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Chair: Ms. Mejía Vélez (Colombia)

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The meeting was called to order at 10.40 a.m.

Agenda item 63: Report of the Human Rights Council (A/71/53, A/71/53/Add.1 and A/71/53/Add.2)

1. **Mr. Choi** Kyong-lim (Republic of Korea), President of the Human Rights Council, introducing the report of the Human Rights Council (A/71/53, A/71/53/Add.1 and A/71/53/Add.2), said that the Council had adopted 149 resolutions, decisions and President's statements in 2016, 114 of them without a vote. Many of the resolutions, including those on country-specific issues, had been cross-regional initiatives, reaffirming the capacity of the Council to overcome political differences and take action on important human rights issues.

2. The Human Rights Council continued to send a strong message with regard to the grave human rights situation in the Syrian Arab Republic. Two weeks earlier, after extending the mandate of the International Independent Commission of Inquiry on the Syrian Arab Republic, the Council had held a special session on the deteriorating human rights situation in Syria and on the situation in Aleppo in particular, requesting the Commission of Inquiry to conduct a special inquiry into events in that city and to identify those responsible for alleged human rights violations and abuses of international humanitarian law in order to ensure accountability.

3. After considering the reports of the commission of inquiry on human rights in Eritrea and the report of a mission of independent experts to Burundi, the Council had established a Commission of Inquiry on human rights abuses and violations in Burundi since April 2015. In addition, two independent experts had been designated to support the work of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, with a mandate to focus on accountability for human rights violations in that country that amounted to crimes against humanity. The report of those experts would be presented to the Council in March 2017. The Council had also established a Commission on Human Rights in South Sudan, whose report would likewise be presented in March 2017 and would be shared with the General Assembly. Moreover, the Council had extended the country-specific special procedures mandates on Belarus, 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 Afghanistan, Burundi, Cambodia, the Central African Republic, Côte d'Ivoire, the Democratic People's Republic of Korea, Guinea, Haiti, Libya, Mali, Ukraine and Yemen, among others. New formats had enabled the Council to hold interactive dialogues that engaged relevant stakeholders on specific aspects of the debate, such as the electoral process in the Democratic Republic of the Congo, on which the High Commissioner for Human Rights had offered a briefing.

5. In the context of leaving no one behind, the Council had also continued to address a wide range of global issues in thematic debates, forums and panels, including its annual high-level panel discussion on human rights mainstreaming, which had explored opportunities to advance human rights through the 2030 Agenda for Sustainable Development. Other concerns on which it had hosted discussions focused on the human rights challenges associated with climate change, the rights of persons with disabilities, the rights of the child, women's rights, the HIV/AIDS epidemic and the state of racial discrimination worldwide.

6. The Council's special procedures had historically been its eyes and ears; reports of mandate holders constituted one of the main sources of reliable information on human rights situations. In 2016, the Council had established two new special procedures mandates: an Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, and a Special Rapporteur on the right to development. It had also amended the mandate of the Expert Mechanism on the Rights of Indigenous Peoples, increasing its membership to seven so as to represent each of the seven indigenous sociocultural regions. The Council urged all Member States that had not yet done so to issue standing invitations to special procedures mandate holders and to fully cooperate with the Council's mechanisms in order to strengthen human rights worldwide.

7. Turning to the Council's universal periodic review, which was currently under way, he said that all States scheduled to be reviewed in the reporting period had already taken part, in most cases at the ministerial level. However, while 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 all Member States to participate on the occasion of the Council's tenth anniversary, the participation of small States without representation in Geneva continued to pose a challenge to the principle of universality. Follow-up to the review at the national level remained a further challenge. States must ensure that the review process did not stop in Geneva and engaged all stakeholders, including civil society. Indeed, the role of civil society in the work of the Council was not mere window dressing but lay at the core of its ability to effectively carry out its mandates. Unfortunately, cases of intimidation, threats and reprisals against individuals who cooperated with the Council and its mechanisms continued to be registered. Protecting civil society and national human rights institutions was therefore of paramount importance. To mark its tenth anniversary, the Council had held a high-level panel in June to reflect on its work and a retreat on strengthening cooperation and dialogue among its members.

8. In that regard, although the Office of the High Commissioner for Human Rights (OHCHR) was being asked to comply with an increasing number of mandates derived from Council decisions, its regular budget had not kept pace with such growth. Moreover, current budgetary discussions had proposed capping the Council's meeting time, requiring it to save 23 meetings per year beginning in 2018, which would severely limit its most distinctive characteristic: the ability to respond to human rights situations in a timely and efficient manner. He called on Member States to positively address the issue through the Fifth Committee.

9. Another concern with critical bearing on the Council was the relationship between Geneva and New York, in particular with regard to the status of the Council, which had been established by the General Assembly under resolution [60/251](#). In accordance with its mandate, the Council had worked with a high degree of autonomy and had become the premier

human rights body of the United Nations. Any attempt to reopen in New York decisions or resolutions already adopted in Geneva risked undermining the Council's authority and competence, as well as the integrity of the United Nations human rights system.

