



# General Assembly

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## Third Committee

### Summary record of the 33rd meeting

Held at Headquarters, New York, on Thursday, 29 October 2015, at 10 a.m.

*Chair:* Mr. Hilale ..... (Morocco)  
*later:* Mr. Mohamed (Vice-Chair) ..... (Guyana)  
*later:* Mr. Hilale (Chair) ..... (Morocco)

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

**Agenda item 72: Promotion and protection of human rights** (continued) (A/70/40)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (continued) (A/70/56, A/70/111,

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

(A/70/313, A/70/332, A/70/352, A/70/362, A/70/392, A/70/393, A/70/411, A/70/412, A/C.3/70/2, A/C.3/70/4 and A/C.3/70/5)

1. **Ms. Vadiati** (Islamic Republic of Iran), speaking on behalf of the Non-Aligned Movement, said that the Movement wished to reaffirm its position that the exploitation and use of human rights as an instrument for political purposes, including the selective targeting of individual countries for extraneous consideration, which was contrary to the principles of the Movement and the Charter of the United Nations, should be prohibited, and special procedures mandate-holders must observe the Code of Conduct established for them (A/HRC/RES/5/2).

2. **Mr. Darusman** (Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea), introducing his report (A/70/362), said that numerous efforts had been undertaken to follow up on the findings of the Commission of Inquiry on the human rights situation in the Democratic People's Republic of Korea (A/HRC/25/63), including the establishment in June 2015 of a field office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Seoul. He noted with deep concern the threats made by the authorities and media of the Democratic People's Republic of Korea against the field office and called on the General Assembly to

ensure that it would not be subjected to any acts of reprisal or threats and would be adequately resourced and able to function independently.

3. Regrettably the human rights situation in the Democratic People's Republic of Korea had not improved. Institutionalized discrimination, based on the *songbun* principle, persisted, while the Government continued to spend massive resources to build up its military capability. Arbitrary detention and the horrific ill-treatment of prisoners continued unchecked, and international abductions and enforced disappearances committed by the Government remained unresolved. Over 50,000 North Koreans were engaged in forced labour abroad, and numerous reports had been received of North Korean citizens facing considerable risks in their attempts to seek asylum.

4. The international community must stay the course in its efforts to address the human rights situation in the Democratic People's Republic of Korea. Accountability for all actions resulting in gross violations must be pursued, and the Security Council should refer the situation to the International Criminal Court, as recommended by the Commission of Inquiry and subsequently reaffirmed by the General Assembly in its landmark resolution 69/188. Efforts to engage with the North Korean authorities must also continue; it was regrettable that the Democratic People's Republic of Korea had declined his repeated requests for meetings and had yet to resume dialogue on technical cooperation with OHCHR. The recent inter-Korean talks and reunions of separated families were to be welcomed and must continue. Progress on that issue was a key indicator of political will on both sides to prioritize steps aimed at normalizing relations and eventually reuniting the two Koreas.

5. **Mr. Choe** Myong-Nam (Democratic People's Republic of Korea) said that his Government categorically rejected the mandate of the Special Rapporteur and his report, which constituted an extreme manifestation of politicization, selectivity and double standards and bore no relevance to the genuine promotion and protection of human rights.

6. The Special Rapporteur's mandate was the product of political and military plots against his country. Hostile countries, including the United States of America, continued to push through the adoption of resolutions against the Democratic People's Republic of Korea within the United Nations human rights

system, in conjunction with the nuclear issue, as part of a long-standing campaign to defame his Government and eliminate its ideology and social system. The Special Rapporteur's report consisted of distortions and fabrications, including blatant lies by so-called North Korean defectors, one of whom had recently publicly acknowledged that all of his testimony had been false. Even some mass media in Western countries that supported the mandate of the Special Rapporteur had shown that the ultimate purpose behind his report was to bring about a change of government in the Democratic People's Republic of Korea.

7. Country-specific mandates such as that of the Special Rapporteur, which pursued anachronistic confrontations, only nurtured mistrust with their stereotypical and unsubstantiated naming and shaming and their impertinent recommendations. They were incompatible with dialogue and cooperation. Moreover, they had only ever been established to monitor situations in developing countries. Grave human rights violations that warranted the attention of the international community had, however, been committed by Western countries. They included the recent aerial bombardment of hospitals and the resultant killing of civilians by United States forces in Afghanistan, the treatment of refugees during the current refugee crisis, and the past crimes against humanity committed by Japan that Japan remained unwilling to address.

8. His delegation called once again for the termination of politically motivated country-specific procedures, including that of the Special Rapporteur.

9. **Mr. de Bustamante** (Observer for the European Union) said that the European Union wholeheartedly supported the two-track approach of the Special Rapporteur which sought both to bring relief to the people of the Democratic People's Republic of Korea and to ensure accountability for human rights violations. At the bilateral level, the European Union had held a political dialogue with the Democratic People's Republic of Korea in June 2015 and remained open to the possibility of its human rights representative making a visit to that country. As part of their promotion of multilateral engagement efforts that sought to improve human rights on the ground, Japan and the European Union would be introducing a draft resolution on the human rights situation in the Democratic People's Republic of Korea once again at the current session. He asked the Special Rapporteur

whether the peer pressure of regional groups might help change the dynamics of the situation and whether the time had come to consider additional mechanisms to address accountability and ensure justice.

10. **Mr. Lee Jung Hoon** (Republic of Korea) said that the reunion of separated families was an urgent matter given the advanced age of the persons involved; he called for future reunions to be arranged on a much larger scale and on a regular basis. His Government was committed to supporting the OHCHR field office established in Seoul, while respecting its independence and impartiality. The office could play an important role in ensuring accountability for the human rights situation in the Democratic People's Republic of Korea, which was indeed deplorable. His Government welcomed the Security Council's decision in December 2014 to include the situation in its agenda and looked forward to the Council's continued engagement on the matter.

11. The international community must pay special attention to asylum seekers, persons sent abroad to work, victims of trafficking and adoptees; his delegation called yet again on all Member States to uphold the principle of non-refoulement. The Republic of Korea appreciated that the Special Rapporteur had mapped out a strategy for addressing international abductions and welcomed the Secretary-General's support for improving inter-Korean relations and promoting reconciliation and stability on the Korean peninsula. His delegation urged the Democratic People's Republic of Korea to halt all human rights violations, to accept the Commission of Inquiry's recommendations and to cooperate fully with the United Nations human rights mechanisms by granting access to the country to the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention.

12. In an effort to improve the human rights situation in the Democratic People's Republic of Korea, his Government would continue to provide humanitarian assistance. His delegation once again warmly commended the Special Rapporteur for his role in advancing the human rights situation in the Democratic People's Republic of Korea.

13. **Mr. Dvořák** (Czech Republic) said that his Government urged the Government of the Democratic People's Republic of Korea to halt and investigate the systematic, widespread and gross human rights

violations committed in that country and to immediately release and rehabilitate all political prisoners. His delegation condemned the threats issued by the country's authorities against the OHCHR field office and urged the authorities of the Democratic People's Republic of Korea to cooperate with the United Nations human rights bodies and mechanisms.

