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later: Mr. Mohamed (Vice-Chair)..... (Guyana)

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

Expression of sympathy in connection with the recent terrorist attacks in Paris, France

1. **The Chair**, on behalf of all the members of the Committee, expressed sympathy to the people and Government of France in connection with the recent terrorist attacks in Paris.

2. *At the invitation of the Chair, the members of the Committee observed a minute of silence.*

Agenda item 67: Report of the Human Rights Council (A/70/53 and A/70/53/Add.1)

3. **Mr. Rücker** (President of the Human Rights Council), introducing the report of the Human Rights Council (A/70/53 and A/70/53/Add.1), said that 137 resolutions, decisions and President's statements had been adopted by the Council in 2015, 84 of which had been adopted without a vote. Many of the resolutions, including those on country issues, had been cross-regional initiatives, affirming the resolve of the Council to take action on important human rights issues by overcoming different political positions. The Council had extended existing country-specific special procedures mandates on Belarus, Cambodia, the Central African Republic, Côte d'Ivoire, the Democratic People's Republic of Korea, Eritrea, the Islamic Republic of Iran, Mali, Myanmar, Somalia and the Sudan.

4. Under agenda item 10 on technical assistance and capacity-building, the Council had considered the human rights situation in Burundi, the Democratic Republic of the Congo, Guinea, Haiti, Iraq, Sri Lanka, Ukraine and Yemen. During its past three regular sessions, the Council had held 17 panel discussions on the effects of various issues on the enjoyment of human rights. Such discussions had benefited from the expertise of representatives of Governments, parliaments, human rights mechanisms, international and regional organizations, journalists, academia and civil society.

5. As of 11 November 2015, 114 Member States and one non-member observer State had extended standing invitations for thematic special procedures. He called upon all States that had not yet done so to issue standing invitations to special procedures mandate holders and cooperate fully with the Council's mechanisms. Around 100 high-level dignitaries had

addressed the Council during the high-level segment of the March 2015 session, and a large number of civil society representatives had attended and had been following the Council's proceedings, which demonstrated its growing influence as the main United Nations body responsible for the promotion and protection of human rights. The work of the Council had been made more accessible to persons with disabilities pursuant to the Convention on the Rights of Persons with Disabilities and in line with the mandate of the Council's Task Force on secretariat services, accessibility for persons with disabilities and use of information technology.

6. The principle of universality continued to be preserved in the universal periodic review. All States scheduled for review had come to the Council, most of them with delegations at the ministerial level, which demonstrated their commitment to the process. Nevertheless, challenges remained, in particular related to the participation and involvement of States which did not have any or had only a small representation in Geneva. The Office of the High Commissioner for Human Rights (OHCHR) had established a variety of programmes to address the needs of those States and ensure their participation in the universal periodic review.

7. Another important principle was that of periodicity, which offered the opportunity to measure progress. Going forward, the focus on the follow-up and implementation of recommendations from the previous review cycle would need to be highlighted even more. Increasingly more States were on a voluntary basis submitting mid-term reports or using the framework provided by the Council to indicate progress made and challenges faced in that regard. They were also strengthening their national processes and systems to enable more systematic engagement with and follow-up on the recommendations from human rights mechanisms, including the universal periodic review.

8. It was essential that representatives of civil society, whose active participation in the Council was central to its work, should operate in a free, open and safe environment that protected and promoted their human rights. In 2015, he had been apprised of alleged and verified cases of intimidation, threats and reprisals against individuals from civil society organizations and national human rights institutions and even special procedures mandate holders.

9. He had repeatedly appealed to the Council to ensure the safe participation and involvement of civil society in its work and, where required, had followed up directly with the States concerned. He had documented the cases brought to his attention and submitted them to the Secretary-General for inclusion in his report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights. Without the contribution of civil society, the work of the Council and the universal periodic review would be much less effective.

10. In 2015 the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the work of the Human Rights Council had enabled the participation of 20 delegates in the three regular sessions of the Council, thus trebling the number of beneficiaries compared to the previous year. Six Government officials, including women, had been selected to participate in the fellowship programme of the Fund. He recognized the importance of the Fund and stressed the need for its sustained funding.

11. Lastly, the Council continued to adopt a large number of resolutions and decisions carrying significant resource implications. Unfortunately, the regular budget had not kept pace with that growth. The High Commissioner and his Office often had to rely on voluntary contributions to implement mandated activities. He, therefore, sought cooperation and support from all Member States to address the funding gap through the Fifth Committee, including with regard to new mandates arising from Council resolutions and decisions.

12. **Ms. Amadeo** (United States of America) said that her country welcomed the President's role in ensuring that civil society was able to participate in the Human Rights Council's proceedings without interruption. However, it was concerned by the proliferation of panel discussions, which detracted from the time spent on reports of special procedures mandate holders and the time given to delegations in general debates and interactive dialogues.

13. Her delegation was also concerned that the Council might be moving too quickly to establish intergovernmental working groups to draft conventions on or otherwise discuss topics that did not enjoy consensus and were among the most divisive. She asked how the time spent by the Council could be

better focused so that the work of special procedures mandate holders received proper attention.

14. **Mr. Tesfay** (Eritrea) said that although the President and the Human Rights Council had been calling for rationalization of resources and enhancement of the regular budget, there was proliferation and duplication of country-specific mandates, which his delegation feared was a waste of time and resources. He asked what measures could be taken to address redundant country-specific mandates in order to rationalize the work and expenses of the Council. The issue of not giving enough opportunity to the country concerned to intervene was a major concern of his delegation.

15. The reports of special rapporteurs and commissions of inquiry must be verified beyond any reasonable doubt. The dictum "everybody is innocent until proven guilty" was a basic tenet of human rights standards and internationally accepted legal mechanisms and must be respected by all. He asked what mechanism was being contemplated to remedy that shortcoming in the working methods of the Human Rights Council. One remedy could be the introduction of automatic and transparent voting by all members of the Council on decisions and resolutions.

16. **Ms. Nescher** (Liechtenstein) said that her country was very concerned about the fact that Human Rights Council resolution 24/24 on cooperation with the United Nations, its representatives and mechanisms in the field of human rights was still awaiting implementation, especially at a time when threats against human rights defenders were growing at an alarming pace. Given that all obstacles to its implementation had been removed since its consideration was no longer being deferred, she asked when the resolution would be implemented.