10. **Mr. Bessedik** (Algeria) said that his country shared the Council's concern that reopening numerous resolutions at informal panels in New York ran counter to resolution [60/251](#); that resolution had established the primacy of the Human Rights Council on human rights issues. He wished to know the President's assessment of the continued calls for a re-evaluation of the Council's work, in particular with regard to the role of the universal periodic review as a universal mechanism that ensured the equal treatment of all States. Some countries seemed to be questioning the basis for country-specific resolutions, on the grounds that they were subject to politicization, double standards and bias.

11. **Mr. Yao** Shaojun (China) said that many countries were concerned by the problems of politicization, double standards and increasing confrontation in the Human Rights Council, and would be closely watching its future development. The purposes and principles of the Charter of the United Nations must be upheld: the Council should respect the sovereignty, independence and territorial integrity of every member of the international community, comply with the basic norms of international law, and refrain from interfering in the internal affairs of States under the pretext of protecting human rights. The working atmosphere should be improved, and the Council should uphold the principles of universality, impartiality, objectivity and non-selectivity, as set out in General Assembly resolution [60/251](#) and the Council's resolution 5/1 entitled "Institution-building of the United Nations Human Rights Council" ([A/HRC/5/21](#)). All parties should work to address differences through dialogue and cooperation. Naming and shaming and openly exerting pressure would only exacerbate confrontation and undermine the basis for international cooperation in human rights.

12. The Council should respect the approaches and modes of developing and safeguarding human rights according to national conditions and the aspirations of their people, and facilitate exchanges and mutual learning to make collective progress. The Council

should advance all types of human rights in a balanced manner, and increase inputs in areas of concern to developing countries, such as economic, social and cultural rights and the right to development. It should prioritize the realization of the right to development and help developing countries to achieve sustainable economic and social development. His delegation wished to know what measures the Council could take to counter politicization and double standards, and how it would advance the right to development.

13. **Ms. Mxakato-Diseko** (South Africa) said that her country was deeply concerned by the encroachment of the Security Council on the mandate of the Human Rights Council as a result of paralysis in the Security Council due to use of the veto by some permanent members. It seemed that some permanent members were attempting to settle geopolitical scores outside the Security Council. There had already been a spillover effect on the Human Rights Council, leading to a distortion of governance structures that had been created to enhance respect for human rights and protect fundamental freedoms. Having been re-elected to the Human Rights Council for the period 2017-2019, South Africa wished to reassure the international community of its commitment to safeguarding the governance framework of the Human Rights Council and the primacy of a rules-based multilateral system.

14. **Mr. Estreme** (Argentina) said that his country had always been, and would continue to be, a staunch supporter of the independent work of the Human Rights Council to promote, respect and protect human rights; it therefore believed that the Council must be on an equal footing with the main bodies of the United Nations.

15. He deplored the attempt by some delegations to undermine the Council's legitimacy as the primary United Nations body for the protection and promotion of human rights, in particular by questioning the legal basis for the Council's creation of a special mandate. That mandate had been legitimately established in accordance with the provisions of General Assembly resolution [60/251](#). Without respect for the institutions of the United Nations and the mandates of its organs, it would be very difficult to guarantee the defence and protection of human rights.

16. **Ms. Hindley** (United Kingdom) said that her delegation was deeply concerned by the draft

resolution before the Third Committee seeking to delay the implementation of Human Rights Council resolution 32/2. As the creation of new special procedures mandate holders was within the established parameters of the Council's competence, there was no legal basis for deferring action on the draft resolution; such attempts to undermine the Council endangered the whole system of special procedures.

17. The Council stood as an affirmation of the value the international community attached to the rules-based international order and the protection of human rights; the special procedures were a vital part of the Council's work. The United Kingdom had been a strong advocate of the Council since its inception and had been re-elected to serve a further three-year term on the Council. Her country would continue to use its voice to help strengthen it, to support countries working to improve their human rights record, and to hold to account nations that committed serious and systematic violations against their citizens, as it had recently done in calling for the adoption of a resolution at the special session of the Human Rights Council on the deteriorating situation of human rights in the Syrian Arab Republic, and the recent situation in Aleppo.

18. **Ms. Garcia Gutierrez** (Costa Rica), expressing support for the independence and work of the Council, said that her delegation, too, was concerned about certain practices that undermined its legitimacy, such as questioning the legal basis for the creation of special mandates. Actions seeking to reject the appointment of an Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity set a dangerous precedent that imperilled the integrity of the human rights system. The Human Rights Council must be recognized as the primary United Nations body for the promotion and protection of human rights; its institutionality and independence must consequently be preserved.

19. **Ms. Oh Youngju** (Republic of Korea) said that the issue of accountability in addressing human rights violations would remain one of the Council's top priorities in the decade to come. Her country strongly supported the Council's ongoing efforts to break the cycle of impunity and maintain its focus on the question of accountability for serious human rights violations in countries where crimes against humanity

were committed. The Council was expending equally important efforts to expand democratic spaces, empower women and combat violence against women and girls.

20. Her delegation was also concerned at the reopening of decisions that had been agreed in Geneva. Concrete actions must follow decisions if Member States were to achieve the promotion of human rights. Methods to improve the efficiency of the Council and its working methods, with a view to ensuring an increased focus on the implementation and follow-up of its decisions, should be proposed.