14. Referring the situation to the International Criminal Court through the Security Council would indeed be the most effective way to ensure accountability, punish perpetrators and prevent future violations. He asked the Special Rapporteur for more information about the possible options for ensuring justice and accountability for crimes against humanity committed in the Democratic People's Republic of Korea.

15. **Ms. Nescher** (Lichtenstein), noting that the situation in the Democratic People's Republic of Korea was arguably the worst human rights situation in the world outside the field of conflict, asked the Special Rapporteur to elaborate on his ideas for establishing a group of experts to discuss an accountability mechanism. Specifically her delegation wished to know what approach the group would take and how the mapping of institutions and individuals that had allegedly committed crimes would be done.

16. **Ms. Kirianoff Crimmins** (Switzerland) said that Switzerland remained deeply concerned by the grave, systematic and widespread human rights violations in the Democratic People's Republic of Korea, which constituted crimes against humanity. Her delegation welcomed the recommendations made in the Special Rapporteur's report, particularly the establishment of a human rights contact group and the two-pronged approach of engaging in bilateral and multilateral dialogue while also taking steps for the prosecution of alleged perpetrators of human rights violations, including through referral by the Security Council to the International Criminal Court of crimes falling within the Court's jurisdiction.

17. She asked how the international community should work with civil society to improve the situation in the Democratic People's Republic of Korea. She also asked how the Government of the Democratic People's Republic of Korea could be effectively encouraged to implement the recommendations it had accepted in the universal periodic review and how their implementation could be verified.

18. **Mr. Amorós Núñez** (Cuba) said that Cuba opposed all country-specific procedures. They targeted only countries of the South with the intention of punishing them, including with action by the Security Council and the International Criminal Court, even though neither body had a mandate to address human rights. Cuba would continue to object to such politicized action that did not reflect a real concern for human rights and sullied the analysis of the subject. Only genuine international cooperation could effectively promote and protect human rights; the establishment of the Human Rights Council and of the universal periodic review offered the possibility of examining the situation in all countries on an equal footing and on the basis of constructive dialogue.

19. **Mr. Yao** Shaojun (China) said that China was opposed to the use of human rights as a tool for exerting political pressure. His Government supported the pursuit of a nuclear-free Korean peninsula through dialogue and consultation and hoped that discussions on human rights on the peninsula would foster mutual trust and reduce tension and thus contribute to peace and stability there, rather than having the opposite effect.

20. **Mr. Thein** (Myanmar) said that his delegation called for the ending of all country-specific mandates and resolutions. The Committee's work should be guided by the principles of universality, impartiality, objectivity and non-selectivity and ensure the elimination of double standards and politicization in human rights.

21. **Mr. Agha** (Syrian Arab Republic) said that the report of the Special Rapporteur undermined international relations, especially the consensus about addressing human rights situations in the Human Rights Council. His delegation was opposed to the politicization of human rights issues and wished to draw attention to the democratic nature of the Democratic People's Republic of Korea.

22. **Ms. Shlychkova** (Russian Federation) said that the establishment of country-specific special procedures was counterproductive and was inconsistent with the goals of developing respectful and constructive dialogue in the sphere of human rights, thus undermining the principles of universality, objectivity and non-selectivity in the consideration of human rights issues. The establishment of country-specific mandates for special rapporteurs without a

request from, or the consent and support of, the States concerned and the preparation of reports ignoring their point of view discredited the work of the United Nations human rights dimension in its entirety. Country-specific special procedures should provide solely technical assistance with the consent of the States concerned. The universal periodic review had already proved its effectiveness in the consideration of the human rights situation in individual countries, operating on the principle of equal cooperation on the basis of the supremacy of international law and respect for State sovereignty.

23. **Mr. Minami** (Japan) said that there was still no sign of improvement in the human rights situation in the Democratic People's Republic of Korea despite the tireless efforts of the international community, including a formal meeting of the Security Council on the issue, the establishment of a human rights office in Seoul and a panel discussion in the Human Rights Council. Japan and the European Union would therefore be introducing a draft resolution on the subject at the current session. Given the unresolved issue of the abduction of Japanese citizens, he asked what kind of accountability mechanism the Special Rapporteur envisaged would emerge from the discussions of the group of experts mentioned in his report.

24. **Mr. Thinkomeuangneua** (Lao People's Democratic Republic) said that the universal periodic review was the only appropriate mechanism for assessing human rights situations. His delegation called on the international community to pursue constructive engagement and dialogue with the Democratic People's Republic of Korea while urging the latter to cooperate with human rights mechanisms in fulfilment of its international obligations.

25. **Ms. Everett** (Norway) asked how the Government of the Democratic People's Republic of Korea was implementing the recommendations it had accepted in the universal periodic review process in 2014 and urged the country's authorities to avail themselves of the cooperation and assistance that the United Nations human rights mechanisms and OHCHR might offer in that regard. Her delegation supported the call for the Democratic People's Republic of Korea to cooperate fully with the Special Rapporteur and special procedures mandate-holders and asked what role the Special Rapporteurs on the human rights to safe drinking water and sanitation, to food and to education

could play in helping the Democratic People's Republic of Korea take meaningful action to improve the human rights situation in that country. Norway supported the establishment of the proposed contact group and called on the Democratic People's Republic of Korea to cooperate with it should it be established.

26. **Ms. Hindley** (United Kingdom) said that Special Rapporteur's report had given a voice to people who had suffered for too long in silence. Despite the continuing efforts of the international community, the human rights situation in the Democratic People's Republic of Korea remained abhorrent. Her delegation urged the authorities of the Democratic People's Republic of Korea to take immediate action to improve that situation and to allow the Special Rapporteur immediate and unhindered access to the national territory. The United Kingdom welcomed the establishment of the OHCHR office in Seoul, to which it offered its full support. The Democratic People's Republic of Korea's attacks on that office through media statements were fundamentally misguided and did little to convince the international community that it was serious in addressing its human rights failings. She asked the Special Rapporteur about the priorities of the proposed human rights contact group and how it would interact with the Democratic People's Republic of Korea.

27. **Mr. King** (United States of America) said that the United States applauded both the establishment of the OHCHR office in Seoul and the Special Rapporteur's continuing efforts to promote the implementation of the Human Rights up Front initiative. His delegation shared the Special Rapporteur's concerns about summary executions, enforced disappearances and arbitrary detentions in the Democratic People's Republic of Korea and echoed his call for the dismantlement of prison camps, the release of political prisoners and the ending of arbitrary detention. His Government urged the Democratic People's Republic of Korea to address its ongoing human rights violations, to accept the recommendations of the Special Rapporteur and the Commission of Inquiry and to engage directly with OHCHR, the Special Rapporteur and the thematic special procedures mandate-holders. He asked what steps the Democratic People's Republic of Korea should take to start the process of human rights reform, particularly the dismantling of the prison camp system there.

28. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that his delegation reiterated its principled position that the selective adoption of country-specific mandates and their use for political ends ran counter to the principles of universality, non-selectivity and objectivity in addressing human rights issues and undermined cooperation as the basis for the promotion and protection of human rights. The universal periodic review process made it possible to review human rights situations and issues in all Member States on an equal footing.

29. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) said that his delegation rejected the selective treatment of human rights issues and politically motivated country-specific measures since they violated the Charter of the United Nations and the principles of objectivity, universality and non-selectivity. Cooperation and dialogue through the universal periodic review were the only ways to effectively promote and protect human rights. The Committee should build on the progress made since the establishment of the Human Rights Council and end the adoption of country-specific resolutions and mandates that undermined its work.

30. **Mr. Elbahi** (Sudan) said that human rights issues should not be politicized and should be addressed in the universal periodic review. Dialogue was the means to promote and protect human rights.

31. **Ms. Zahir** (Maldives) said that the Maldives commended the Special Rapporteur for his efforts despite being denied access to the Democratic People's Republic of Korea and called on all countries to facilitate the work of special procedures mandate-holders. She asked for the Special Rapporteur's views on the viability of the proposed accountability mechanism for human rights in the Democratic People's Republic of Korea.

32. **Ms. Belskaya** (Belarus) said that her delegation remained concerned about the establishment and work of country-specific mandates, which were formed without the consent of the country concerned and which Belarus had always opposed. The reports of such mandates were generally based on inadequate sources and could not claim to present a comprehensive, objective picture of the human rights situation in a given country. Human rights could not be guaranteed without mutually respectful dialogue and cooperation among States. Belarus called on the United Nations human rights bodies, Member States and organizations

to uphold the principles of universality, objectivity and non-selectivity in the consideration of human rights situations.

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

34. **Mr. Darusman** (Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea) said that, since the Commission of Inquiry had established reasonable grounds for affirming that crimes against humanity continued to be committed in the Democratic People's Republic of Korea, a practical next step would be to establish a group of experts to advise the United Nations on how to pursue accountability for those violations. He urged delegations to support the establishment of such a group.

35. He was hopeful that by December 2015 the formation of the human rights contact group, which was an informal grouping of representatives of Member States, would be finalized. The aims of the contact group included increasing understanding of the human rights situation in the Democratic People's Republic of Korea and prioritizing the issues that needed to be addressed by the General Assembly and the Human Rights Council, with a view to ensuring that the work of the international community to resolve them would be more practical, focused and grounded.

36. With the establishment of three structures, namely the OHCHR office in Seoul in June 2015, the human rights contact group by December 2015 and the group of experts in the first semester of 2016, the international community would have a broader-based architecture and be in a better position to move forward on the issue. The way in which the Security Council took up the matter in the coming months might also be important. He urged the international community to continue to hold the line and to seek ways to engage the Democratic People's Republic of Korea. While acknowledging the developments that had taken place in that country in the past two years, he stressed the importance of pursuing both accountability and engagement with a view to easing the hardship endured by the people there.

37. **Mr. Haraszti** (Special Rapporteur on the situation of human rights in Belarus), introducing his report (A/70/313), said that two events had taken place in October 2015 that were significant for Belarus: the Nobel Prize for Literature had been awarded to a Belarusian writer, Svetlana Aleksievich, and the

country had held presidential elections. The author had lent her voice to the region's suffering and its heroic peoples for decades, but her work had not been published in Belarus; and the elections had passed without the violence against the opposition seen in previous years, but had been just as orchestrated. Support for the incumbent allegedly stood at 84 per cent, and Belarus was the only European country with no opposition represented in parliament.

38. His report focused on the right to freedom of expression, which was subject to system-wide violations. All rights under article 19 of the Universal Declaration of Human Rights were absent, notably media pluralism and freedom of opinion and information. The space for independent publishers and journalists had shrunk over the past few decades, and worryingly, amendments made in December 2014 to the law on mass media meant that practically all online content and communications were now under government control as well. Accreditation rules hampered the work of freelance and foreign journalists, publishers had to obtain permission for each book they wished to publish, and media professionals were routinely harassed, including through prosecution on bogus charges. Some novel measures had been taken during the election campaign: a debate had been held, but the incumbent did not participate; and the three contenders were granted very limited access to State-owned media. The media monitoring team of the Organization for Economic Co-operation and Development had reported that the incumbent had been by far the most visible candidate due to extensive coverage of him in his institutional capacity. Regrettably there were no tangible signs of improved enjoyment of the right to freedom of expression in Belarus.

39. In addition to the specific recommendations made in his report, he had two general recommendations that would help improve the situation: the Government of Belarus should bring national media legislation into line with the relevant international human rights law to protect the right to information and media pluralism; and, in order to safeguard the values that it had pledged to uphold internationally, the Government should engage more with civil society and the media community in the country, starting with the acknowledgement that the media and the implementation of media rights belonged to civil society, not the Government.

40. **Ms. Velichko** (Belarus) said that in his report the Special Rapporteur was, as in the past, intentionally distorting the human rights situation in Belarus and trying to present individual cases taken out of context as systemic violations. He deliberately quoted the lowest ratings of Belarus by little-known international organizations, even though, according to the United Nations Development Programme (UNDP), Belarus had been among the countries with a high human development index for several years.

41. Double standards were in evidence throughout the report. For example, measures to protect national security in Belarus were presented as evil, even though in all countries around the world the State's prerogative in that field was not disputed, and measures to protect citizens of Belarus from destructive information inciting violence were construed as a violation of freedom of speech, even though such measures were the norm in all countries in accordance with the International Covenant on Civil and Political Rights. It should be noted that Belarus had never closed its information space. The Special Rapporteur should take a look at the Belarusian Internet; his reports could be found online, where they were freely discussed. Furthermore, the books of Svetlana Aleksievich were available for sale in Belarus.

42. It seemed that the Special Rapporteur had sought only negative information when gathering information for his report. A handful of non-governmental organizations, which did not even want to receive legal status since it was beneficial to them to be seen as victims of the authorities, was hardly likely to be truly interested in presenting a proper picture of the human rights situation in Belarus. The Special Rapporteur did not have the moral right to present their position as being representative of all Belarusian civil society.

43. The openly biased and politically motivated assessments of the presidential elections long before they took place were evidence of the Special Rapporteur's lack of objectivity. The presidential elections that had taken place on 11 October 2015 had been conducted in strict accordance with the Constitution and national law. Furthermore, an unprecedented number of independent international experts had been invited by Belarus to observe the elections and their assessment of the election campaign and its results did not accord with the Special Rapporteur's view. The Special Rapporteur was openly

ignoring the opinions and interests of the majority of citizens of Belarus, who were able to determine for themselves what kind of country they wanted to live in, namely a peaceful, prosperous and stable country.

44. Belarus saw no need for a Special Rapporteur whose mandate had been established as a means of exerting political pressure and her Government refused to cooperate with him. The European Union was wasting its financial resources on that mandate, when they could be directed at solving urgent problems such as the migrant crisis.

45. Belarus was open to cooperation with special procedures and had always supported the monitoring mechanisms that had been established in accordance with States' international human rights obligations. In May 2015, Belarus had successfully undergone the second cycle of the universal periodic review, the results of which clearly demonstrated the groundlessness of the Special Rapporteur's mandate.