17. **Mr. Yao Shaojun** (China) asked in what way the President could further his role in removing double standards and opposing politicization in the field of human rights. He enquired what the Council should do to reverse the current situation whereby civil and political rights were given precedence over economic, social and cultural rights, in particular the right to development. Lastly, he requested the President to comment on the phenomenon whereby Human Rights Council agenda item 4 on human rights situations that required the Council's attention crossed over into agenda item 2 on the annual report of the United

Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General and into agenda item 10 on technical assistance and capacity-building.

18. **Mr. de la Mora Salcedo** (Mexico) said that Mexico had fostered pluralistic and inclusive dialogue based on the principle of cooperation in order to address the themes on the Council's agenda in a constructive manner. With the proliferation of resolutions and mandates, the effectiveness of the Council should be considered in light of its actions on the ground. The President should continue promoting initiatives to contribute to the improvement and effective reorganization of the working procedures of both the Council and its members. He asked the President whether he had identified subsequent measures to continue improving the work of the Council, such as establishing a mechanism for consultations with States, civil society and all relevant actors in order to strengthen that practice, which should be ongoing.

19. **Mr. Hetesy** (Hungary) said that the participation of civil society in the work of the Council was essential. In that regard, Hungary remained deeply concerned by and condemned all acts of intimidation and reprisals against those who cooperated or sought to cooperate with the United Nations, its representatives and mechanisms in the field of human rights. In that context, he sought the President's views on the call by a cross-regional group of 56 States for the implementation of Human Rights Council resolution 24/24. If implemented sincerely and globally, the 2030 Agenda for Sustainable Development would go a long way towards ensuring the fulfilment of human rights of all. Lastly, he asked what the role of Council could be in supporting national implementation, evaluation and monitoring of the Agenda.

20. **Mr. Elbahi** (Sudan) asked what was meant by violent extremism in Human Rights Council resolution 30/15. There was a need for more discussion of initiatives adopted in Geneva, such as the San José Guidelines and the OHCHR Change Initiative, by Member States in New York, since that was where the Organization had full membership. He recalled that General Assembly resolutions 48/141 and 68/268 had identified the steps and mandates for tackling those initiatives.

21. **Mr. McLaughlin** (United Kingdom) said that in 2015 changes had been made to the working methods of the Third Committee in the hope of allowing States to focus their efforts on the most important issues of the day. He asked what the lessons to be drawn in Geneva were from that exercise. While the Council was rightly a body of Member States, the independent perspectives, knowledge and experience of civil society could only encourage a more informed and productive debate. He enquired how non-governmental organizations, activists and ordinary citizens could best be able to contribute fully to the Council's work.

22. **Ms. Troesch** (Switzerland) asked how the participation of civil society in the Council could be facilitated and strengthened. In light of the worrying increase in intimidation and reprisals against members of civil society who cooperated with the Council and its mechanisms, she enquired what role the President could play in preventing and combating that phenomenon. She also wished to know which specific measures to improve the working methods of the Council could be better implemented.

23. **Mr. Rabi** (Morocco) said that the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the work of the Human Rights Council went beyond simply supporting participation to include the training of delegates in the procedures and work of the Council. He asked how the Fund could be used to improve coordination between Geneva and New York, particularly in terms of training delegates, and how the Fund's approach could be applied in New York.

24. **Mr. Khan** (Pakistan) said that although Pakistan valued the participation of non-governmental organizations in the work of the Council, it noted that there had been an unchecked tendency on the part of non-governmental organizations to deviate from the subject under discussion and make remarks in violation of the Charter of the United Nations and impugning the integrity of Member States. He asked what steps could be taken by the President and the Council to curb those negative developments so as to avoid undue controversy and dangerous politicization of the Council's work.

25. **Mr. Rücker** (President of the Human Rights Council) said that the Council was to some extent a victim of its own success: with the number of special

procedures mandates increasing, it would be worth considering whether it devoted sufficient time to special procedures mandate-holders and how to ensure that it made the best use of the wealth of information that was gathered through them. It might be possible to dedicate more time for that between the Council sessions' core activities, although those periods were usually taken up by working group activities, activities connected with universal periodic reviews and other important work. The Council was considering the matter and would welcome proposals in that regard.

26. Country mandates were core to the work of the Council and were thus not necessarily relevant to the improvement of the funding situation. There were measures in place to ensure that the States concerned could respond, and he believed that their comments were given genuine attention. However, he would always be ready to consider any proposed improvements to the system. He was pleased to note that the General Assembly had concluded its consideration of Council resolution 24/24 and that States from all regions had expressed support for its prompt implementation. It should now be possible to proceed with the implementation of the resolution.

27. Human rights were intrinsically political, and thus it might not be possible to entirely eliminate what some delegations referred to as politicization. However, the Council always strove to avoid double standards and to prevent bilateral conflicts unrelated to human rights from having an impact on its work. The work of the Council was well balanced between the consideration of civil and political rights on the one hand and economic and social rights on the other. It was continuously discussing which agenda item was most appropriate to cover each country-specific human rights situation.

28. The Council had taken the appropriate steps to improve efficiency, beginning with the statement by the President of 23 July 2015 on the matter ([A/HRC/PRST/29/1](#)). It had decided to improve further the voluntary yearly calendar for its thematic resolutions in order to create more transparency, as the principal lesson learned from the examination of the Council's working methods was that increasing transparency was essential for improvement. A better understanding of the Council's work was a prerequisite for its rationalization and could help curb the inflation of initiatives.

29. He recommended that the work taking place in New York should also be better mapped out. It was important to recall that the Council's aim had never been to pursue efficiency as an end in itself; increased efficiency was only desirable to the extent that it enhanced effectiveness on the ground. It was therefore crucial to develop an understanding of what impact the Council and its mechanisms had on actual and potential victims of human rights violations. The Council stood ready to provide advice on how the universal periodic review model could be useful in implementing and monitoring the Sustainable Development Goals.