21. **Mr. Duarte** (Brazil) said that his country had participated in the drafting of various resolutions on new procedures, including the mandate of the Special Rapporteur on the right to privacy and of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. The integrity of decisions legitimately adopted by the Council must be respected. It was unacceptable to question the legal basis on which the mandates of independent experts had been established, lest a dangerous precedent be set that would threaten the crucial work of the special procedures mandate holders. Human Rights Council resolution 32/2 had strictly adhered to the procedure established by resolution 5/1 on institution-building, which determined the rules of selection and appointment of special procedures mandate holders.

22. No country or region tolerated violence or discrimination. As had been the case for other groups of individuals discriminated against on the basis of personal traits, the scale, seriousness and widespread nature of violence and discrimination against individuals based on their actual or perceived sexual orientation or gender identity required a specific response from the United Nations in the form of a dedicated mechanism.

23. **Ms. Zahir** (Maldives) said that her country had been a member of the Human Rights Council for over five years; when it had been elected in 2010, it had been the smallest country ever to have representation on the Council. There were specific challenges regarding participation in the Council for those small island developing States which did not have permanent missions in Geneva. Since her country had been elected, it had prioritized the meaningful participation

of small island developing States in the Council; during the recent session of the Council marking its tenth anniversary, Maldives had secured the participation of all small island developing States through a voluntary trust fund for least developed countries and small island developing States.

24. As small island developing States were still faced with capacity constraints and financial shortfalls in their representation on the Council, she would be grateful for the President's input on the establishment of a formal mechanism to ensure participation in Council sessions by small delegations with limited means.

25. **Mr. Kelly** (Ireland) said that by appointing the first Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, the Human Rights Council had sent a strong message of solidarity to the members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community. His delegation was therefore disappointed that the draft resolution tabled in the Third Committee on the report of the Human Rights Council sought to defer the implementation of Council resolution 32/2. The draft resolution was an unwarranted attempt to subvert a legitimate decision of the Council and created an unnecessary and dangerous precedent, allowing for Council resolutions to be questioned or reopened by the General Assembly.

26. Despite the successful adoption of Human Rights Council resolution 32/31 on civil society space, reports of reprisals and the intimidation of civil society representatives had continued to feature prominently during the Council's 2016 sessions. All States, and in particular newly elected Council members, were urged to fulfil their obligation to uphold the highest standards in the promotion and protection of human rights, including by respecting and supporting civil society engagement at the Council.

27. He asked the President to share his views on how best to address the increased occurrence of reprisals against civil society representatives. Conscious that the Council's workload had steadily increased since 2006, his delegation wondered how members and observers could collaborate to overcome that challenge.

28. **Mr. Whiteley** (Observer for the European Union) said that the Third Committee draft resolution on the

report of the Human Rights Council gave cause for grave concern, as it sought to subvert a legitimate Council decision by deferring the implementation of resolution 32/2. There was no legal foundation for questioning the legitimacy of that resolution, which had been adopted in Geneva in June. Indeed, the President's appointment of Mr. Vitit Muntarbhorn as the new Independent Expert had been endorsed by all 47 Council members at the thirty-third session in September. He pointed out that mandate holder appointments were not always unanimous; some had been made on the basis of resolutions put to a vote. To question the mandate of the Independent Expert established by resolution 32/2 was to question the delicate institutional relationship between the Human Rights Council and the General Assembly. The creation of special procedures was well within the Council's purview and should not be reopened by the General Assembly, lest the functioning of the Council and the work of its member States be seriously called into question.

29. The functions of the new Independent Expert addressed the need for States to protect the human rights of all individuals, without distinction of any kind: no one should have to suffer violence or discrimination on the basis of who they were. He asked the President what steps were needed to ensure that all special procedures mandate holders could discharge their mandates effectively to promote human rights for all.

30. **Mr. Cepeda** (Mexico) said that his delegation wondered what additional measures could be taken to rationalize the Council's work in the context of the Third Committee; the large number of resolutions often meant that important issues lost visibility. There was a tendency in the Council to introduce closed texts that were not open to negotiation. The President should offer suggestions on how to avoid the monopolization of themes by certain groups and to ensure the visibility of all delegations. The universal periodic review must be preserved, as it was a very productive tool, especially with regard to national policymaking.

31. **Mr. Koehler** (Germany) said that the United Nations system as a whole could benefit from close cooperation between the three pillars of peace and security, human rights and development. He would welcome the President's comments on how to develop

and strengthen linkages between those different parts of the United Nations system. The contribution of civil society was invaluable to the Human Rights Council. In order to further enhance the effectiveness of the Council, his delegation welcomed proposals aimed at maintaining the Council's capability to respond to grave human rights violations. As the Human Rights Council was the main body for the promotion and protection of human rights within the United Nations system, his delegation was deeply concerned about attempts to undermine its authority by challenging decisions that had already been adopted.