46. **Mr. Amorós Núñez** (Cuba) said that Cuba would continue to object to selective, politically-motivated procedures that were undertaken without the consent of the country concerned and only sullied the analysis of human rights. Some countries insisted on their use, however. In the case at hand, the cooperation and information provided by the Government of Belarus had not been taken into account. Belarus cooperated closely with OHCHR and the United Nations human rights mechanisms. The universal periodic review was the established method for reviewing the human rights situation in all countries in a non-selective manner.

47. **Mr. Oña Garcés** (Ecuador) said that country-specific measures derived from politically motivated resolutions undermined the sovereignty of the State and the operation of mechanisms like the universal periodic review, which Ecuador fully supported. They did not help promote and protect human rights; instead, they reflected the application of double standards aimed at singling out certain countries.

48. **Mr. Agha** (Syrian Arab Republic) said that the submission of the Special Rapporteur's report to the Committee contradicted the principles of human rights. His delegation rejected outright the politicization of human rights and the selectivity of the procedure in question, which constituted interference in a country's internal affairs.

49. **Mr. Pasquier** (Switzerland) said that Switzerland shared the Special Rapporteur's concern about the restrictive accreditation process for the media and journalists and cases of violence against them, the disproportionate criminalization of content and the Government's increasing control of the Internet in Belarus, which violated the principles underpinning both the national Constitution and the country's international obligations. He asked if the media and journalists who had been convicted under the law on mass media or had been victims of violence had access to effective legal remedies given the lack of independence of the Belarus judicial system and, if that was the case, what those remedies were. He also asked whether the Special Rapporteur considered that the national and regional political contexts were conducive to a rollback or to an intensification of the criminalization of opinions in Belarus.

50. **Mr. Choe** Myong-Nam (Democratic People's Republic of Korea) said that the freedom of States to maintain and develop the political and economic systems of their choice must be respected, as provided for in the Charter of the United Nations. His Government opposed any attempt to infringe on the sovereignty and integrity or to interfere in the internal affairs of a country under the pretext of human rights and called for all politically motivated country-specific procedures to be terminated once and for all.

51. **Ms. Bell** (United Kingdom) urged the Government of Belarus to amend the laws restricting the media and freedoms of expression, association and assembly and to introduce changes that would make the 2016 parliamentary elections a more democratic and pluralistic process. She asked how the international community could support independent media outlets in Belarus.

52. **Ms. Ntaba** (Zimbabwe) said that no country had achieved perfection in the promotion and protection of human rights and none, therefore, had the moral authority to condemn the human rights challenges faced by others. When certain countries took it upon themselves to judge others nothing was achieved but the polarization and politicization of the debate. The founding principles of the Human Rights Council must be upheld. Country-specific mandates promoted double standards and selectivity and did not foster constructive dialogue or cooperation. The universal periodic review remained the best forum for the



impartial review of human rights situations on an equal footing.

53. **Ms. Tschampa** (Observer for the European Union) said that the human rights situation in Belarus remained worrying. The European Union supported the Special Rapporteur's call for Belarus to implement the recommendations of United Nations human rights mechanisms and urged the Government of Belarus to carry out the necessary reforms to end the constant pressure on civil society and the curtailment of the freedoms of assembly, association and expression. Despite the improvements witnessed in the presidential elections held in October 2015, Belarus was still far from fulfilling its commitment to hold democratic elections and should cooperate with international bodies to reform its electoral legislation in time for the 2016 parliamentary elections. She asked what it would take to make future elections in Belarus truly competitive and how the international community could encourage the President of Belarus to engage in serious dialogue about the matter. She also asked how the international community could help improve the exercise of human rights and fundamental freedoms in Belarus.

54. **Mr. Thinkeomeuangneua** (Lao People's Democratic Republic) said that country-specific procedures did not help address human rights issues and the universal periodic review was the only appropriate mechanism for doing so. His delegation called on the international community to continue its positive dialogue and engagement with Belarus and encouraged Belarus to continue to cooperate with human rights mechanisms in the fulfilment of its international obligations.

55. **Mr. Dvořák** (Czech Republic) said that his delegation remained concerned by the human rights situation in Belarus and called on the Government of Belarus to cooperate fully with the Special Rapporteur and other special procedures. The invitation extended by Belarus to international observers and other improvements during the recent presidential elections were welcome developments, but more favourable conditions must be created for the full participation of citizens in public and political life without undue interference from the State.

56. **Ms. Tynybekova** (Kyrgyzstan) said that Kyrgyzstan welcomed the steps taken by Belarus in the sphere of human rights, namely completing the second

cycle of the universal periodic review and extending the list of special procedures of the Human Rights Council invited to conduct country visits. The voluntary commitments undertaken through the universal periodic review and the recommendations of the Special Rapporteur would provide significant support to Belarus in addressing human rights issues. Only dialogue and constructive cooperation, taking into consideration the particularities and cultural and historical values of States, could facilitate the solution of such issues.

57. **Mr. Mack** (United States of America) said that his delegation was disappointed that no improvement had been recorded in the exercise of freedom of expression in Belarus given that the open and free flow of information was at the core of democratic government. He asked whether the Internet and tools commonly used in repressive environments to circumvent restrictions on communications had enabled people in Belarus to access foreign media or exchange opinions and ideas.

58. *Mr. Hilale (Morocco) resumed the Chair.*

59. **Mr. Eyeberdiyev** (Turkmenistan) said that all colleagues should carefully read the document provided by Belarus on progress made in the field of human rights (A/C.3/70/2). Belarus had successfully completed the second cycle of the universal periodic review in May 2015 and significantly increased its cooperation with the human rights treaty bodies by signing the Convention on the Rights of Persons with Disabilities in September 2015, indicating its willingness to engage in dialogue with the United Nations human rights mechanisms.

60. **Mr. Ilyas** (Kazakhstan) said that Kazakhstan noted with appreciation the progress made towards the promotion and protection of human rights in Belarus, in particular the far-reaching efforts of the Government of Belarus to adopt political reforms, ensure fundamental human rights and freedoms, and enhance further democratization and liberalization. His delegation called on the Special Rapporteur to work towards constructive dialogue and cooperation with the Government of Belarus, while preserving the principles of impartiality, objectivity and non-politicization.

61. **Mr. Elbahi** (Sudan) said that his delegation reiterated its firm position that country-specific human rights issues should be tackled within the universal periodic review mechanism, without politicization,

selectivity or partiality. Dialogue with the concerned countries remained the most effective means to promote and protect human rights and should be given priority. The positive steps taken by the Government of Belarus in the field of human rights, including completing the second cycle of the universal periodic review, should be reinforced by technical support and capacity-building.

62. **Ms. Sandoval** (Nicaragua), speaking also on behalf of the Plurinational State of Bolivia, said that it was once again regrettable that the Committee had ceded to the wishes of certain Member States to assign Special Rapporteurs to developing countries for the purpose of blackmailing and bullying them. Both Nicaragua and the Plurinational State of Bolivia rejected that selective practice, which politicized human rights and violated the principles of the Charter of the United Nations.