30. Council resolution 30/15 on human rights and preventing and countering violent extremism set forth fairly clearly what countering violent extremism meant in practical terms. The adoption of the Guidelines against Intimidation or Reprisals (the San José Guidelines) was important because it had equipped the independent treaty bodies with a framework for dealing with reprisals, which would help individuals cooperating with them to feel safe.

31. Civil society organizations were essential to the Council's institution-building efforts. To ensure their continued contribution, it would be useful to continuously recall their importance and to resist all attempts to curb or diminish their role. In that connection, he had been made aware of several alleged and confirmed cases of reprisals against members of civil society organizations and human rights defenders who had attempted to interact with the Council or its mechanisms in 2015. One way to protect civil society was to raise every such case with the State concerned by ensuring that all incidents were verified, properly documented and then brought to the attention of the Secretary General for inclusion in his report.

32. The Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the work of the Human Rights Council could help to improve coordination between New York and Geneva by supporting the 17 Member States that did not have representation in Geneva. The Fund had already made progress in terms of training, and online training on the functioning of the Human Rights Council would be available as from February 2016. Lastly, his approach to the failure by certain representatives of non-governmental organizations to use language appropriate to the United Nations context was to

remind them of the relevant rules in that regard. It was important to maintain a dialogue with civil society representatives and he was not aware of any major problems that had arisen with regard to their respect for United Nations rules.

33. **The Chair** invited the Committee to begin its general discussion of agenda item 67.

34. **Mr. Minah** (Sierra Leone), speaking on behalf of the Group of African States, said that the continuing expansion of the work of the Human Rights Council called for a comprehensive rationalization of its working methods. The Group welcomed the efforts of the President of the Council to promote increased efficiency, but wished to reiterate that all proposals must fall within the parameters established by the Council's institution-building package set out in its resolution 5/1, the outcome of the Human Rights Council review, the rules of procedure and the existing modalities of work.

35. Furthermore, in accordance with paragraph 114 of Council resolution 5/1, the role of the Bureau should be limited to procedural and organizational matters. The Group was concerned about a number of attempts to deviate from that resolution, initiate a de facto review, question the status of the Council as a subsidiary body of the General Assembly or re-open discussions on key institutional questions that had already been settled, all of which could severely undermine the credibility and future of the Council.

36. Another cause for concern was the continuing impasse within the Working Group on the Right to Development and the resistance to the elaboration of the normative content on that right. The Group of African States therefore welcomed the request in the report of the Council ([A/70/53/Add.1](#)) to the High Commissioner for Human Rights to seek the views of Member States in preparing a paper on the realization and implementation of the right to development for consideration at the seventeenth session of the Working Group. The report also requested the General Assembly to consider holding a high-level segment on the right to development at its seventy-first session.

37. During the reporting period, the Group had maintained its leadership on issues such as female genital mutilation and the impact of toxic waste and the non-repatriation of funds of illicit origin on the enjoyment of human rights. Against a backdrop of increasing levels of racially motivated violence and

hatred in various parts of the world, it had presented ambitious, practical resolutions aimed at achieving the full and effective implementation of the Durban Declaration and Programme of Action.

38. African countries constituted two-thirds of the beneficiaries of activities under item 10 of the Council's agenda, on technical assistance and capacity-building, and the Group had been highly involved in work in that area. Item 10 was a platform for technical cooperation and capacity-building and should not be misused to achieve objectives unrelated to that purpose, including the monitoring and investigation of human rights situations. Advisory services on human rights issues should be provided only at the request of the country concerned and must fully respect the sovereignty and political independence of that State.

39. The issue of protection and support for the family as the natural and fundamental core unit of society remained largely overlooked, despite being an uncontested obligation under international human rights law. The African Group therefore welcomed the adoption of Council resolution 29/22 on protection of the family. Further efforts were needed to address the issue of migrants, in particular the impact of migration and border control policies on the safety, dignity and human rights of migrants and refugees around the world.

40. The universal periodic review remained relevant and key to the promotion and protection of human rights. The cooperative nature of the mechanism and the principle of dialogue associated with it must be preserved. The Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review must be provided with the necessary resources to enable States to develop the capacity and expertise required for the implementation of the accepted recommendations. The Group supported the Council's special procedures and mechanisms but believed they should be rationalized in order to enhance their effectiveness. It was also necessary to ensure their compliance with the institution-building package, the Code of Conduct for Special Procedures Mandate-holders and the terms of reference of the relevant mandates.

41. The African Group was extremely concerned by the attempts to impose new notions and concepts, such as those concerning sexual orientation and gender identity, that were not referenced in international

human rights law. It strongly rejected any attempt to undermine the international human rights system by seeking to impose concepts pertaining to social matters, including private individual conduct, that fell outside the internationally agreed legal human rights framework. Such attempts disregarded the universality of human rights.

42. Focusing on notions on which there was no international consensus served only to divide the Human Rights Council and to undermine its balanced, egalitarian approach to the promotion and protection of all human rights. Those notions had no international legal basis, but fell within the domestic jurisdiction of States. It was therefore regrettable that they were given attention at the expense of issues of paramount importance such as racism and the right to development.

43. People were not inherently vulnerable; it was the socio-economic setting in which they lived which made some vulnerable. The African Group deplored all forms of stereotyping, exclusion, stigmatization, prejudice, intolerance, discrimination and violence directed against peoples, communities and individuals, on any grounds, wherever they occurred. Member States should refrain from attempting to give priority to the rights of certain individuals, as doing so could undermine internationally-agreed rights, in contravention of the principles of non-discrimination and equality.

44. The Group supported the mandate of the Council as set forth in General Assembly resolution 60/251 and believed that the designation of a senior focal point on reprisals could have serious ramifications for that mandate. The Group's attempts to seek clarification on the ambiguities in Council resolution 24/24 had proved fruitless, as other parties had prevented the consultations referred to in General Assembly resolution 68/144 from taking place. The deadlock on the resolution would not be resolved unless all Member States participated in a comprehensive, transparent and inclusive consultation process.

45. The principles underpinning the establishment of the Council set out in General Assembly resolution 60/251 continued to be of the utmost importance and relevance. The Council should continue to base its work on the principles of non-politicization, non-selectivity, objectivity, universality, the elimination of double standards, international cooperation and genuine dialogue. It should also remain committed to

the interrelatedness, interdependence and indivisibility of all human rights, including the right to development, and ensure that all human rights were given equal and fair treatment.

