commission of Inquiry, as that report was public. His delegation's amendment was, instead, a matter of principle. During the recent review of the working methods of the Human Rights Council, delegations had proposed the establishment of a so-called trigger mechanism that would essentially turn the body into a tool to demonize and attack countries of the South. It was clear that some States had no interest in genuine cooperation or dialogue on human rights issues. The draft resolution was being used to establish a pattern that posed a threat to all developing countries, involving the establishment of a special procedure followed by the drafting of a report, without input or possibility of rebuttal or clarification by the concerned State, with the aim of attacking that country and bringing it before the Security Council and the International Criminal Court. Moreover, a look at the agenda of the International Criminal Court sufficed to confirm that the body had become an inquisitorial tribunal against developing countries; no powerful country responsible for perpetrating serious human rights violations would ever be called before the Court.

57. By proposing the draft amendment, his delegation aimed to prevent the imposition of a devastating precedent that would further damage the already eroded credibility of the system of international cooperation on human rights. Cuba hoped to keep the procedures of the Human Rights Council from becoming weapons in the hands of those States that wanted to prevent developing countries from pursuing national development projects that were not in line with the former's hegemonic designs. It would therefore reintroduce the draft amendment for adoption at each successive attempt to politically manipulate human rights procedures by introducing country-specific resolutions.

58. **Mr. Myong Nam Choe** (Democratic People's Republic of Korea) said that, as the concerned State, the Democratic People's Republic of Korea supported the amendment proposed by Cuba, which was in line with numerous General Assembly resolutions and with

its own consistent position in favour of dialogue and cooperation to promote and protect human rights. Despite his Government's constructive measures to that end, the European Union and Japan had instead chosen to seek confrontation. The draft resolution, particularly its paragraphs 7 and 8, could establish a dangerous precedent that justified attempts to bring pressure against developing countries under the pretext of protecting human rights. He called on other delegations to support the amendment.

59. **Mr. Yao Shaojun** (China) said that China consistently called for constructive cooperation on the basis of equality and mutual respect as the means to resolving differences in the area of human rights. It therefore supported the amendment. Moreover, China was opposed to the politicization of human rights issues. His delegation hoped that all parties would strengthen their dialogue and cooperation with a view to promoting and protecting human rights and maintaining peace and stability on the Korean peninsula. The Security Council was not the appropriate forum for dealing with human rights issues and should not be involved in such matters.

60. **Mr. Lambertini** (Italy) requested that a recorded vote be taken on the amendment proposed by Cuba.

61. **Ms. Divakova** (Belarus) underscored her delegation's position of rejecting country-specific resolutions, which constituted an instrument of political pressure. The draft resolution against the Democratic People's Republic of Korea undermined the fundamental principle of respect for national sovereignty and non-interference in the internal affairs of States. Belarus would therefore vote in favour of the amendment.

62. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) expressed support for the proposed amendment, taking into account the importance of promoting a constructive spirit and avoiding the imposition of negative precedents for politically motivated reasons. Instead, international dialogue should be the favoured manner of promoting human rights.

63. **Mr. Zagaynov** (Russian Federation) said that despite the revisions made to the draft resolution by its sponsors, the text remained unbalanced and politicized. In that context, his delegation supported the amendment proposed by the Cuban delegation, as it aimed to give the draft resolution a more balanced

character. His Government disagreed with the introduction of selective, one-sided resolutions on human rights situations in certain countries, an ineffective method of work that was likely to exacerbate confrontation between Member States. States held the primary responsibility for promoting and protecting human rights, while the international community's role was to assist them in that regard.

64. **Mr. Mashabane** (South Africa) said that his delegation supported the amendment proposed by the Cuban delegation as a matter of principle. The draft resolution was not balanced and it would indeed set a dangerous precedent of referring to the Security Council matters that were not under its purview. The Security Council could attend to any issue relating to international peace and security without the urging of the General Assembly. There was also a risk of turning the International Criminal Court into a political tool. Furthermore, the draft resolution contradicted itself by acknowledging the fact that the Democratic People's Republic of Korea had undergone the Human Rights Council universal periodic review while also condemning the long-standing and ongoing systematic widespread violations of human rights in the country.

