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## Third Committee

### Summary record of the 38th meeting

Held at Headquarters, New York, on Monday, 31 October 2016, at 3 p.m.

*Chair:* Mr. Eriza (Vice-Chair) . . . . . (Indonesia)

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*In the absence of Ms. Mejía Vélez (Colombia), Mr. Eriza (Indonesia), Vice-Chair, took the Chair.*

*The meeting was called to order at 3.05 p.m.*

**Agenda item 68: Promotion and protection of human rights (continued)** (A/71/40 and A/C.3/71/4)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued)** (A/71/56, A/71/254,

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**(c) Human rights situations and reports of special rapporteurs and representatives (continued)** (A/71/379-S/2016/788, A/71/540-S/2016/839,

A/71/308, A/71/361, A/71/374, A/71/394, A/71/402, A/71/418, A/71/439, A/71/554 and A/C.3/71/5)

1. **Ms. Thomas** (Cuba) said that human rights issues could only be addressed effectively if there was a spirit of international cooperation and mutual respect; they should never be used as a bargaining chip or as a weapon to attack particular countries. The statement delivered by the representative of the United States of America at the 37th meeting was an example of that country's arrogant and confrontational attitude, which in no way contributed to the promotion and protection of human rights. Unlike the United States, Cuba did not deploy tear gas against protesters. All inhabitants were guaranteed full medical coverage, homeless people were looked after and the police were not racist and did not carry out extrajudicial killings based on a person's skin colour or income.

2. Highlighting the alarming number of people living in extreme poverty, with limited access to health care, education and food — a situation made worse by the unjust prevailing international economic order — and the threat posed by war, armed conflict and

terrorism, she said that it was vital for the General Assembly to speak with one voice on the right to peace, the right to development, and the promotion of a democratic and equitable international order. As part of its commitment to protecting human rights, Cuba was striving to promote inclusive economic and social development and improve the well-being of its people, despite the economic, commercial and financial embargo imposed by the United States, which was hampering the country's development.

3. International cooperation should be based on the principles of universality, objectivity, impartiality and non-selectivity, coupled with real political will and mutual respect between the countries of the North and the South. Calling for an end to double standards, politicization and selectivity, she said that respect for human rights, self-determination, and different cultures, religions, beliefs and political, economic and social systems should form the cornerstone of the international community's efforts.

4. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) said that through the exercise of participative democracy and the introduction of legislative and practical measures, his Government had succeeded in reducing poverty, combating inequality and promoting respect for human rights. Reiterating his country's commitment to guaranteeing freedom, justice and equality, he said that his Government was up-to-date with its reporting obligations for the Human Rights Council and was preparing to submit its national report for the second cycle of the universal periodic review process.

5. His Government's successes in the area of human rights had been broadly recognized by the international community and the United Nations, through the universal periodic review process and the re-election of the Bolivarian Republic of Venezuela to the Human Rights Council. In the area of economic, social and cultural rights, his Government had made the eradication of poverty a priority, particularly among indigenous communities, children, young people, women, persons with disabilities and older persons. Venezuela had achieved all of the Millennium Development Goals related to hunger, schooling, women's empowerment, child development, maternal health and combating HIV/AIDS and malaria. The proportion of poor households had fallen to 26.7 per

cent, while extreme poverty had fallen to 5.4 per cent; primary school enrolment had reached over 97 per cent, and secondary school enrolment had risen to 75 per cent.

6. Turning to civil and political rights, he said that his Government recognized the need for social and cultural inclusion and economic equality in order for a true democracy to exist. It was committed to guaranteeing the right to life and did not carry out torture, capital punishment or extrajudicial executions. It had also improved access to the media; strengthened respect for freedom of religion, petition, expression, association and assembly; and guaranteed the right to personal liberty.

7. His delegation rejected any actions that undermined or restricted human rights and fundamental freedoms, and reiterated the importance of the principles of objectivity, impartiality, non-selectivity and non-politicization. In that connection, his delegation did not support the use of unilateral coercive measures or the adoption of country-specific resolutions and special procedures, which infringed the principles of State sovereignty and self-determination.