46. **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, effectiveness and independence of the Council and welcomed its efforts to increase its efficiency. Given the increasing importance of the Internet as a source of information and a tool for communication, her delegation welcomed the President's request to the Office of the United Nations High Commissioner for Human Rights to develop, manage and support a more distinguishable, accessible and user-friendly web page ([A/HRC/PRST/29/1](#)) and looked forward to hearing how the new website could enhance the accessibility of the Council and its procedures for people around the world.

47. Her delegation was also interested in exploring the questions of what other measures and tools could help raise awareness of the work and procedures of the Council and how the Council could support the implementation of the 2030 Agenda for Sustainable Development while preserving the achievements that had been made through international conventions and resolutions on the protection of human rights. The European Union remained committed to supporting the Council's effort through close cooperation with all States, institutions and other stakeholders.

48. **Mr. Essam** (Egypt) said that the abhorrent terrorist attacks that had recently been carried out in Egypt, France, Iraq, Lebanon and elsewhere were part of a plague of terrorism and extremism that was emerging as a fundamental challenge for the global community and that had enormous repercussions for the enjoyment of human rights and fundamental freedoms. He urged the members of the Council to stand united behind its resolution 28/17 on the effects of terrorism on the enjoyment of human rights by thoroughly considering the matter, condemning all acts of terrorism and displaying solidarity with victims of terrorism around the world.

49. The Council could effectively promote and protect human rights only if it based its work on the principles of non-politicization, non-selectivity, objectivity,

universality, international cooperation and genuine dialogue. The unprecedented human rights challenges that it currently faced would require an expansion of its work and activities, which would put its resources and programme of work under increased pressure.

50. Given that all human rights, including the right to development, were universal, indivisible, interrelated and interdependent, they should all be considered on an equal footing in a fair and equitable manner. In that connection, the thirtieth anniversary of the adoption of the Declaration on the Right to Development provided the opportunity to step up the efforts of the United Nations and the broader international human rights community to realize the right to development, including through further elaboration of relevant normative content.

51. Egypt welcomed the Council's efforts to address the challenges to the enjoyment of economic, social and cultural rights, in particular the adoption of Council resolutions 28/15 on the right to work and 29/22 on protection of the family, and looked forward to the contribution of the Council to the implementation of the 2030 Agenda. It was also pleased that the Council continued to engage actively on the issues of racism, racial discrimination, xenophobia and other forms of related intolerance, religious intolerance, and discrimination and violence based on religion or belief. The worryingly high rates of such violations called for firm and immediate action.

52. Lastly, while Egypt condemned all acts of intimidation and reprisals against persons cooperating with the United Nations, it was of the view that Council resolution 24/24 could not be implemented until transparent, inclusive and conclusive consultations had been conducted, in line with General Assembly resolution 68/144.

53. **Ms. Amadeo** (United States of America) said that there had been a marked improvement in the work of the Human Rights Council over the past six years. However, the United States remained concerned by the myopic focus on Israel. Over the course of the past year, her country had sponsored the first ever resolution on human rights and preventing and countering violent extremism and had sought to guide the Council's consideration of a proliferation of resolutions on similar topics. Her delegation welcomed the continuing work on civil society space, human

rights defenders and political participation, as well as the attention given to pressing human rights concerns in certain countries and regions.

54. She commended the adoption by consensus of Council resolution 25/1 on promoting reconciliation, accountability and human rights in Sri Lanka, including its request to the Office of the High Commissioner to continue to assess the progress of relevant national processes. The United States had sponsored Council resolution 29/13 on a mission by the Office of the United Nations High Commissioner for Human Rights to improve human rights, accountability, reconciliation and capacity in South Sudan and welcomed the adoption of Security Council resolution 2248 (2015), putting the world on notice about the potential eruption of serious violence in Burundi.

55. Her country strongly supported the Council's continued attention to human rights violations in the Syrian Arab Republic, the Islamic Republic of Iran and the Democratic People's Republic of Korea and took note of the special session of the Council on atrocities committed by Boko Haram. However, it also expressed strong regret over certain actions taken by the Council and reiterated that the situation in Israel and the Palestinian territories should be addressed under a general agenda item rather than a specific one.

56. **Ms. Thomas** (Cuba) said that the double standards, confrontation and political manipulation that had characterized the former Commission on Human Rights must not be allowed to take root in the Council. In that connection, it was unfortunate that the Council's report reflected a continuing punitive and selective approach to the consideration of various human rights situations. The universal period review had been created with a view to making the Human Rights Council fundamentally different from its predecessor by providing it with the means to ensure international cooperation on human rights on the basis of constructive dialogue and respect for the principles of universality, objectivity, impartiality and non-selectivity. The review should, therefore, be recognized as the only universal mechanism for the comprehensive analysis of the human rights situation in all countries.

57. To achieve the effective protection of human rights, States should advocate for a democratic and equitable international economic and political order to

replace the current unjust and exclusive one. The harmful effects of the embargo imposed on Cuba for over 50 years was irrefutable proof of the importance of analysing the full impact of unilateral coercive measures on the protection of human rights, which should lead to the abandonment of all such measures.

58. Cuba would continue to work urgently with like-minded States to ensure that the Council recognized the right to international solidarity, which would create the optimum conditions for addressing the serious global economic, financial, energy, environmental and food crises. Her delegation would also continue to call on special procedures mandate holders to strictly adhere to the principle of objectivity and impartiality and their Code of Conduct.

59. Cuba remained committed to the promotion of and respect for all human rights. In particular, it would continue to promote the rights to self-determination, peace, development and food; work to combat racism, xenophobia and other forms of discrimination; and strive to ensure the realization of cultural rights and respect for diversity.

60. *Mr. Mohamed (Guyana), Vice-Chair, took the Chair.*

61. **Mr. Choi** Won Seok (Republic of Korea) commended the Council's timely and relevant responses to global human rights concerns, including through panel discussions and resolutions on issues such as climate change, women and girls, persons with disabilities and ethnic minorities. His delegation also welcomed the Council's country-specific resolutions and the spirit of compromise and cooperation that had allowed the majority of them to be adopted by consensus.