63. **Mr. Sarki** (Nigeria) said that no country was a paragon of perfection in terms of human rights. The universal periodic review process sufficiently addressed country situations. Country-specific draft resolutions addressing human rights were thus unnecessary and should be discontinued. There was no basis for referring countries to the Security Council because of their human rights situations since those situations did not pose a grave threat to international peace and security.

64. **Mr. Torbergson** (Norway) said that the human rights situation in Belarus remained a matter of grave concern. Belarus was the only country in Europe still to practise capital punishment. Norway called on Belarus to introduce an immediate moratorium of the death penalty, to be followed by its abolition. His delegation welcomed the recent release of political prisoners. However, arrests should not be used as a political instrument in the first place, since imprisonment on the basis of politically motivated charges was incompatible with the rule of law. Some aspects of the recent presidential elections had shown progress, but the greater context was far from a level playing field. The biggest concern was the absence of free press. Norway called on Belarus to work closely with the Organization for Security and Co-operation in Europe in implementing its recommendations in order to address shortcomings in practice as well as in law.

65. **Mr. Zagaynov** (Russian Federation) said his delegation remained deeply concerned about the

continuing practice of selective consideration of the human rights situation in individual countries and the use of human rights issues for political aims. The universal periodic review was an effective platform for international human rights cooperation and provided an objective, credible evaluation of the human rights situation in all countries. The information provided by Belarus regarding progress in the implementation of the recommendations of the universal periodic review and the subsequent dialogue did not support the concern expressed by the Special Rapporteur. The human rights situation in Belarus required neither the urgent attention of the United Nations and the international community nor a special monitoring mechanism.

66. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) said that his delegation rejected all selectivity in the treatment of human rights issues that targeted countries of the South, especially politically motivated country-specific mandates and procedures, which undermined the principles of the Charter of the United Nations and were a clear demonstration of the use of double standards. He urged Member States to build on the work of the Human Rights Council. The universal periodic review was the best forum for examining human rights situations through cooperation and dialogue.

67. **Ms. Rahimova** (Azerbaijan) said that Azerbaijan recognized the efforts of the Government of Belarus to comply with its international human rights obligations and the progress it had achieved so far, including its successful completion of the second cycle of the universal periodic review and ongoing cooperation with United Nations human rights mechanisms. Cooperation and dialogue were key to effective compliance with obligations. A biased approach to human rights situations, politicization and double standards were counterproductive and contrary to the principle of cooperation and dialogue.

68. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that Iran firmly believed that the continuation of the selective adoption of country-specific resolutions and their follow-up mandates for political ends breached the principles of universality, non-selectivity and objectivity in addressing human rights issues and undermined cooperation as the essential principle in the promotion and protection of all universally recognized human rights. The universal periodic review provided a mechanism for reviewing

the human rights situation in all Member States on an equal footing; Iran congratulated Belarus for its successful completion of the second cycle of the review. It was very encouraging that Belarus was endeavouring to cooperate constructively with OHCHR and to increase cooperation with the human rights treaty bodies. His delegation opposed the proliferation of biased reports and mandates such as the mandate on Belarus and called on the initiator of that politically motivated mandate to engage in respectful and equitable dialogue instead of misusing human rights mechanisms to exert political pressure on Member States.

69. **Mr. Tesfay** (Eritrea) said that, as a member of the Non-Aligned Movement, Eritrea rejected the country-specific approach. Dialogue and engagement, as well as cooperation between all concerned partners and stakeholders, was the way forward. Universality, transparency, impartiality, objectivity and non-selectivity should be the guiding principles for the work of the Human Rights Council. The universal periodic review was the main intergovernmental mechanism to review human rights issues at the national level in all countries without distinction, including Belarus.

70. **Mr. Shadiev** (Uzbekistan) said that the report of the Special Rapporteur was the outcome of a special procedure which from the outset had not enjoyed the unequivocal support of members of the Human Rights Council. The report did not reflect the achievements of Belarus in promoting and protecting human rights, in particular economic, social and cultural rights; Belarus had successfully completed the second cycle of the universal periodic review and adopted the majority of the recommendations, clearly demonstrating its openness to additional measures for the protection of human rights. It was unacceptable to try to replace the universal periodic review with an approach based on double standards and duplication of country-specific resolutions that were selective and were contrary to the principles of universality and objectivity. Resolutions such as the draft resolution endorsed by the Special Rapporteur were counterproductive and did nothing to help improve the situation in the countries concerned.

71. **Mr. Liu** Shaoxuan (China) said that the report focused only on the civil and political rights of the citizens of Belarus, ignoring the progress made in economic, social and cultural rights and the right to development, which violated the fundamental principles of objectivity and non-selectivity. China had

always advocated resolving human rights issues through constructive dialogue and cooperation. It was concerned about the arbitrary use in the report of definitive conclusions from non-governmental organizations. It welcomed the commitment made by Belarus to accept the recommendations of the universal periodic review and believed that Belarus would improve its human rights legislation and mechanisms and make more progress.

72. **Mr. Pham** Quang Hieu (Viet Nam) said that Viet Nam welcomed the important efforts made by the Government of Belarus to ensure political stability, promote socioeconomic development and improve living conditions. Belarus had engaged in human rights dialogue with international partners and actively cooperated with United Nations human rights mechanisms, in particular by submitting national reports and implementing the recommendations of the universal periodic review. During the second cycle of the universal periodic review, the Government of Belarus had demonstrated its commitment to further strengthen human rights and freedoms.

73. **Mr. Thein** (Myanmar) said that country-specific mandates and resolutions were contrary to the principles of non-selectivity, universality, impartiality and objectivity. The Committee's deliberations should be guided by those principles and exclude double standards and politicization. The continuation of country-specific mandates and resolutions would only lead to disagreement and confrontations, which were contrary to the common goal of the promotion and protection of human rights based on the principles of cooperation and genuine dialogue aimed at strengthening the capacity of Member States. The universal periodic review was the most effective mechanism for addressing human rights challenges. Myanmar joined the call to end all country-specific mandates and resolutions.

74. **Mr. Haraszi** (Special Rapporteur on the situation of human rights in Belarus) said that if the Government of Belarus continued to equate accreditation for journalists to a work permit, foreign media would remain restricted. Accreditation should be used strictly to facilitate the work of journalists, not as a ban on their work. Laws and practices that restricted, hindered, banned or outright criminalized foreign support for civil society and the media was a direct denial of the universality of human rights and the joint

commitments all countries had undertaken and should be vigorously opposed by the international community.

75. The Internet was very useful as a pluralistic source of information, but in no way did it replace real pluralism of the media. Television was still the main source of information in any country. The Internet could give rise to a fragmentation of public opinion which was as dangerous as monopolization of it. There was no substitute for freedom of broadcasting and it was regrettable that the Government of Belarus did not allow any kind of privately owned, nationwide broadcasting channels to operate in the country. It was by definition impossible to hold free elections if the electorate was uninformed and received information solely from State-owned, strictly regulated media outlets. Therefore, the route to free elections involved establishing pluralism.