*Statements made in explanation of vote before the voting*

65. **Mr. Lambertini** (Italy), speaking on behalf of the States members of the European Union, said that the amendment sought to remove paragraphs 7 and 8 from the draft resolution; those were based on the findings of the Commission of Inquiry and followed up on the request from the Human Rights Council for the relevant recommendations of the Commission's report to be considered by the Security Council. While the sponsors regretted that the Government of the Democratic People's Republic of Korea had neither allowed the Commission to visit the country nor replied to its various requests for information, the findings of the Commission were not fabricated, as had been suggested by the proponents of the amendment proposed by Cuba. The findings were instead based on a thorough process that had included four public hearings, hours of testimony from victims and interviews with witnesses who had been afraid to speak publicly. Furthermore, the Commission had made efforts to obtain a reliable body of information that constituted reasonable grounds to establish a pattern of conduct. The lack of accountability for the grave

human rights violations left the sponsors no option but to encourage the Security Council to consider referring the situation to the International Criminal Court. The initial steps taken by the Democratic People's Republic of Korea towards engagement with the international community could not compensate for the need for accountability for those violations, which continued to be perpetrated. The States members of the European Union would therefore vote against the amendment and encouraged all other delegations to follow suit.

66. **Mr. Yoshikawa** (Japan), noting that Cuba generally opposed country-specific resolutions as a matter of principle, said that his delegation welcomed Cuba's efforts to engage in a substantive discussion on the resolution, as it seemed to indicate that Cuba regarded the human rights situation in the Democratic People's Republic of Korea as exceptionally grave. The sponsors had revised the draft resolution to make reference to the importance of cooperation between the international community and the Government of the Democratic People's Republic of Korea. However, they could not support the Cuban amendment itself, as it stripped the draft resolution of key paragraphs, which reflected the recommendations of the Commission of Inquiry and the subsequent Human Rights Council resolution. The intention of the proposed amendment was to keep the General Assembly from taking any action. That would constitute a huge step backward and a dereliction of responsibility on the part of the General Assembly. He therefore urged all delegations to vote against the amendment.

67. **Ms. Vadiati** (Islamic Republic of Iran) said that the inclusion of paragraphs 7 and 8 in the draft resolution would create a dangerous precedent. Their content went against the spirit of the Charter of the United Nations and the principles of cooperation, non-selectivity and non-politicization of human rights issues. The Human Rights Council, not the Security Council, was the proper place to consider such issues. Her delegation would therefore vote in favour of the amendment.

68. **Ms. Cousens** (United States of America) said that her delegation opposed the amendment, which stripped crucial language regarding accountability from the draft resolution. While her Government had heard with interest the recent overtures by the Democratic People's Republic of Korea for dialogue, it noted that such overtures had been made in the past, while the human rights violations had continued. The situation in

that country demanded a strong response from the international community, particularly since the findings of the Commission of Inquiry had shown that the crimes stemmed from policies formulated at the highest level of State. Composed of international jurists of exceptional integrity and established with a unanimous mandate from the Human Rights Council, the Commission had done comprehensive and scrupulously documented work. The Committee, as the General Assembly body responsible for human rights issues, should therefore provide a clear voice of support for the full consideration of the Commission's report by all relevant United Nations entities. The proposed amendment would undermine accountability for the serious violations documented by the Commission and thus set a damaging precedent. Moreover, the sponsors had already incorporated elements of the amendment into a new paragraph in the revised draft resolution, making a good faith effort to reach common ground. Her delegation urged all others to vote against the amendment and in favour of the draft resolution, thereby sending a clear message to the Democratic People's Republic of Korea that perpetrators would be held accountable.