62. The tenth anniversary of the Council in 2016 would be an opportune moment for an honest and objective assessment of its achievements, especially in terms of its effectiveness. In particular, an evaluation of the impact on the ground of the universal periodic review would enable the Council to enhance the effectiveness of that process.

63. His delegation welcomed the efforts of the President of the Council to address the negative impact of the Council's increased workload on the quality of its work and hoped to see that momentum continue. Since human rights issues were intricately linked to other core priorities such as peace and security and

development, his delegation strongly supported the Council's efforts to promote effective coordination and the mainstreaming of human rights within the United Nations system, including in the context of the implementation of the 2030 Agenda.

64. **Ms. Izanova** (Kazakhstan) said that in recent years the work of the Human Rights Council had become more politicized, and the growing number of resolutions put to a vote also showed its increasing polarization. Kazakhstan supported efforts to increase the trust of States in the Council's activities by developing an egalitarian dialogue and seeking consensus decisions.

65. Dealing with issues in the area of human rights required collective solutions and collective interaction, and the Council needed a more balanced approach to the consideration of all categories of human rights, including civil and political rights as well as economic, social and cultural rights. Kazakhstan supported measures aimed at improving the Council's effectiveness and the special procedures mechanism, although such measures required a balanced approach taking various sources of information into account during the Council's assessment of the human rights situation in the countries visited.

66. In 2015, her country had ratified the Convention on the Rights of Persons with Disabilities and had continued its active interaction with treaty bodies, whose conclusions must clearly and objectively reflect the dialogue which took place between treaty body members and country delegations during the consideration of their reports. Lastly, Kazakhstan, which had been making voluntary contributions to the Office of the High Commissioner for Human Rights since 2008, reaffirmed its commitment to the protection of basic human rights and freedoms.

67. **Ms. Belskaya** (Belarus) said that her country had successfully completed the second cycle of the universal periodic review and had voluntarily implemented the majority of its recommendations. Belarus was ready to cooperate with United Nations human rights mechanisms on the basis of an objective and impartial approach and had broadened the Human Rights Council's list of agreed thematic procedures.

68. Her country welcomed the Council's focus on social and economic rights, the right to development, the status of children, women, the disabled and older persons, and the institution of the family.

Unfortunately, the Council was increasingly becoming a platform for artificial confrontation in the field of human rights, and some members were using it to settle political scores and to promote standards and approaches which had not been internationally agreed. The latter practice could create unsubstantiated links between “human rights” and practically any problematic issue in bilateral or regional relations.

69. Council mechanisms, principally country-specific resolutions and mandates, allowed groups of States with the necessary financial and organizational resources to legitimize their own unilateral coercive measures against certain countries and Governments. Belarus had consistently called for the halting of that practice and hoped that the appointment of a Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights would change the approach of the Council and some of its members in that regard and prevent the principles of the Charter from being replaced by illegal rules.

70. **Mr. Osboei** (Islamic Republic of Iran) said his country greatly valued the universal periodic review as a cooperative mechanism for examining human rights situations in all Member States on an equal footing. His Government was committed to ensuring respect for human rights at the national and international levels and had begun implementing its second universal periodic review, in consultation with civil society.

71. It was regrettable, however, that certain countries continued to politicize human rights, engage in confrontation with the Council and 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 absurd moves, which undermined the credibility of United Nations human rights machinery by making it a forum for political manoeuvring, and therefore disassociated itself from the part of the Human Rights Council’s report (A/70/53) containing the so-called resolution on the situation of human rights in the Islamic Republic of Iran.

72. The Iranian Government had welcomed the holding of the twenty-third special session of the Council, which had sent a clear message against violent extremism in response to the atrocities committed by Boko Haram. The recent terrorist attacks in France, Iraq and Lebanon were a stark reminder of

the need to promote greater understanding and forge a genuine global coalition to combat the worldwide threat of extremist violence rather than focusing on misguided and politically motivated attempts to target a selective number of Member States.

73. **Mr. Raustøl** (Norway) said that challenges to the enjoyment of human rights, peace and development in many parts of the world were both a cause and an effect of human rights violations and abuses. Human rights defenders were coming under increasing pressure in many countries, while capacity constraints caused the human rights component of sustainable development to be overlooked in others. An effective Human Rights Council and a strong United Nations system were needed to partner with Member States in addressing those challenges.

74. The Council had been able to deliver far more than many had initially expected. The universal periodic review was a promising mechanism, while special procedures mandates were covering an increasingly wide range of thematic and country-specific issues. One of the main priorities should be to hone the available human rights tools in order to improve implementation on the ground. The challenges confronting the international human rights system were also clearly linked to the clear need for increased financial support for the human rights pillar of the United Nations. To conclude, he commended the improvements to the working methods of the Council that were already planned or underway, including initiatives to improve its relationship with the Third Committee.

75. **Mr. Yao Shaojun** (China) said that the working atmosphere of the Human Rights Council should be improved. No country should use human rights issues to interfere in the internal affairs of another country or, worse, as a geopolitical tool for exerting political pressure. The Council should act in keeping with General Assembly resolution 60/251 and the principles of universality, impartiality, objectivity and non-selectivity as established by its own institution-building package; conduct its work through constructive dialogue and cooperation; abandon the politicization and double standards that currently existed in the Council and other human rights mechanisms; and put an end to “naming and shaming”.

76. Diversity should be respected when considering countries’ efforts to advance human rights, as they

faced different challenges and priorities in the human rights area. The Council should respect the choices made by countries regarding their paths of development and human rights protection models; work constructively to promote exchanges and mutual learning among different societies, religions and social systems; strike a balance between the promotion of civil and political rights and social, economic and cultural rights, particularly the right to development; and enhance technical cooperation and capacity building in human rights.

77. Lastly, prudence was needed in advancing the reform of the Council's working methods. The Council's intergovernmental character and the working principle of member State ownership should be upheld. Initiatives and processes for reforming the Council's working methods should be highly transparent and democratic and should involve full consultation with Council members. Ideas put forward must not aim to review the Council's status and should not prejudge the outcome of the next periodic review cycle.