32. **Ms. Shlychkova** (Russian Federation) said that her country would present its response to the report of the President of the Human Rights Council in the General Assembly and that she would focus her remarks on several other points. Attempts to reform the Council under the pretext of correcting certain technical issues had already been addressed in Geneva, and it was important not to contradict General Assembly resolutions that had established the timeline for the review of the activities of the Council between 2021 and 2026. In that context, it was completely unacceptable for a body of the United Nations to take steps that undermined the President of the Council and for the Secretariat to attempt to shift the burden for conference financing to the Council. That matter should be addressed by the appropriate committees of the General Assembly.

33. Furthermore, any attempts to artificially impose limits on Member States or observers or on the thematic issues of the discussions would be inappropriate. She recalled that only a minimum, not a maximum, number of sessions, had been specified. With respect to reopening decisions of the Council, she stressed that the Third Committee, as a main committee of the General Assembly, represented the interests of all Member States; and that the Human Rights Council was accountable to the Third Committee. The Russian Federation hoped that the current and future Presidents of the Council would bear that in mind.

34. **Ms. Nescher** (Liechtenstein), speaking also on behalf of Australia, Canada, Iceland, New Zealand, Norway and Switzerland, said that despite the understanding that the Third Committee would consider and act on the recommendations of the

Human Rights Council to the General Assembly, a draft resolution before the Committee called for revisiting a decision on the report of the Human Rights Council. She asked how the future of the Council's work would be influenced by such actions in the Third Committee.

35. **Ms. Pritchard** (Canada) said that the decisions of the Council must be respected and not reopened by the General Assembly, including on the appointment of special procedures mandate holders, who played an important role by shining a light on pressing human rights issues. She wished to reiterate her country's strong support for the mandate of the Council and the need to preserve its autonomy. She asked the President what Member States could do to support the participation of civil society and ensure that it would continue to play a vital role in the work of the Council.

36. **Ms. Schäfer** (Hungary), reaffirming her country's support for the work of the Human Rights Council, said that Hungary would be serving as a member of the Council beginning in 2017. It was important to preserve the integrity of the decisions and resolutions adopted by the Council. Given the interdependency between human rights, peace and security, and development, it would be interesting to know the President's views on the role the Council and its mechanisms could play to support the realization of the Sustainable Development Goals.

37. **Mr. Al-Hussaini** (Iraq) said that his Government had acceded to and would continue to comply with all international instruments that strengthened and entrenched democratic principles. To that end, Iraq had submitted its periodic reports to relevant committees and treaty bodies in a timely manner, had taken into consideration the concluding observations made by those committees and treaty bodies and was making every effort to implement their recommendations.

38. Despite the security, political, economic and social challenges that had impeded efforts since 2003 to strengthen its national institutions, his country remained determined to entrench a culture of human rights, which, it believed, was an essential prerequisite for a constructive dialogue within society that could strengthen a sense of community and an ethos of citizenship.

39. To further promote the formulation and implementation of human rights legislation, Iraq had taken an increasingly active role in relevant regional and international organizations and, as a member of the Human Rights Council for the term 2017-2019, would exert every possible effort to promote and protect human rights both within the country and throughout the world. In that regard, he asked what strategies should be adopted to ensure that human rights principles advanced international justice, as envisaged under the Charter of the United Nations and the Universal Declaration of Human Rights, and what could be done to prevent the selective application of human rights principles with a view to promoting narrow political interests.

40. **Ms. Elhassan** (Sudan) said that her country would continue its efforts to promote all internationally-agreed human rights principles and fundamental freedoms. Sudan had acceded to all relevant regional and international human rights instruments, had amended its domestic laws to bring them into line with those instruments, and had adopted a number of national human rights plans and programmes. Her country would, moreover, continue to work with the Human Rights Council through the universal periodic review mechanism and with the Special Rapporteur on the situation of human rights in Sudan. Her delegation warmly welcomed the report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, on his mission to the Sudan (A/HRC/33/48/Add.1), which had been submitted to the Human Rights Council in September, and called for the implementation of the recommendations contained in that report, including the lifting of the unilateral sanctions imposed on Sudan, and further investigations by relevant United Nations agencies on how those sanctions impeded Sudanese citizens' access to essential services.

41. The international community must adopt a constructive and collaborative approach to human rights issues that balanced the need to uphold and promote human rights with the need to respect Member States' national sovereignty and cultural norms. In that connection, Sudan was deeply concerned about the adoption of Human Rights Council resolution 32/2, entitled, "Protection against violence and discrimination based on sexual orientation and gender

identity”, and firmly rejected the incorporation in that resolution of new concepts and rights that did not enjoy international consensus. Her delegation underscored, moreover, that the universal periodic review mechanism of the Human Rights Council was the most appropriate forum in which to address States’ human rights concerns. In closing, she asked the President of the Human Rights Council what steps the Council had taken to strengthen its credibility by ensuring that it remained impartial and objective in its treatment of human rights issues.

42. **Ms. Kofoed** (Denmark) said that her delegation supported the independence of the Council, and believed that it was a forum for constructive dialogue among peers. It was the main United Nations body for promoting and protecting human rights, addressing human rights violations and improving international standards. Her country strongly opposed any attempt to undermine that standing, and would seek membership in the Council for the period 2019- 2021. In accordance with General Assembly resolution [60/251](#), both new and incumbent members were required to uphold the highest standards in the promotion and protection of human rights, and it was necessary to respect all special procedures of the Council and their mandates in order to improve human rights situations around the world, such as the horrors that had been taking place in Aleppo, Syria. Any attempt to question the legitimacy of Human Rights Council resolution [32/2](#) had no legal foundation, and the creation of special procedures was well within the mandate of the Council, regardless of whether a vote had been taken on the relevant resolution.