8. **Mr. Mikayilli** (Azerbaijan), condemning the deliberate destruction of cultural heritage in situations of armed conflict, said that religious and cultural sites, including monuments, shrines and cemeteries, were being targeted in conflict zones with the aim of erasing all traces of the ethnic groups living in those territories. The preservation of cultural heritage was not only a legal obligation, as set out in the Convention for the Protection of Cultural Property in the Event of Armed Conflict, but also a moral imperative. In its resolution 6/1 on the protection of cultural rights and property in situations of armed conflict, the Human Rights Council had reaffirmed that the destruction of or any other form of damage of cultural property could impair the enjoyment of cultural rights and that each party to an armed conflict should take all necessary steps to protect cultural property, including cultural property situated in occupied territories.

9. As underlined by the Special Rapporteur in the field of cultural rights in her recent report (A/71/317), cultural heritage was important not only in itself, but also in relation to its human dimension, in particular its significance for individuals and communities and their identity and development processes. The intentional

destruction of cultural heritage was therefore a human rights issue. Further measures should be taken to protect cultural heritage, and the Committee and the Human Rights Council had a special role to play in that regard.

10. His delegation was also concerned about the increased incidence of police killings of African Americans in the United States. In its report on its mission to the United States, the Working Group of Experts on People of African Descent had highlighted alarming levels of police brutality, excessive use of lethal force by law enforcement officials committed with impunity and the existence of structural and institutional racism. He urged the United States to implement the recommendations of the Working Group, including carrying out independent investigations into reported cases of excessive use of force, and to cooperate fully with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and grant him access to all places of detention.

11. **Mr. Mhura** (Malawi), noting his country's longstanding commitment to the promotion and protection of human rights, said that his delegation recognized the critical role that good governance played in ensuring socioeconomic development. Malawi used a rights-based approach to programming and policy formulation.

12. Climate change was affecting the country's agro-based economy and jeopardizing the food security of many vulnerable people in Malawi. As a result, his Government would struggle to achieve Goals 2 and 3 of the Sustainable Development Goals. Noting that proper nutrition was vital for ensuring that children went to school and later became drivers of sustainable development, he said that people could not participate in the economic, social and environmental efforts needed to get Malawi on track to achieve the 2030 Agenda for Sustainable Development and Agenda 2063 of the African Union if they were malnourished. Although a number of initiatives had been undertaken to address the situation, much remained to be done in terms of both immediate relief and long-term policy reform. Malawi therefore sought the full support of all its cooperating partners.

13. Quality education was vital for promoting sustainable development, building human capital,

helping the people of Malawi to participate in global socioeconomic opportunities, and ensuring that the country was not left behind in an ever-advancing world. Malawi guaranteed the right to education, including free primary education, and many programmes had been put in place to increase access to education.

14. Malawi was committed to improving the welfare of older persons and persons with disabilities. His Government had passed a progressive disability law, launched a strategy for the establishment of disability-friendly policies in all aspects of life, and carried out awareness-raising campaigns. Malawi was also committed to protecting and promoting the rights of persons with albinism, and had taken strong and deliberate measures to end such practices.

15. **Mr. El Kaddouri** (Morocco) said that his Government was committed to protecting and promoting human rights, the rule of law, democracy, good governance and sustainable development. In 2011, a new Constitution had been adopted that affirmed the primacy of international law over domestic legislation, guaranteed respect for cultural diversity, and criminalized torture and forced disappearances. Highlighting his Government's willingness to work with international human rights bodies and to accept constructive criticism, he said that the election of Morocco to a number of United Nations bodies was a vote of confidence on the part of the international community and further evidence of the country's commitment to multilateral cooperation and human rights.

16. Morocco had undertaken structural and democratic reforms with a view to further promoting human rights. In particular, he cited the creation of an interministerial task force on human rights, the establishment of a reconciliation commission, the revision of the country's family code, the launch of a national initiative for human development, the strengthening of the national human rights council, the launch of a new model of development for the southern provinces, and the promotion of linguistic and cultural diversity.

17. **Mr. Wu Haitao** (China) said that given the intricate interlinkages between human rights and historic and cultural traditions and values, as well as political and economic systems of different countries,

human rights must be pursued in light of countries' specific conditions and their peoples' aspirations. Cooperation in the field of human rights must be strictly in line with the purposes and principles of the Charter of the United Nations and respect for the sovereignty, independence and territorial integrity of States. China was opposed to politicization and double standards on human rights issues and rejected interference in the internal affairs of States under the pretext of human rights. Dialogue and cooperation should be conducted on the basis of equality, in an open and inclusive manner; effective means should be sought for human rights protection by deepening mutual trust.