78. **Mr. Yaremenko** (Ukraine) expressed his delegation's solidarity with the victims of the terrorist attacks in Paris, Beirut and Baghdad, and their families. In light of the occupation of Crimea by the Russian Federation, Russian aggression in eastern Ukraine, and the inevitable negative human rights consequences of such conflict, his Government was determined to further strengthen its partnership with the Office of the High Commissioner for Human Rights (OHCHR). The Government had initiated the Human Rights Mission in Ukraine in March 2014 with a special focus on human rights violations in occupied Crimea and eastern Ukraine, currently the country's most vulnerable region. In view of the efficient work carried out by the Mission, its mandate had been repeatedly renewed.

79. His delegation reiterated Ukraine's standing open invitation for special procedures of the Human Rights Council. The adoption of Council resolution 29/23 had led to a separate interactive dialogue on the protection of human rights in Ukraine at the thirtieth session. Ukraine strongly condemned the discrimination against and persecution of ethnic Ukrainians and Crimean Tatars in Crimea, as addressed in Council resolution 26/30.

80. His delegation was also extremely concerned that missions of international organizations and special

procedures had no access to the Autonomous Republic of Crimea to monitor the observance of human rights. That situation continued to deteriorate, and the grave and systemic problem regarding the observance of human rights in Crimea by the Russian occupying authorities required a separate, detailed OHCHR report. He called upon Member States to increase their pressure on the Russian authorities to make them immediately release Nadiya Savchenko, Oleg Sentsov, Olexandr Kolchenko and all other Ukrainian citizens, who were political prisoners of the Russian regime.

81. Promoting and protecting human rights was the foundation for a large-scale reform programme launched in Ukraine in 2014. Steps had already taken been to begin, inter alia, an anti-corruption reform, decentralization, deregulation, and ensuring free access to public information. Furthermore, on the initiative of the Ukrainian President and in cooperation with civil society, a national human rights strategy had been developed, which took into account the relevant best international practices in that regard. His delegation was grateful to international human rights bodies for providing technical assistance to the Government in the elaboration of the strategy and for their continued assistance in drafting the national action plan.

82. **Mr. Khan** (Pakistan) said that, in order to play its role in the promotion and protection of human rights, the Human Rights Council must faithfully adhere to the principles of impartiality, objectivity, non-selectivity and non-politicization. Unfortunately, human rights issues continued to be politicized, and undue attention continued to be given to controversial notions which were not universally recognized. Country-specific resolutions continued to be used for naming and shaming Member States, undermining opportunities for constructive dialogue and engagement.

83. The ever-increasing number of new initiatives had over-stretched the work of the Council. Due to its heavy programme of work, time for interactive dialogue with special procedures mandate holders was continuously decreasing, preventing States from substantively interacting with them. Similarly, the proliferation of special procedures and commissions of inquiry had put an extra burden on the strained resources of OHCHR.

84. Pakistan regretted that the participation of non-governmental organizations in the work of the Council had not been in line with the Charter, the

Council's institution-building package or Economic and Social Council resolution 1996/31. Non-governmental organizations had an unchecked tendency to deviate from the subject under discussion and make remarks in violation of the Charter. Concrete steps should be taken, therefore, by the President of the Council and OHCHR to curb such negative developments. Lastly, in accordance with General Assembly resolution 65/281, the process of reviewing the Council's work must be undertaken with the approval of the General Assembly in order to be truly representative of the wider membership.

85. **Mr. Elbahi** (Sudan) conveyed his delegation's condolences to the Governments of France, the Russian Federation, Egypt and Lebanon in the wake of the recent terrorist attacks against those countries and condemned all terrorist acts. He called on the international community to work together to eradicate the scourge of terrorism and address its root causes.

86. The Sudan had welcomed the adoption of Human Rights Council resolution 27/21 on human rights and unilateral coercive measures and was looking forward to the country visit of the Special Rapporteur on that question in November 2015. The Sudan stood ready to cooperate with the Special Rapporteur to address the destructive impact of unilateral coercive measures and, ultimately, to do away with all such measures, which were a flagrant violation of United Nations norms, international law and humanitarian values.

87. The universal periodic review mechanism was the ideal forum for addressing human rights concerns on the basis of fruitful dialogue and constructive cooperation. Since human rights were universal, they must be addressed in a manner that was internationally agreed and that demonstrated respect for the religions and cultures of States by avoiding the imposition of concepts and rights that were not universally recognized. The Sudan therefore rejected and deplored the Council's attempts over the past two years to impose, with no legal basis, concepts such as sexual orientation and sexual identity; the Council must not act beyond its remit as established in General Assembly resolution 60/251.

88. His delegation called for greater protection for the family, as the nucleus of society, and recognition of its role in development and its potential role in achieving the Sustainable Development Goals. Furthermore, special procedures mechanisms must be

optimized by ensuring that mandate holders complied with their Code of Conduct and the institution-building package. In closing, he reiterated the Sudan's commitment to cooperate with the Council and called on that body to adopt a comprehensive approach to human rights, taking into account the need for development and debt relief in developing countries, put an end to unilateral sanctions and undertake measures to mitigate the effects of climate change.

89. **Ms. Al Saad** (Qatar) said that her delegation had supported the Human Rights Council since its establishment and affirmed that Qatar, as a Council member, had made every effort to cooperate with other members and would remain committed to human rights, preserving humanitarian principles and entrenching a culture of human rights.

90. Her country was committed to the promotion and protection human rights in the region through the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region in Doha. The Centre had come to play a prominent capacity-building role, including through its technical assistance and training programmes. The increasing number of requests for training and documentation from Member States and other stakeholders revealed an increased recognition of the role of the Centre and its impact. Qatar reiterated its commitment to support the Council and its mechanisms by playing a constructive, impartial role in the promotion and protection of human rights, in accordance with the relevant international standards.

91. **Mr. Sabarullah Khan** (Sri Lanka) said that, in a deviation from past practice, at the thirtieth session of the Human Rights Council his country had co-sponsored resolution 30/1 on promoting reconciliation, accountability and human rights in Sri Lanka. That would initiate steps to strengthen national processes for promoting and protecting human rights; strengthen democratic institutions, the rule of law, justice and accountability; and move towards meaningful reconciliation and non-recurrence of conflict.