43. **Ms. Savitri** (Indonesia) said that all human rights must be given equal attention in order to deliver meaningful impact. Closer dialogue between United Nations human rights mechanisms in New York and Geneva was a prerequisite for the success of collective efforts. International cooperation in human rights should be undertaken in accordance with the principles of non-selectivity, impartiality and constructive dialogue. Double standards, politicization, and a return to the methods of the Commission on Human Rights were to be avoided. She would be grateful if the President could elaborate on steps taken to address the increasing politicization of the Council, which carried out such important work.

44. **Mr. Zewdie** (Ethiopia) said that the Council had proven its effectiveness, and it was important to preserve the integrity of the system. Therefore, his delegation would not support attempts to reopen a dialogue on issues decided in Geneva.

45. **Ms. Amadeo** (United States of America) said that her delegation strongly supported resolution 32/2 and the appointment of Mr. Viti Muntarbhorn as Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. As for the draft resolution on the report of the Council submitted by the Group of African States, her delegation was deeply concerned by attempts to reopen the mandate of the Council, which might have been made by some States under the guise of legal concerns, but which had never occurred before in the General Assembly. Such an action was inconsistent with the ability of the Council to function, and would set a dangerous precedent.

46. Every day, headlines from around the world strengthened the case for the principled and balanced leadership provided by the Council, which played a very important role in protecting fundamental rights and freedoms for all. Civil society faced increasing restrictions imposed by laws, arbitrary arrests and sanctioned brutality, and the Council and the international community benefited greatly when human rights defenders travelled to the United Nations to share experiences and humanize the challenges faced by certain populations. It was precisely through such interactions that Governments were spurred to action to address the issues. However, too many Governments were trying to suppress those voices in the Council and at the United Nations in general. Acts of reprisal directed at witnesses and intimidation of other Member States in United Nations forums could not be tolerated. What practical steps could delegations take to strengthen the functions of the Council and ensure it fulfilled its mandate around the world, and what could be done to promote greater space for civil society globally and at the United Nations?

47. **Mr. Otto** (Palau) said that it was critically important to coordinate effectively between the human rights mechanisms in New York and Geneva, integrate human rights into all aspects of the work of the United Nations, and ensure the full involvement of civil society. His delegation was grateful for the

contributions of Member States to 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, which had helped to alleviate the constraints those countries experienced in respect of their participation in the work of the Council. Nevertheless, his delegation and the relevant countries would like to see a more sustainable institutional structure to serve that purpose. What were the viable options and how could training programmes be enhanced in the interest of better coordination among the Council, the Third Committee and the Member States?

48. **Mr. Rabbi** (Morocco) said that his delegation would be interested in the Council President's assessment of the second cycle of the universal periodic review, what best practices had been learned, and the types of challenges that remained. How would the third cycle compare to the second with respect to the proliferation of Council recommendations, and how did the President propose to improve dialogue between Geneva and New York?

49. **Mr. Moussa** (Egypt) said that in order to address human rights issues, the Council should apply its mandate within the context of a genuine intergovernmental dialogue based on the principles of non-politicization, non-selectivity, objectivity, universality and international cooperation. Recalling the mandate of the Council set out in General Assembly resolution 60/251, his delegation condemned the attempt by some States to impose their values in contravention of that resolution, including with the adoption of Human Rights Council resolution 32/2. Non-internationally agreed notions such as sexual orientation and gender identity should not be given prominence at the expense of other human rights issues of paramount importance.

50. As its workload was likely to increase in the future, the Council should improve its efficiency and adopt voluntary measures to rationalize its work, such as biannualizing and triannualizing resolutions, swapping the adoption of resolutions with the Third Committee, introducing sunset clauses, and rationalizing the operational requirements of resolutions and decisions. The Council should be careful not to exceed its allocated budget. or become

dependent on external earmarked funding. In conclusion, he said that the thirtieth anniversary of the United Nations Declaration on the Right to Development provided an opportunity for the United Nations and the international human rights community to step up their efforts to ensure the right to development.

51. **Ms. Kirianoff Crimmins** (Switzerland) said that her delegation welcomed the strategic retreat recently organized in Évian-les-Bains, France by the President of the Council, and would like to know his views on the concrete outcomes of that and other such retreats. Her delegation reiterated its view that the draft resolution before the Third Committee concerning the report of the Council was unnecessary. Switzerland was deeply concerned that once again, an attempt was being made to single out a resolution on the report of the Human Rights Council and call for postponement of its consideration. Switzerland supported resolution 32/2 and called on States to respect the independence of the Council. The Independent Expert had been appointed and should have an opportunity to assume his functions.