18. Efforts must be made to promote inclusive development, as the basis for the protection and promotion of human rights. Countries should be guided by the Declaration on the Right to Development, and, in the context of the 2030 Agenda on Sustainable Development, they should accord priority to helping developing countries to eliminate hunger and poverty and realize the rights to life and development. Developed countries must honour their official development assistance commitments.

19. As there were no universally applicable development pathways or human rights standards, respect should be shown when countries chose human rights protection modalities tailored to their national circumstances. Disparate country realities entailed different ways and means for human rights protection; the will of the people was paramount.

20. There was a need to strike a balance between the two categories of human rights, which were interdependent and equally important. All human rights should be advanced in a balanced and coordinated fashion. Developed countries needed to pay greater attention to the promotion and protection of economic, social and cultural rights, and recognize the right to development.

21. China had found its own path of human rights development by combining the principle of universality of human rights with its national conditions, and had achieved remarkable results. In September 2016, his Government had released its third national human rights action plan, which set goals for the period 2016-2020. Under that plan, his Government would comprehensively safeguard economic, social

and cultural rights, improve livelihoods and quality of life, ensure equal access to public services, reduce poverty and protect the environment. It would uphold civil and political rights, including the right to fair trial and full realization of the rights to information, participation, expression and oversight. It would also develop measures to eliminate gender discrimination, and safeguard and enhance the rights of ethnic minorities, young people, older persons and Persons with disabilities. It would foster a culture of respect for human rights through education and a national campaign to raise awareness of relevant laws; and would take an active part in the international human rights arena by fulfilling its obligations under human rights treaties, participating fully in the work of United Nations human rights mechanisms, engaging in human rights dialogue, exchanges and cooperation and providing technical assistance to other developing countries in need.

22. **Ms. Rasheed** (Observer for the State of Palestine) said that the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/71/554), as well as the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/71/352) and relevant reports by other United Nations bodies and agencies, accurately portrayed the critical human rights situation in Palestine as a result of the illegal, oppressive policies being pursued by Israel, the occupying Power, during its foreign military occupation. The reports examined the situation through the clear lens of the Charter of the United Nations and international law, including humanitarian and human rights law, all of which were applicable to the Occupied Palestinian Territory, including East Jerusalem. His delegation therefore firmly rejected any attempts to portray them as one-sided or biased.

23. Over the previous year, the Palestinian people living under Israeli occupation had suffered immeasurably from human rights violations by the occupying Power. Demolition of Palestinian homes, confiscation of land, expansion and construction of settlements and the wall, forced displacement of Palestinian civilians, and annexation threats by Israeli officials had continued unabated. There had also been daily military raids, often causing injury or death,

including by extrajudicial executions, to Palestinian civilians; constant intimidation against and humiliation of the population; settler terror and violence; provocations and extremist incitement against holy sites; arrest and detention of civilians, particularly young men; and continuation of Israel's blockade of the Gaza Strip, where 2 million Palestinians were enduring extreme deprivation and isolation that had caused a dire humanitarian crisis.

24. The persistence of the situation had inflicted immense human suffering and undermined all efforts to realize a just peace based on the two-State solution and the fulfilment of the inalienable rights of the Palestinian people. Furthermore, given its proven unwillingness and failure to investigate serious violations by its occupying forces, Israel should be held internationally accountable for those crimes in order to end the culture of impunity, deter further violations, bring justice to the victims, and promote peace.

25. In the Gaza Strip, the devastating impact of Israel's illegal blockade and the lasting impact of the trauma, destruction and displacement inflicted by its military aggression had continued to affect all human rights and disrupt every aspect of life. Israel enforced a policy of maintaining little more than essential human requirements in Gaza, which had led to chronic de-development.

26. Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, clearly violated international law, and frequently amounted to war crimes and crimes against humanity. The rights of Palestinians were violated daily, as the violations became synonymous with the occupation. It was high time for effective action to be taken to compel Israel to respect its international obligations and allow the Palestinian people to realize their inalienable human rights and national aspirations to live in freedom, security, peace and dignity in their independent State of Palestine with East Jerusalem as its capital.