69. **Mr. Nina** (Albania) said that the proposed amendment sought to remove two important paragraphs of the draft resolution based on the fact that the Commission of Inquiry had neither visited the Democratic People's Republic of Korea nor been clear on the facts underlying the conclusions in its report. The Commission had received no cooperation from the Government, which had ignored the Commission's requests to visit the country and had rejected the establishment of the Commission. That attitude attested to the Government's unwillingness to cooperate with human rights mechanisms. The fact that the Commission had been denied the possibility of visiting the country and had not received responses to its numerous requests for information did not imply in any way that its findings were fabricated. As the report clearly indicated, in many instances, the massive and widespread human rights violations comprised crimes against humanity; the lack of accountability for those violations left no option but to encourage the Security Council to consider referring the situation to the International Criminal Court. Albania would therefore vote against the amendment and invited all Member States to do the same.

70. **Ms. Loew** (Switzerland), speaking also on behalf of Australia, Iceland, Liechtenstein and Norway, said that the delegations of those States would vote against the amendment and encouraged other delegations to do

likewise. Paragraphs 7 and 8 were crucial to the draft resolution insofar as they acknowledged that the findings of the Commission of Inquiry provided reasonable grounds to believe that crimes against humanity had been committed in the Democratic People's Republic of Korea and called for those responsible to be brought to justice, including through the possibility of referring the situation to the International Criminal Court. The sponsors of the resolution had addressed the concerns of certain delegations by revising paragraphs 13 and 14 of the draft resolution and thus demonstrating their willingness to continue dialogue and cooperation with the Democratic People's Republic of Korea.

71. **Mr. Fiallo** (Ecuador) said that his delegation's position on the amendment did not predetermine its position on the human rights situation in the Democratic People's Republic of Korea, as Ecuador deplored human rights violations wherever they might occur. In addition, its position on the amendment did not undermine its principled position against country-specific resolutions on human rights. Paragraphs 7 and 8 of the draft resolution ran counter to the principles and mechanisms for cooperation on human rights that his Government supported. Moreover, they went beyond the agreements reached by the General Assembly when the Human Rights Council had been established. For those reasons, his delegation found the amendment necessary and would vote in favour of it.

72. *A recorded vote was taken on the amendment proposed by Cuba.*

*In favour:*

Algeria, Antigua and Barbuda, Bahamas, Belarus, Bolivia (Plurinational State of), Burundi, China, Cuba, Democratic People's Republic of Korea, Ecuador, Egypt, El Salvador, Eritrea, Haiti, India, Indonesia, Iran (Islamic Republic of), Kyrgyzstan, Lao People's Democratic Republic, Myanmar, Namibia, Nepal, Niger, Pakistan, Russian Federation, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Solomon Islands, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Turkmenistan, Uganda, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

*Against:*

Afghanistan, Albania, Andorra, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso,

Cabo Verde, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Jordan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Saudi Arabia, Serbia, Slovakia, Slovenia, Somalia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Angola, Argentina, Armenia, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Brazil, Brunei Darussalam, Cambodia, Central African Republic, Chad, Colombia, Democratic Republic of the Congo, Dominican Republic, Ethiopia, Fiji, Gabon, Gambia, Grenada, Guatemala, Guinea, Guyana, Jamaica, Kazakhstan, Kenya, Kuwait, Lebanon, Lesotho, Malaysia, Mali, Mauritania, Mauritius, Morocco, Mozambique, Nauru, Nicaragua, Nigeria, Oman, Papua New Guinea, Qatar, Rwanda, Seychelles, Singapore, Trinidad and Tobago, Tunisia, United Republic of Tanzania, Yemen, Zambia.

73. *The amendment contained in document A/C.3/69/L.63, as orally revised, was rejected by 77 votes to 40, with 50 abstentions.*

74. **Ms. Ortigosa** (Uruguay) said that Uruguay had sponsored the draft resolution on the situation of human rights in the Democratic People's Republic of Korea because of its concerns regarding the violations of human rights and fundamental freedoms in that country and its support for the work of the Commission of Inquiry. However, despite the importance of the draft resolution, its adoption should not establish a precedent for referring the situation in a country to the Security Council or the International Criminal Court without direct visits to the country by special procedures on human rights.

*The meeting rose at 1 p.m.*