52. Addressing the President, she wished to know what constraints he faced concerning the numerous cases of intimidation and reprisals against persons engaging with the Council and its mechanisms, and what type of working relationship should exist between the President and the United Nations-wide focal point for questions of reprisals. In view of the increase in the workload of the Council, it was necessary to rationalize its work, but not simply to reduce the number of sessions held. Welcoming the consultations the President had launched in Geneva in that regard, she said that her delegation stood ready to participate in discussions aimed at improving the quality and efficiency of the work of the Council.

53. **Mr. Qassem Agha** (Syrian Arab Republic) said that his delegation rejected the ongoing attempts to politicize the Human Rights Council and the double standards and selectivity in the Council's modus operandi. On numerous occasions, the Council had refused to condemn or take effective action with regard to the serious human rights violations perpetrated in Yemen by the so-called Saudi coalition, which had including the killing of thousands of children and the destruction of schools and hospitals. Indeed, the

Council had failed to hold even one emergency meeting on the deteriorating human rights situation in that country and had considered only the technical aspects of relevant OHCHR reports. The refusal of the Council to take any action to uphold human rights in Yemen had seriously undermined its credibility and, in the light of that inaction, his delegation wished to ask the President of the Council to provide details of the pressure that had been brought to bear on him.

54. **Mr. Joshi** (India) said that the role of the Council was very valuable, especially given the broad range of challenges it had addressed. However, the human rights agenda was becoming more contentious, politicized and polarizing. Having now been in existence for 10 years, it should address the shortcomings of its predecessor and avoid repeating past mistakes. Intrusive monitoring and finger-pointing as a way of dealing with specific human rights situations was inimical to the objectives of the Council. Countries should therefore refrain from aggressive naming and shaming. Furthermore, disregarding national policy space and priorities and cultural contexts was counterproductive and divisive. His delegation believed that an inclusive and constructive approach based on dialogue, consultation and cooperation, demonstrating sensitivity to genuine concerns and constraints, was necessary to help countries improve their implementation of the human rights agenda. The Council would do well to consider national and regional particularities, as well as various historical, cultural and religious backgrounds, in its dialogue with Member States. His delegation wished to know how the Council could improve consultation and cooperation both within the Council itself and with the General Assembly.

55. **Ms. Ndayeshimiye** (Burundi) said that her delegation categorically rejected politically motivated resolutions and commissions of inquiry, as well as the paragraphs concerning Burundi in the report of the Council on its thirty-third session (A/71/53/Add.1). It also rejected outright the biased and politically motivated report of the United Nations Independent Investigation on Burundi, which had led to the adoption of a resolution establishing a commission of inquiry on Burundi, under pressure from certain States, seeking to interfere in its domestic affairs by excessively politicizing the protection of human rights. Burundi would not cooperate with the commission of

inquiry because the recently adopted resolution establishing it was too biased and politically motivated. It was one of the most unpopular and illegitimate resolutions to be considered by the Council in recent years and had been adopted with a number of abstentions that was larger than the number of votes in favour.

56. **Mr. Choi** Kyong-lim (Republic of Korea), President of the Human Rights Council, responding to questions and comments by delegations, said that human rights issues were admittedly political by nature. They concerned protection of freedoms and defence against repression, and it was not possible to remove all political aspects from the work of the Council. However, it was apparent that some discussions had been based on political calculations instead of merit, and some delegations had engaged in political propaganda instead of a genuine human rights discourse. A culture of mutual trust was needed in the Council, but unfortunately was not always present, perhaps due to the difficult global political atmosphere. He would continue to work with Member States and stakeholders to build that trust. As to the concerns of selectivity and double standards, he noted the geographic, political and economic diversity of the countries on the agenda of the Council. The Council dealt with a vast array of thematic issues, and the nature of the universal periodic review demonstrated that no country was exempt from scrutiny.

57. As had been noted by the delegations of Maldives and Palau, fuller participation in the work of the Council by small and vulnerable countries was needed. Training programmes in Geneva lasting several months, which had been offered to delegations from such countries in the past, had had to be cancelled in 2016 owing to budget constraints. Though he planned to strengthen the funding campaign for the voluntary trust fund that afforded those delegations opportunities to participate, he encouraged Member States to consider reintroducing the system of financing travel expenses for small countries through the United Nations regular budget, consistent with past practice.

58. The Human Rights Council had too much work; it needed to rationalize its work programme and increase its efficiency. Especially during regular sessions, the Council often worked without taking a lunch break and also held evening sessions, over 10

weeks per year. The workload came from the need to respond to human rights situations worldwide, and those situations were not improving; on the contrary, they were deteriorating. At the same time, the workload was adversely affecting the quality of the Council's work. Its members had little time to consider emerging important issues such as the refugee crisis, and other issues were missed entirely. Efficiency had been prioritized with the help of Member States and stakeholders. Improvements had traditionally been technical and procedural; further efforts would be necessary to tackle more serious issues. The number of meetings would have to be reduced from 155 to around 130 but it was difficult to strike a balance between that and the growing number of human rights situations on the ground.

59. The reopening of resolutions and decisions adopted in Geneva created challenges and difficulties. When one part of the United Nations system said one thing and another said something different, the entire system lost credibility. Delegations should therefore think twice before proposing to reopen decisions that had already been adopted.