76. He was pleased to hear that the works of Svetlana Aleksievich could now be purchased in Belarus, but that did not alter the situation that her work had been published in other Russian-speaking nations, but not in Belarus.

77. The Government of Belarus knew how eager he had always been to make non-politicized, step-by-step, down-to-earth, doable and practical recommendations. He was ready to cooperate with that Government as soon as it wished.

78. **Ms. Velichko** (Belarus) said that the dialogue at the current meeting had shown once again that the Special Rapporteur did not have full information on the situation in Belarus and in some matters was merely making an interpretation and misinforming States. Therefore, her Government invited all States that were interested in the situation in Belarus to visit the country, watch Belarusian television and view the Belarusian Internet. Belarus considered itself a full partner and was prepared to engage in mutually respectful and open dialogue.

79. **Mr. Smith** (Chair, Commission of Inquiry on Human Rights in Eritrea) said that the Commission of Inquiry strongly reiterated its concern over the increasingly alarming refugee exodus to Europe and, in particular, the sizeable component of Eritreans fleeing their country. It was an extraordinary indictment of the Government that had controlled Eritrea since independence more than 20 years earlier that so many people felt the need to flee their birthplace in order to live a decent life free from fear.

80. The reports of the Commission of Inquiry submitted to the Human Rights Council in June 2015 ([A/HRC/29/42](#) and [A/HRC/29/CRP.1](#)) went a long way towards explaining why the number of Eritreans fleeing towards Europe had grown steadily since 2001 and increased by more than 150 per cent between 2013 and 2014 by underlining that there had been no elections since 1993 and no independent press since 2001; there were ongoing restrictions of all freedoms and cases of arbitrary arrests with no fair trials or no trials at all, forced labour and torture; political prisoners were languishing incommunicado or had died in dire conditions in places of detention; ordinary citizens were arrested, detained, tortured and even killed on politically motivated grounds; surveillance networks bred mistrust within a community that no longer dared speak up for fear of retaliation; and anonymous trolls in the blogosphere instilled doubts about the objectives of those who strove to promote human rights in Eritrea. The campaign of intimidation had fragmented civil society in the diaspora and undermined the resolve of individuals to claim their own rights. In Geneva in June 2015, members of the Commission had been followed on the streets and the Commission had been vilified online by the Eritrean authorities, which was indicative of their determination to control anyone they perceived as a critic.

81. Systematic, widespread and gross human rights violations had been and were being committed in Eritrea and there was no accountability for them. The main perpetrators were the Eritrean Defence Forces, the National Security Office, the police forces, the Ministry of Information, the Ministry of Justice, the Ministry of Defence, the People's Front for Democracy and Justice, the Office of the President and the President. The violations in the areas of extrajudicial executions, torture, national service and forced labour might constitute crimes against humanity.

82. The Commission of Inquiry regretted that the Government of Eritrea had not responded to requests to visit the country, but would continue to seek its cooperation. The Commission called on the General Assembly to make a statement of its concern for human rights in Eritrea and keep that issue firmly on its agenda.

83. In light of the haemorrhage of productive youth who were fleeing national service and the weak, underperforming economy, the Government of Eritrea was signalling its preparedness to open up to the

international community. In responding to those positive indications, the international community must bear in mind that respect for human rights was the bedrock of successful development and should be front and centre of any new efforts to assist Eritrea in building its economy and providing opportunities for Eritreans abroad to return.

84. **Mr. Tesfay** (Eritrea) said that his delegation had distributed a document rejecting country-specific mandates (A/HRC/29/G/6). The current reports did not differ in motive, content and methodology from the Special Rapporteur's 2014 report; they lacked professionalism, objectivity and neutrality and were full of fabricated information and sweeping conclusions that defied the Charter of the United Nations and the principles of objectivity, non-selectivity and impartiality. They also completely contradicted the verifiable and extensive reports that the various United Nations agencies and diplomatic missions stationed inside Eritrea sent regularly to their respective headquarters.

85. Eritrea had made progress in enhancing good governance and the judicial system. A social justice policy was in place and equitable provision of services, such as health and education, was ensured. Special focus was given to the most vulnerable groups of society. New penal and civil codes that incorporated universal human rights had been issued in May 2015. Eritrea had acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Officials from OHCHR had visited Eritrea twice and were planning another visit in November 2015. To raise public awareness, many international days recognized by the United Nations, such as International Women's Day, Universal Children's Day and Human Rights Day, were observed. Under article 8 of the Cotonou Agreement, there was regular constructive dialogue and engagement between the European Union member States stationed in Eritrea and his Government on the issue of human rights. In 2014, Eritrea had sponsored the draft resolution on a moratorium on the use of the death penalty (A/C.3/69/L.51/Rev.1).

86. With regard to social and economic rights, education from kindergarten to the tertiary level was free in Eritrea. At the tertiary and vocational levels, students were provided with free food and lodging.

Students were taught in their mother tongue until the sixth grade, and above the sixth grade, all subjects were taught in English. According to a report by Countdown to 2015, Eritrea was one of the four countries out of the 75 countdown countries to have achieved Goals 4 and 5 of the Millennium Development Goals on health. It had also achieved Goal 6 and was on track to achieve the other Goals. According to a World Health Organization (WHO) report, Eritrea was free of polio and measles, vaccination of children had nearly reached 100 per cent and HIV prevalence at 0.93 per cent was the lowest in Africa.

87. His Government was implementing an integrated and coordinated policy for protecting and enhancing the rights of the child. Eritrea had submitted its report to the Committee on the Rights of the Child in 2014 and was in the process of implementing the Committee's concluding observations in partnership with the United Nations Children's Fund (UNICEF). Corporate punishment was banned, and the right of children to choose custody in situations of divorce was upheld by law. Recruitment of minors below the age of 18 into the army was explicitly prevented by law. Eritrea was implementing a country programme action plan in partnership with UNICEF, WHO, the United Nations Population Fund and UNDP.

88. The National Union of Eritrean Women was actively involved at all levels of society and government to advance the empowerment of women and protect the rights of girls. Eritrea had submitted its report on implementation of the Convention on the Elimination of All Forms of Discrimination against Women in March 2015. The Convention had been translated into local languages and was widely disseminated. Eritrea had criminalized child marriage, female genital mutilation and all types of violence, including domestic violence. Rape was severely punished by law. Equal pay for equal work, as well as land and property ownership by women, were guaranteed by law. In partnership with the European Union, approximately 1,200 community court judges, 370 clerks and 700 support staff had been trained. Eritrea had been one of the first countries to submit its national report on the Beijing Platform for Action to the African Union and UN-Women.

89. In terms of creating opportunities for youth, the National Union of Eritrean Youth and Students was organizing formal and informal forums for youth to

discuss national and international issues. Salary increments had been introduced for civil servants, including youth. Young people were involved in afforestation, water harvesting and several infrastructure construction programmes. It should be noted that national service was a legal obligation that was limited to 18 months. The deliberate misinterpretation and misrepresentation of that programme as indefinite military service was unacceptable and must be corrected and rejected.