27. **Ms. al-Zouman** (Kuwait) said that the promotion and protection of human rights and fundamental freedoms and the equality of all citizens in terms of their rights and duties were enshrined in her country's Constitution, which, inter alia, guaranteed the rights to freedom of opinion and expression, freedom of the press, and freedom of peaceful assembly and

association, as well as the rights to life, shelter, education and health care.

28. Kuwait was home to nationals of more than 120 countries. Her Government deeply appreciated the contribution that foreign nationals, including migrant labourers, had made to the country's development, and had ratified 19 International Labour Organization conventions to further strengthen and protect their rights. It believed that ensuring respect for the human rights of individuals benefited society as a whole and could play a key role in fostering international peace and security and promoting sustainable development. Her Government had therefore acceded to most United Nations human rights instruments and was an active participant in international meetings on human rights. It also made voluntary contributions to United Nations human rights mechanisms and agencies.

29. Kuwait condemned Israel's ongoing illegal actions in the Occupied Palestinian Territory, which included acts of collective punishment against Palestinian communities and other flagrant violations of the human rights principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, relevant United Nations resolutions and the Fourth Geneva Convention. In that regard, her delegation shared the concerns expressed by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, and called on the international community to shoulder its responsibility to bring to an end the illegal practices of Israel, the occupying Power, and compel it to implement in full the recommendations contained in the Special Rapporteur's report (A/71/554).

30. Kuwait was also gravely concerned about the increasingly brutal acts of violence that were being perpetrated against the Syrian people, some of which amounted to war crimes and crimes against humanity. More than 130,000 Syrians had sought shelter in her country — equivalent to 10 per cent of the total number of Kuwaiti citizens. Over the previous five years, Kuwait had hosted three international donor conferences to support humanitarian efforts in Syria, co-hosted the Supporting Syria and the Region conference, and provided more than \$1.6 billion in assistance to internally displaced persons in Syria and Syrian refugees who had fled their homeland. Her delegation called on all relevant parties to comply fully

with Security Council resolution 2139 (2014) and urged the international community to redouble its efforts to expedite a peaceful and sustainable political solution that would allow the Syrian people to realize their aspirations to a life of liberty and dignity.

31. **Ms. Yparraguirre** (Philippines) said that it was important to maintain the momentum generated by the adoption of the New York Declaration on Refugees and Migrants in September 2016. The global compact on migration should be developed with a human rights-based framework that would ensure safe, regular and orderly migration and the protection, respect and fulfilment of the human rights of all migrants regardless of status. Migrants should have greater access to social services and be allowed gainful employment. The compact should have a long-term development perspective and should mainstream the interests and protection of migrants in national, regional and international development policies.

32. The Philippines hoped that Member States would incorporate into national policies and practices the Migrants in Countries in Crisis Initiative guidelines, which it had helped to develop. The Guidelines were a voluntary set of commitments and good practices to protect and assist migrants in countries experiencing conflicts or natural disasters anchored on shared responsibility between and among Governments, civil society and international organizations.

33. Responding to the concerns raised by the representative of the United States of America regarding alleged extrajudicial killings in the Philippines in connection with the fight against illegal drugs, she reaffirmed her country's steadfast commitment to upholding the rule of law, human rights and due process. Her Government and its law enforcement authorities did not condone extrajudicial killings in any form. Investigations were ongoing to resolve killings that were connected with the war on drugs, which posed serious threats to public order and well-being.

34. **Ms. Mucavi** (Food and Agriculture Organization of the United Nations (FAO)) said that commendable progress had been made in reducing hunger and malnutrition over the years, but around 800 million people remained chronically undernourished while 1.9 billion people were overweight or obese. FAO was working with partners to tackle the multiple,

interlinked challenges that hindered progress in ensuring the right to food. Shifting changes in lifestyles combined with the economic and food crisis had impeded the realization of the right to adequate food for all. It was important to emphasize the centrality of food and the importance of care to mitigate that trend.

35. Discrimination against women hindered the fight against hunger and malnutrition. FAO was working to address discrimination against women and to foster an empowering environment for them to be central actors in the realization of the right to adequate food.

36. FAO collaborated with parliamentarians in Latin America, the Caribbean, Africa and Europe to support countries and regions in developing food systems that contributed to healthy diets, and assisted Member States in developing knowledge and guidance necessary to ensure food security and nutrition through its Voluntary Guidelines.