60. Civil society had always played a key role in the United Nations human rights system, since it could provide information and help to monitor situations on the ground. Civil society organizations needed to be protected from threats or reprisals, but the Presidency of the Human Rights Council had very few tools at its disposal to provide that protection. A stronger structure and response were therefore needed throughout the system.

61. The universal periodic review was universal and voluntary and would soon be entering its third cycle. There had already been discussions on possible changes to that mechanism. Radical changes were unlikely but there was room for modest improvements to the implementation of recommendations and decisions from previous cycles. States should focus more on the issue of implementation.

62. **The Chair** invited the Committee to begin its general discussion on the item.

63. **Mr. Bessedik** (Algeria), speaking on a point of order, said that it was a matter of concern that two debates were being held simultaneously on the same subject in two different bodies, namely the plenary

session of the General Assembly and the Third Committee. Some delegations were not large enough to be present in both bodies and such situations should preferably be avoided in future. Clarification would therefore be welcome.

64. **Mr. Khane** (Secretary of the Committee) said that the situation was exceptional. For scheduling reasons, and because of his responsibilities in Geneva, the President of the Human Rights Council had had to attend the plenary of the General Assembly before attending the meeting of the Third Committee being held at the same time.

65. **Mr. Bessedik** (Algeria) said that exceptional cases were understandable but no precedent should be set.

66. **Ms. Mxakato-Diseko** (South Africa) said that her delegation shared the same concern about the accountability of the President of the Human Rights Council and the impact of his statement on the body of decisions as well as the substantive work of the Committee.

67. **Mr. Ntwaagae** (Botswana), speaking on behalf of the Group of African States, said that the principles on which the mandate of the Council were based were extremely important, in particular with regard to cooperation and dialogue intended to strengthen the ability of Member States to comply with their human rights obligations. The Council should therefore apply the principles of universality, objectivity and non-selectivity in its consideration of human rights issues.

68. The universal periodic review remained the most effective mechanism for assisting States in fulfilling their human rights obligations. Cooperation and dialogue should be preserved within the framework of that mechanism. The Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review should therefore be properly resourced so that States could develop their national capacity and expertise for the implementation of the agreed recommendations. The mechanisms and special procedures of the Human Rights Council should nevertheless be rationalized and should comply with the institution-building package, the Code of Conduct for Special Procedures Mandate Holders, and their respective mandates.

69. Agenda item 10 of the Human Rights Council, on technical assistance and capacity-building should not be used for monitoring or investigation purposes. Advisory services on human rights issues should be provided only when requested by the State concerned, on the basis of its priorities, and with full respect for the principles of sovereignty and political independence.

70. The African Group was cognizant of the provisions of General Assembly resolution 60/251, and paragraph 5(i) in particular, and supported universal membership of the General Assembly, but deplored all forms of stereotyping, exclusion, stigmatization, prejudice, intolerance, discrimination, hate speech and violence directed against people, communities and individuals. Indeed, the African Group was concerned about attempts to introduce and impose new notions and concepts that were not internationally agreed upon, especially in areas where there was no legal foundation in an international human rights instrument. In particular, attempts to focus on certain persons because of their sexual interests and behaviours, while ignoring intolerance or discrimination in various parts of the world on the basis of, inter alia, colour, race, sex or religion, undermined various human rights instruments and jeopardized the entire international human rights framework by creating divisions. Member States should therefore refrain from prioritizing the rights of those individuals because of possible negative discrimination at the expense of other internationally agreed rights. Doing so would be incompatible with the principles of non-discrimination and equality, which were well entrenched in the Charter of the United Nations and other human rights instruments.

71. The adoption in June of resolution 32/2, entitled "Protection against violence and discrimination based on sexual orientation and gender identity" gave rise to concern, since concepts such as sexual orientation and gender identity were not internationally agreed upon and had received attention to the detriment of the right to development and the racism agenda. The Council should not delve into matters that fell within the domestic jurisdiction of Member States, contrary to the commitment of the United Nations Charter to respect sovereignty and the principle of non-intervention. The notions of sexual orientation and gender identity were not and should not be linked to existing international human rights instruments. The consideration of

resolution 32/2 should therefore be deferred to allow for further discussions and consultations on the legality of creating such a mandate. Accordingly, the activities of the appointed independent expert should be suspended.

72. All States and relevant international human rights mechanisms should intensify their efforts to promote and protect human rights on an equal footing, without exception, and Member States should continue their efforts to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance.

73. **Ms. Amadeo** (United States of America) said that her delegation strongly supported Human Rights Council resolution 32/2 and the appointment of an Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. The previous day, the African Group had tabled its resolution on the Human Rights Council report. Such an unprecedented attempt to reopen a Human Rights Council mandate that some States might deem objectionable under the guise of legal concerns was inconsistent with respect for the Council's ability to function. The General Assembly had never attempted to reopen a Human Rights Council mandate when a mandate holder had been appointed and was carrying out his functions. Doing so would set a dangerous precedent.