90. His President had formally requested the Secretary-General and members of the Security Council to establish a body to investigate crimes perpetrated by human traffickers and smugglers against Eritrean nationals and other victims. Eritrea had forged a common front and strategy with its neighbouring States, the African Union, the European Union, the United Nations Office on Drugs and Crime, the International Organization for Migration and other institutions to step up its fight against human traffickers and smuggling in persons. Over the past 12 months, Eritrea had received several European delegations that had been able to make a first-hand assessment of the internal situation and understand the Government policy concerning Eritreans who had left the country illegally and were returning to stay or visit. As a result of their visits and extensive interaction with different stakeholders, the Home Office of the United Kingdom and the Danish Immigration Service had revised their asylum policies concerning illegal Eritrean immigrants.

91. With regard to ownership of land and housing projects, article 4 of the Land Proclamation Act No. 58/1994 accorded every citizen the right to obtain land for housing and article 4.4 further guaranteed the equal enjoyment of that right with no discrimination on the basis of gender, belief, race or clan.

92. The occupation of sovereign Eritrean territories, including the town of Badme, by Ethiopia, and the politically motivated, unjust sanctions imposed against Eritrea were critical impediments to the full enjoyment by the people of Eritrea of their human rights, including their right to development, and were not a pretext as insinuated by the Special Rapporteur and the Commission of Inquiry. His delegation appealed to all those interested in advancing human rights in Eritrea to urge Ethiopia to respect international law and its treaty obligations and withdraw immediately and unconditionally from sovereign Eritrean territory,

including Badme. His delegation also called on the Security Council to lift the unjust sanctions imposed on Eritrea, as they continued to hurt the most vulnerable members of society, and constituted collective punishment, the highest form of human rights violations.

93. As a post-conflict country whose people had suffered a great deal as a result of several decades of a protracted and devastating war for independence, Eritrea did not deny that there was room for improvement and it would continue and enhance its engagement with all relevant stakeholders. Eritrea was a peaceful and harmonious country, fully engaged and committed to the implementation of its national laws and the international human rights instruments to which it was a party. The Eritrean people needed understanding and solidarity, not threats, intimidation and fabricated allegations.

94. The universal periodic review was the appropriate mechanism to advance human rights ideals. Naming and shaming and country-specific mandates had not worked in the past and would not work in the future. Maintaining both the Special Rapporteur on the situation of human rights in Eritrea and the Commission of Inquiry on human rights in Eritrea, of which the Special Rapporteur was a member, was redundant, unjust and a waste of time and resources. The resources devoted to those overlapping mandates should be allocated to OHCHR to enhance its pillar of technical cooperation with Member States. Eritrea called for the rejection and dismissal of the reports of the Special Rapporteur and of the Commission of Inquiry and the termination of their mandates.

95. **Ms. Kadra Ahmed Hassan** (Djibouti) said that her delegation was particularly concerned about the extremely harsh conditions of detention described in the report, since Djiboutian prisoners were being detained in Eritrea. No information had been made available to any relevant parties in order to ascertain the presence and condition of Djiboutian combatants in Eritrea. Her delegation called on the Government of Eritrea to uphold its international human rights and humanitarian obligations by ensuring the physical integrity and safety of Djiboutian prisoners of war and allowing access and providing information to relevant parties. Her delegation reiterated its concern and regret at the lack of genuine engagement and cooperation by the Eritrean authorities with the Commission of Inquiry and relevant special procedures mandate-

holders. She asked whether the Commission of Inquiry had received any information about the whereabouts of Djiboutian prisoners of war. She also asked what progress had been made since the adoption of Human Rights Council resolution 26/24 in terms of the release of all prisoners detained without charge or trial and what the specific challenges were in that regard. Finally, she asked how Member States could assist the Commission of Inquiry in discharging its mandate and ensure it received access and better communication on issues related to its mandate.

96. **Mr. Elbahi** (Sudan) said that his delegation reiterated its firm position that human rights issues, including country-specific issues, should be tackled within the universal periodic review mechanism, with full observance of the principles of non-politicization, non-selectivity and impartiality. The countries concerned should be provided with technical support and capacity-building on the basis of cooperation and dialogue in order to promote and protect human rights.

97. **Ms. Morton** (Australia) said that Australia was deeply concerned by the finding of the Commission of Inquiry that the Government of Eritrea was responsible for systematic, widespread and gross human rights violations, and was disappointed that the Commission had not been able to visit Eritrea to fulfil its mandate in a comprehensive manner. It was also concerned about the threats the members of the Commission had faced when carrying out their mandate. Her delegation would be interested to hear more about what the Commission had learnt from its work and how Member States through the Human Rights Council could support its work to ensure a strong level of accountability.

98. **Ms. Tschampa** (Observer for the European Union) said that the Commission of Inquiry was the appropriate instrument for the United Nations to employ in face of the reports of dire human rights violations in Eritrea. The Government of Eritrea needed to address the Commission's recommendations and findings as a matter of urgency and start working with the Commission immediately in order to show its genuine will to engage. She asked how the recommendations that had been accepted by Eritrea in its most recent universal periodic review compared to the Commission's recommendations in its report to the Human Rights Council. She also asked whether the Government had begun to act upon the recommendations of the Commission of Inquiry or the universal periodic review. Finally, she asked what

plans there were in terms of a second report, how it would build on the first report and whether strategies were being developed regarding its methodology.

99. **Mr. Mack** (United States of America) said that the United States encouraged the Government of Eritrea to honour its commitment to return the duration of national service to 18 months for persons recruited since 2014, which would send a positive signal to the international community and the Eritrean people. The Government must hold free, fair and transparent democratic elections, develop an independent and transparent judiciary and release persons arbitrarily detained, including members of the G-15, journalists and members of religious groups. It should also take positive steps towards improving prison conditions by allowing independent monitors access to prisons and detainees. The United States supported the ongoing efforts of the Commission of Inquiry in its continuing mandate. He asked what the Commission saw as the most important goals that should guide international and United Nations engagement towards improving human rights in Eritrea. He also asked whether the Commission intended to be more specific regarding the time frame during which violations and abuses had occurred in future reporting. Finally, he asked whether the Commission had been able to discuss the human rights situation with Eritrean officials outside Eritrea.

100. **Mr. Chu** Guang (China) said that China had consistently favoured constructive dialogue for the resolution of differences and was against overt pressure on the question of human rights. Imposing external inquiry mechanisms was counterproductive; the universal periodic review was the best platform for dialogue on an equal footing. The establishment of both the Special Rapporteur on the situation of human rights in Eritrea and the Commission of Inquiry on human rights in Eritrea had resulted in duplication of work and was a waste of resources. As such, those procedures should be carefully reviewed.

101. **Mr. Tesema** (Ethiopia) said that it was unfortunate that the report of the Commission of Inquiry was being discussed in the absence of Yusuf Mohamed Ismail, a Somali Ambassador who had played a critical role in the Commission's establishment and had been killed by terrorists in 2015. The Commission's work so far was a tribute to the Ambassador's memory and legacy. Ethiopia reiterated its firm support for the Commission and its mandate.