92. Following Sri Lanka's presidential election in January 2015, the Government had made a declaration of peace at the Independence Day ceremony in February. Far-reaching constitutional changes had been made in the first 100 days after the election, including reducing the Executive Presidency's powers, making

the right to information a fundamental right, and recognizing reconciliation and integration as Presidential duties. After the parliamentary election in August 2015, a national unity government had been formed to forge bipartisan consensus, particularly on issues related to national reconciliation and peacebuilding. Furthermore, an experienced jurist had been appointed as the new chairperson of the Human Rights Commission of Sri Lanka.

93. His Government had invited the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to visit the country in April 2015, and the Working Group on Enforced or Involuntary Disappearances was currently visiting Sri Lanka at the country's invitation. It was also working closely with the Peacebuilding Support Office.

94. Although his country would like to support the Change Initiative, the financial constraints of OHCHR and its dependence on voluntary contributions were concerning. The Office's budget should be financed through the regular budget of the United Nations to lessen its dependence on voluntary contributions. Lastly, he reaffirmed his country's commitment to support the universal periodic review mechanism and to working closely with the Council and OHCHR.

95. **Ms. Sesinyi** (Botswana) said that her country had consistently supported many initiatives seeking to promote the enjoyment of human rights and fundamental freedoms and had expressed support for the Human Rights Council's special procedures and mandate holders. Botswana had acceded to requests for country visits by various mandate holders, including the Special Rapporteur on the rights of indigenous peoples, the Special Rapporteur in the field of cultural rights and the Special Rapporteur on the human right to safe drinking water and sanitation. It also continued to participate actively in the universal periodic review.

96. However, it was unfortunate that the death penalty continued to appear on the human rights agenda. The death penalty was not outlawed under international law, save for persons under the age of 18 or pregnant women. The death penalty was not a human rights issue, but a matter for a country's criminal justice system. Every country had the sovereign right to decide on its own criminal justice system, including the retention or abolition of the death penalty, in consultation with its people and according

to its unique circumstances. There was therefore no normative basis for the position taken by the Council on the issue.

97. **Mr. Amoudokpo** (Togo) said that, regarding the promotion and protection of human rights, his country had initiated a series of reforms to adapt its national legislation to the models put forward at the United Nations. That included the adoption of a new criminal code which, in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, criminalized torture and took into consideration new questions such as armed conflict and terrorism. The recent adoption of a draft bill enabling the national human rights commission to carry out its functions as a national torture prevention mechanism, in accordance with the Optional Protocol to the Convention, was part of the Government's commitment to combat impunity.

98. With regard to the promotion and protection of the rights of specific groups, the code on individuals and families had been revised in November 2014 with the aim of deleting provisions considered discriminatory towards women. Furthermore, on the basis of lessons drawn from its protracted sociopolitical crisis between 1958 and 2005, Togo had established the High Commission for Reconciliation and Strengthening National Unity, which was charged with implementing the recommendations of the Truth, Justice and Reconciliation Commission, whose members had been appointed in December 2014.

99. A commission on political reforms had been established in January 2015 in order to propose to the Government institutional and constitutional reforms. In order to enable the country to assume its responsibilities to its citizens and address their aspirations for well-being, for several years the Government had been working to promote national cohesion and good governance, as the implementation of civil and political rights was indivisible from that of economic, social and cultural rights.

100. Lastly, Togo attached particular importance to multilateral cooperation and had benefited from the multifaceted and ongoing support of its technical and financial partners. OHCHR assistance had enabled Togo to strengthen its national capacities for monitoring the observance of human rights and consolidating democracy.

101. **Ms. Garcia Gutierrez** (Costa Rica) said that, one year from the tenth anniversary of the establishment of the Human Rights Council, its work should focus on giving a voice to victims, preventing their suffering, denouncing barbarism, combating all forms of discrimination and violence, and reducing inequality. The Permanent Mission of Costa Rica in Geneva had participated in the informal dialogues held in Glion and Berlin to improve the effectiveness, efficiency and relevance of the Council.

102. In order to strengthen the Council, it was necessary to guarantee the institutional framework of OHCHR as well as its full independence and capacity to fulfil its mandate. The strength of its mandate was based on total independence. Failing to ensure that would be to deny the universality, indivisibility and interdependence of human rights. The political commitment of States must be carried out, and Costa Rica therefore called for an increase in the portion of the regular United Nations budget allocated to OHCHR.

103. The growth of the system for the protection of human rights demonstrated its importance within the United Nations structure, and its challenges should be overcome. In June 2015, the Annual Meeting of Chairpersons of Human Rights Treaty Bodies had taken place in San José, and Costa Rica had reiterated its support for that system, which had demonstrated its relevance and importance. Her country also supported the Change Initiative proposed by OHCHR to maximize the resources and capacities of the United Nations human rights system. A constructive exchange should take place on those proposals, which should be built on in order to ensure that mechanisms for strengthening, promoting and protecting human rights were universally implemented and that their impact on the ground was enhanced.

104. Maximizing the impact of international organizations on the enjoyment of human rights should begin with the promotion of a culture of human rights. Individuals could be agents for their fundamental rights only when they were familiar with those rights, and States could promote and guarantee human rights only if the officials in charge of implementing the law were aware of their responsibilities towards the fundamental freedoms of citizens. In that regard, Costa Rica was proud to continue promoting the World Programme for Human Rights Education.

105. Her delegation was concerned by the growing violence around the world, which directly impacted civilians and had caused millions of men, women and children to become refugees or displaced persons. Costa Rica was also troubled by the targeting of civilians, particularly women and children, as military and strategic objectives, as well as terrorism, arbitrary detention, the erosion of the rule of law and the lack of respect for that process. In view of the universal nature of human rights, the international community had the obligation to establish effective early-warning mechanisms to prevent loss of life, impediments to development and violations of basic human rights.

106. **Mr. Pantelejevs** (Latvia) said that the independence of OHCHR should remain its cornerstone. His country supported all efforts to boost its effectiveness, including through financial support, and to improve the Office's capacity to monitor human rights situations on the ground and provide expertise and technical assistance. His delegation was also firmly committed to an effective Human Rights Council that was able to address human rights violations wherever they occurred.