*Statements made in exercise of the right of reply*

37. **Ms. Matar** (Bahrain), responding to comments made by the representative of the United States of America at the 37th meeting, reaffirmed that Bahrain was fully committed to upholding the highest standards of human rights protection and would work constructively with the United Nations and others to achieve that goal. To that end, as part of its commitment to an open and participatory democratic process that promoted a strong and cohesive sense of national identity, Bahrain had put in place legislation to protect the political arena from religious or sectarian discourse that sought to create division or suspicion. The political party mentioned by the United States had been shut down after it had rebuffed a number of attempts to engage with it to address its numerous and repeated violations of Bahraini law and the Constitution. In any country, a political party, regardless of its affiliation or orientation, that sought to destabilize a country or encourage violent extremism, sectarian discourse and sedition must be subject to the rule of law in order to preserve social peace and cohesion. The case of the political party in Bahrain had been heard before an independent and transparent judiciary providing all guarantees of a fair trial and due process, which made its judgement on the basis of the facts and applicable laws.

38. Decisions on the revocation of citizenship were taken in accordance with Bahraini laws and only on clear evidence of an individual manifestly failing to fulfil the duties of citizenship, such as working to undermine the Constitution and the rule of law, and raising funds for foreign groups hostile to Bahrain. Nobody had been detained or prosecuted for peaceful freedom of expression, and charges made related solely to specific alleged breaches of the penal code, generally involving deliberate and calculated incitement of hatred or violence. Every person arrested was guaranteed a fair and transparent trial by an independent judiciary with full rights of due process and legal representation, including recourse to the courts.

39. **Mr. Begeç** (Turkey) said that the statement made by the representative of Greece at the 37th meeting had portrayed a selective and one-sided interpretation of history and had conveniently omitted certain facts. In 1963, the Turkish Cypriots, who had been founding members of the State, had been forced out of government institutions and legislative and judiciary bodies, and the atrocities committed against them had been well documented in United Nations archives. Subsequently, the United Nations Peacekeeping Force in Cyprus had been deployed on the island in 1964. Over the following 10 years, 180,000 Turkish Cypriots had been displaced on multiple occasions and forced to live scattered in enclaves. The military coup in 1974 had been instigated by the Greek regime in an attempt to annex the island. Turkey, acting within its rights and responsibilities under the 1960 Treaty of Guarantee as a guarantor Power, had intervened to protect the Turkish Cypriots and to prevent the annexation.

40. Turkish Cypriots continued to experience unacceptable isolation in all fields of life. The international community should engage in direct economic, social, cultural and commercial contacts with Turkish Cypriots to end the injustice in Cyprus without further delay. Turkish Cypriots had shown their political will for a solution by voting in favour of the United Nations comprehensive settlement plan during separate, simultaneous referenda in 2004. There was currently a positive atmosphere on the island following the intensification of comprehensive negotiations to find a settlement by the end of 2016. A settlement must provide an environment where people felt safe and lived in security, where the tragedies of

the past would not be repeated and peace and stability would prevail in the wider region. Turkey, as it had done in the past, would continue to support the efforts of the Secretary-General and his good offices to reach a just and comprehensive settlement agreement on the island.

41. Turkish Cypriot authorities were taking all necessary steps to ensure that the work of the Committee on Missing Persons proceeded unhindered. Hundreds of Turkish Cypriots had gone missing between 1963 and 1974; attempts to exploit a humanitarian issue for purposes of political propaganda undermined the excellent work of that Committee.

42. Since 2005, the Immovable Property Commission had been operating in northern Cyprus to provide remedies to Greek Cypriots and had been endorsed by the European Court of Human Rights. Since the opening of a crossing point in 2003, Greek Cypriots living in northern Cyprus had been able to cross easily to southern Cyprus. Turkish Cypriots and Greek Cypriots had established a joint technical committee to address cultural heritage issues, which had carried out several significant projects related to sites on both parts of the island. The issues raised in the statement of one delegation on that matter would be responded to by its counterpart, the Turkish Cypriot side, whose voice unfortunately could not be heard in the current forum.