102. While his delegation had been careful not to raise any irrelevant topics in the Committee, the representative of Eritrea had brought up an issue that had nothing to do with the Committee's mandate. He recalled that three sets of Security Council sanctions had been instituted against Eritrea. Eritrea's problems were not external; it must look inwards to find solutions. Regardless of any problems it might have with its neighbours, human rights issues were the sole responsibility of the Government.

103. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) said that his delegation rejected politically-motivated selectivity in the handling of human rights issues, as well as country-specific measures, which were a clear demonstration of double standards and violated the Charter of the United Nations. Cooperation and dialogue through the universal periodic review were the appropriate way to promote and protect human rights. Member States should build on the progress made since the establishment of the Human Rights Council.

104. **Ms. Smaila** (Nigeria) said that the universal periodic review process sufficiently covered country human rights situations. Country-specific procedures in the Committee were therefore unnecessary. They should be applied as redemptive measures aimed at addressing human rights violations regardless of where and by whom they were committed, and invoked prudently on a case-by-case basis. It was important to bear in mind the indivisibility and universality of human rights, all of which must be respected and afforded the most serious consideration.

105. **Mr. Torbergson** (Norway) said that Norway remained deeply concerned about the human rights situation in Eritrea and underscored its support for the work of the Commission of Inquiry. It called on the Government of Eritrea to cooperate with the Commission for the benefit of its people.

106. **Mr. Amorós Núñez** (Cuba) said that, as a matter of principle, Cuba did not support country-specific resolutions. The universal periodic review was the most effective mechanism for promoting and protecting human rights.

107. **Ms. Anichina** (Russian Federation) reiterated her Government's position that the establishment of country-specific mandates and the adoption of country-specific resolutions without the consent of the States concerned were counterproductive. Human rights

mechanisms should not have an investigative role since that was contrary to the principles of universality, non-selectivity and objectivity in the consideration of human rights issues and the goals of developing respectful and constructive dialogue in the sphere of human rights. Country issues should be considered through the universal periodic review, which had repeatedly proved its effectiveness in that regard.

108. **Mr. Smith** (Chair, Commission of Inquiry on human rights in Eritrea) said that the three Commissioners had approached the mandate from a completely objective and impartial background, with no animus towards Eritrea. They had not been granted access to the country, which had limited considerably their capacity to gather information. Nonetheless, they had managed to interview over 550 individuals in eight different countries outside Eritrea and had received more than 100 written submissions. They had focused not on the political views or background of those people but on their personal experience. On that basis, they felt confident that they had formed an accurate picture of the human rights situation in Eritrea.

109. The Commission of Inquiry had not been able to ascertain the current whereabouts of the Djiboutian prisoners of war. However, it had spoken to two Djiboutian former prisoners of war, who had described their harrowing experiences and talked about their colleagues who were still in detention. The international community could exert pressure on the Government of Eritrea to allow the International Red Cross and Red Crescent Movement access to those individuals, which was normal practice for prisoners of war.

110. Since the first and second cycles of the universal periodic review, there had not been significant changes in the areas of prolonged national service and often indefinite detention of individuals, including journalists, former politicians, religious leaders and ordinary people. Significant problems persisted in those areas and an appropriate response had not yet been received.

111. The Commission of Inquiry was in the process of determining the approach for its second report and looked forward to hearing from the Eritrean authorities about positive initiatives in addressing the concerns it had outlined. He hoped that the assurance given that national service was limited to 18 months would be confirmed by individuals going through that process.



The individuals interviewed by the Commission of Inquiry, some of whom had left Eritrea as recently as February 2015, claimed not to have heard about that time limit, and there was no widespread talk of that matter at the Sawa Military Training Camp.

112. The Commission of Inquiry had been asked by the Human Rights Council to consider the extent to which the human rights abuses it had identified constituted international crimes and crimes against humanity. It was reviewing testimonies and looking for indications as to whether that was the case.

113. Although a very good Constitution, including a bill of rights, had been drafted in 1997, it had never been implemented. Its implementation should be one of the goals towards ensuring the rule of law and an end to human rights abuses in Eritrea.

114. With regard to the timeline of the report, the Commission of Inquiry had gathered information from people who had left Eritrea from around the year 2000 to February 2015 and had thus formed a good picture of the situation over that entire period. It had talked to people who had been arrested for trivial offences in 2009, 2010 and 2011. Since 2001, when independent journalists and dissident politicians had been arrested and disappeared, there had been no significant changes in the situation. The Commission of Inquiry had not had any significant discussions with Eritrean officials outside Eritrea, but it would be very pleased to do so.

115. **Mr. Tesfay** (Eritrea) asked the Observer for the European Union and the representative of the United States to consider whether they trusted the three Commissioners, who had never been to Eritrea and had been following the human rights situation in Eritrea for only the past three or four months, or whether they trusted their own representatives in Eritrea. A report had been produced by the European Union under the Eritrea-European Union Partnership: 20 Years of European Union Presence in Eritrea, which should offset the sweeping statements made by the Commission of Inquiry. Similarly, the United States had its own chargé d'affaires on the ground in Eritrea.

116. Concerning the issue raised by Djibouti with regard to prisoners of war, there was an agreement between the Presidents of Eritrea and Djibouti to handle all outstanding issues, including the issue of prisoners of war, under the supervision of Qatar. Djibouti did not have the moral authority to show concern for the people of Eritrea, but should worry

about its own internal situation. The United States should abandon its hypocritical stance on Djibouti, considering that Djibouti was ruled by a President whose rise had been guaranteed by his predecessor, who was also his uncle, and who had been quick to install members of his clan in top government positions and monopolize control.

117. The statement by the representative of Ethiopia clearly revealed his political agenda. No occupying force cared for the people who were occupied. Ethiopia should worry about its own internal situation, which was characterized by corruption and human rights violations.

118. **Ms. Kadra Ahmed Hassan** (Djibouti) said that, as in the meeting on the previous day, the representative of Eritrea had expressed denial, distorted facts and made false accusations. Prisoners of war in Eritrea and the lack of access to them was an issue of national concern to her delegation that had been addressed by the Commission of Inquiry and by Qatar in its role as mediator. Djibouti's contribution to peace and stability in the region was well known. The approach of denial and non-engagement was not helpful to the people of Eritrea.

119. **Mr. Tesema** (Ethiopia) said that his delegation was not at the meeting to discuss its bilateral or regional issues with Eritrea. The issue under discussion was internal and Eritrea should look inwards rather than seeking to externalize its problems. Ethiopia had nothing to do with the human rights situation in Eritrea. Eritrea should abide by the agenda, interact with the Commission of Inquiry and not try to involve neighbouring countries in the issue.

120. **Mr. Tesfay** (Eritrea) said that occupation was a human rights violation. The occupier must vacate the occupied land and could not claim not to be a part of the human rights issue in Eritrea. As for the representative of Djibouti, she did not have the moral authority to talk about the Eritrean situation.

*The meeting rose at 1 p.m.*