107. Latvia was deeply concerned about the complexity of the human rights violations committed in the illegally annexed Crimea. His delegation therefore supported the work undertaken by the Human Rights Mission in Ukraine, and welcomed the adoption of Human Rights Council resolution 29/23 on cooperation and assistance to Ukraine in the field of human rights.

108. Latvia continued its longstanding initiative to promote the universality of standing invitations for all special procedures and was pleased to note the increase in the number of standing invitations. In September 2015, it had prepared a statement on that topic, which had enjoyed broad cross-regional support. The statement reaffirmed that issuing a standing invitation was only a first step that should result in genuine cooperation with all special procedures mandate holders and appropriate measures after the country visit.

109. His country had also been focusing on gender equality and in March 2015 had organized a side-event on enhancing cooperation in that area between the United Nations and regional mechanisms. Lastly, Latvia was a firm supporter of freedom of expression, both online and offline, and, together with a group of

countries, had put forward a cross-regional statement on the right to freedom of expression, including cultural and artistic expression, at the Council's thirtieth session.

110. **Mr. Habib** (Indonesia) expressed his delegation's condolences to the families of the victims of the terrorist attacks in Paris, Beirut and Baghdad. Although the Human Rights Council had been instrumental in strengthening the promotion and protection of human rights around the world, it was critically important that the Council's engagement should be in accordance with the mandate established under General Assembly resolution 60/251. As the Council had been established to tackle politicization and double standards in the promotion and protection of human rights, it should boost the protection of human rights and fundamental freedoms for all in a fair and equitable manner.

111. Country-specific situations needed to be addressed with the countries involved and required careful observation to produce long term, sustainable solutions that fitted the specific circumstances but which could also be adapted to new developments. Furthermore, all recommendations made within the universal periodic review process should be realistic and implementable. More technical assistance should be provided in preparing the universal periodic review reports and in implementing the mechanism's recommendations, particularly for developing countries.

112. All mandate holders must continue to work in a spirit of partnership with all Member States and relevant stakeholders, in accordance with article 4 (3) of Human Rights Council resolution 5/2 to enhance their work and avoid duplication of work. All special procedures mandate holders should adhere to the highest standards of professionalism in fulfilling their mandates, and their work should be carried out in full compliance with the Code of Conduct, and in an objective, independent and non-politicized manner.

113. **Mr. Mminele** (South Africa) said that discrimination based on sexual orientation and gender identity was explicitly prohibited under his country's Constitution, which sought to promote the rights of all people without distinction. His delegation was firmly committed to the mandate of the Human Rights Council. Member States should at all times be guided by a common desire and vision to develop and strengthen norms for the promotion, protection and fulfilment of human rights and fundamental freedoms,

including respect for international humanitarian law. That would ensure that the Council guaranteed maximum protection and adequate remedies for all victims of human rights violations through a uniform regulatory framework and that there was no impunity for human rights violations.

114. The Government reaffirmed the importance of elaborating norms and standards in accordance with the International Covenant on Economic, Social and Cultural Rights and the Declaration on the Right to Development. As that was an area in international human rights law which had been glaringly neglected, constructive work needed to be undertaken to give true meaning to the concept that all human rights were universal, indivisible, interdependent and interrelated.

115. The Council had an important role to play in combating racism, racial discrimination, xenophobia and related intolerance by adopting ambitious and practical resolutions aimed at the full and effective implementation of the Durban Declaration and Programme of Action. The establishment of a forum on people of African descent, with a focus on improving the livelihoods and quality of life of the African diaspora, remained critical.

116. **Mr. Goldyaev** (Russian Federation), speaking in exercise of the right of reply, said that, contrary to what had been stated by the representatives of Ukraine and Latvia, Crimea had become part of the Russian Federation through a free and democratic referendum carried out by the people of Crimea. The best manifestation of their right to self-determination was the result of that open, honest and nationwide referendum, in which over 90 per cent of the population had voted in favour of reunification with the Russian Federation.

117. The statement made by the Ukrainian delegation regarding the occupation of eastern Ukraine by the Russian Federation was utter nonsense. The Minsk agreements clearly established the basis for resolving the situation in that region of Ukraine. Unfortunately, the Ukrainian delegation continued to propagate that falsehood. Regarding the so-called violations of the rights of minorities in the Autonomous Republic of Crimea and the federal city of Sevastopol, an entity within the Russian Federation, all inhabitants of those areas lived under the international law commitments undertaken by the Russian Federation and the Russian Constitution, which placed the highest value on the

rights and freedoms of individuals. All persons in Crimea, including minorities, had the right to seek recourse in defending their rights to the courts and could use any remedy, including international human rights monitoring bodies. Unlike Ukraine, the Russian Federation had never deviated from its commitments under key international human rights agreements.

118. The situation in Crimea and Sevastopol was not part of the mandate of the OHCHR Human Rights Mission in Ukraine as that had been established on the basis of a bilateral agreement between Ukraine and the Office and could only function on Ukrainian territory. The Mission's most recent report had described many instances of human rights violations by hired armed gangs and Ukrainian law enforcement forces, including torture, kidnapping, illegal arrests and extrajudicial killings, as well as a ban on demonstrations. Those crimes were not being investigated and opposition activists and journalists were being prosecuted.

119. Furthermore, those accountable for the loss of life on Maidan Square in Kiev and in Odessa were not being brought to justice, and law enforcement agencies were putting pressure on courts and investigative bodies. Regarding Nadiya Savchenko and Oleg Sentsov, his delegation was unable to comment on ongoing legal proceedings, but the allegations against those individuals were serious and related to people losing their lives. The Ukrainian delegation should pay attention to the provisions of the report of the OHCHR Human Rights Mission, start working immediately on strengthening human rights protection in their own country, and stop promulgating unfounded accusations.

120. **Mr. Yaremenko** (Ukraine), speaking in exercise of the right of reply, said that there was no national population of Crimea as Crimea was not a nation, but occupied Ukrainian sovereign territory. His delegation would continue to point that out at every opportunity until Crimea was again part of Ukraine.

The meeting rose at 6 p.m.