74. The Human Rights Council's role as a guardian of rights and freedoms was more important than ever. Civil society space was under attack as a result of restrictive laws, arbitrary arrests and sanctioned brutality. Over 50 countries had introduced laws to restrict civil society. Members of civil society who cooperated with the United Nations played a key role in the functioning of the Human Rights Council and its subsidiary bodies by humanizing the challenges to a particular population, to the benefit of the Council and the international community. Too many Governments were trying to suppress the voices of civil society and reprisals had occurred. Some countries appeared to think that they could intimidate other Member States into complicity with their efforts to silence people. It would be useful to know what practical steps could be taken to strengthen the functioning of the Human Rights Council, to ensure it lived up to its mandate to promote and protect human rights, and to provide

greater space to civil society globally and at the United Nations.

75. **Mr. Barros Melet** (Chile) said that the Human Rights Council had a key role as a legitimate voice for the promotion and protection of human rights and fundamental freedoms. It should therefore firmly condemn all human rights violations but, most importantly, be available to help countries with capacity-building. It was therefore a matter of concern that its decisions were being undermined and that it did not have the resources it needed to carry out its work. Worse still, the Council was being used for purposes that were not part of its mandate, and its mechanisms and working methods might be discredited as a result. Events were reminiscent of the severe crisis suffered by its predecessor, the Commission on Human Rights.

76. The universal nature of human rights required ever more dialogue and cooperation between Member States and the multilateral human rights system so that shared experiences could enhance the promotion and protection of the human rights of women, children, adolescents, the elderly, migrants, indigenous people, persons with disabilities, and lesbian, gay, bisexual, transgender and intersex persons. Any impunity for violations of the rights of persons and groups in vulnerable situations, especially those in the latter group, would open the door to a dangerous relativization of the dignity and protection of different categories of human beings because of who they were. Violent extremism used such practices with very harmful effects.

77. A multilateral system based on cooperation and dialogue was needed to address the current complex and diverse challenges. That system should draw strength from its preventive effectiveness and prioritize consensus and joint action. It should also benefit from participation by civil society, enterprises, academia and other relevant sectors.

78. Chile was a candidate for renewed membership on the Human Rights Council for the period 2018-2020, a reflection of its commitment to dialogue and cooperation within the framework of strict respect for the working methods of the Council.

79. **Mr. Al Muttairi** (Saudi Arabia) speaking in exercise of the right of reply and responding, in particular, to the representative of the Syrian Arab

Republic, said that Saudi Arabia and the international coalition had intervened in Yemen pursuant to a United Nations resolution and at the request of the legitimate Government of that country. It was ironic that the Syrian representative had accused Saudi Arabia of human rights violations when his regime's forces were committing heinous massacres on a daily basis. The Syrian regime was killing and injuring thousands of Syrians, including children, and using internationally prohibited weapons, in clear violation of all relevant international conventions. Furthermore, the Syrian regime had refused to comply with numerous ceasefires brokered by the international community.

80. **Mr. Qassem Agha** (Syrian Arab Republic), speaking on a point of order, noted that Saudi Arabia had referred to the Government of Syria as the Syrian regime and asked the Secretary of the Committee whether it was acceptable to refer to his or any other Government of a sovereign State Member of the United Nations as a regime.

81. **Mr. Al Muttairi** (Saudi Arabia), continuing his statement in exercise of the right of reply, said that Saudi Arabia abided by all relevant international laws and conventions, worked closely with all relevant human rights bodies and was a major provider of humanitarian assistance to people in Yemen, Syria and other war-torn countries, and in countries experiencing humanitarian emergencies. His delegation refused to engage in any discussion of human rights with the Syrian representative; it would only engage in such discussions with United Nations experts and representatives.

82. **Mr. Qassem Agha** (Syrian Arab Republic) speaking in exercise of the right of reply, said that his delegation's legitimate question regarding human rights violations in Yemen had been addressed to the President of the Human Rights Council, not the representative of Saudi Arabia. According to Ms. Leila Zerrougui, Special Representative of the Secretary-General for Children and Armed Conflict, Saudi Arabia and its allies had been responsible for the deaths of hundreds of children and the destruction of 500 schools and hospitals in Yemen. That information had been removed from the final version of the report of the Human Rights Council because of financial pressure and threats against the United Nations by Saudi Arabia. His delegation once again asked the President of the

Human Rights Council to explain why the report of the Council had ignored the ongoing human rights abuses in Yemen.

83. **Ms. Elhassan** (Sudan), speaking in exercise of the right of reply and responding to the statement delivered by the representative of the United States on the situation of human rights in Sudan, said that the Sudanese Government remained firmly committed to improving the situation of human rights in her country and had made considerable progress in that regard, even though it continued to face major challenges as a result of the unilateral economic sanctions imposed on Sudan for almost two decades by the United States.

84. **Mr. Al Muttairi** (Saudi Arabia), speaking in exercise of the right of reply, rejected the baseless claims made by the representative of Syria. Saudi Arabia had neither put pressure on any party nor withdrawn any report. Neither Saudi Arabia nor the Member States taking part in the international coalition in Yemen had bombed schools or hospitals; indeed, the legitimate Government of Yemen had concluded that the international coalition had committed none of the crimes it was accused of. Serious human rights violations continued to be perpetrated, however, by the Houthi movement forces.

The meeting rose at 1.10 p.m.