43. In connection to the statement made by the representative of United States of America at the 37th meeting, the measures adopted by his Government following the terrorist coup attempt on 15 July 2016 were being implemented in strict accordance with the Constitution, fundamental freedoms, and the supremacy of law to ensure accountability and transparency. Investigations were being conducted with full respect for due process, and judicial remedies were available. Member States should cooperate with Turkey to bring about the extradition of the leader of the terrorist organization that had attempted the coup.

44. **Ms. Shlychkova** (Russian Federation) said that it was regrettable that the representatives of Ukraine and the United States of America and the Observer for the European Union, reflecting their biased approaches and political agenda, had used the discussion to introduce issues relating to the legal status of territories that were beyond the remit and mandate of the Committee.

45. The people of Crimea had acceded to the Russian Federation in exercise of the right to self-determination, and in full compliance with the Charter of the United Nations, the International Covenants on Human Rights and the Declaration on the Principles of International Law concerning Friendly Relations and Cooperation among States. All residents and entities of the Russian Federation, including Crimea and Sevastopol, were protected under Russian legislation and international human rights commitments of the Russian Federation. Any changes in Russian legislation and law enforcement procedures were made in accordance with the Russian Federation's international obligations and on the basis of the best international practice. All cases of human rights violations were investigated and those responsible were brought to account. The human rights situation was monitored by the Russian human rights institute.

46. The representative of Ukraine should have mentioned the attempts being made by Ukrainian radical groups, with the collusion of the authorities, to establish an economic blockade of Crimea, or the way in which the situation of the Crimean Tatars, which the Ukrainian authorities had at best ignored for 20 years, was only now being championed. Recommendations, comments and criticism had been made, not by the Russian Federation, but by, among others, the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe and the Council of Europe Commissioner for Human Rights. Instead of trying to justify their inaction, the Ukrainian authorities should focus on improving the human rights situation, investigating the crimes committed, and fulfilling their international human rights commitments in the south-east of the country.

47. With regard to the concern expressed about the situation in eastern parts of Aleppo, the Observer for the European Union and the representative of the United States should familiarize themselves with the Russian Federation's position, which had been mentioned frequently, including in Security Council meetings.

48. **Mr. Yao Shaojun** (China) said that his delegation strongly opposed the baseless and politically motivated allegations and attacks on China's human rights situation that the representative of the United States and the Observer for the European Union had made at



the 37th meeting. For a long time, the United States and the European Union had used human rights as a geopolitical tool and made comments on the human rights situations of other countries but refused to consider their own unresolved and emerging human rights problems or those of their allies.

49. In the United States, guns spread with little restriction, the police used force against ethnic minorities, prison conditions were horrific, personal data was subject to secret monitoring in reckless violation of human rights, race-based hate crimes occurred frequently, anti-Muslim rhetoric ran rampant and the influence of money in politics damaged democracy. The United States grossly violated the human rights of other countries by causing massive civilian casualties in air raid operations and carrying out large-scale extraterritorial surveillance in violation of the right to privacy.

50. Some European countries suffered from human rights problems such as discrimination against refugees and migrants, forcible repatriation, obstruction of family reunions, and discrimination based on race and religion. Many organizations, including the Office of the United Nations High Commissioner for Human Rights, the Human Rights Council and the United Nations Children's Fund, had expressed concern about European policies on refugees and migrants, which violated national and European human rights laws and standards. His delegation hoped that those countries would stop acting as self-appointed human rights judges and reflect on their own problems in order to improve the human rights situations in their own countries instead of criticizing others.

51. **Mr. Ri Song Chol** (Democratic People's Republic of Korea) said that his delegation categorically rejected the groundless and foolish allegations made by the European Union, Japan and the United States. In naming many countries as so-called human rights violators, they had behaved like courtroom judges; instead of interfering in the internal affairs of other States, they should learn to respect other countries as equal States Members of the United Nations.

52. The European Union, Japan and the United States were the worst violators of human rights both inside their own countries and abroad. The United States had a particularly poor record as a country where racial discrimination, gun violence, torture and other

appalling human rights violations were prevalent. It had slaughtered innocent people, including women and children, in many parts of the world under the pretext of the war on terror, and had started wars and armed conflicts, causing the worst refugee crisis in the Middle East, under the guise of protecting human rights and democracy. Countries in the European Union also had deplorable records of violating human rights, including ill treatment and exploitation of migrants and refugees, Islamophobia, and increases in unemployment and sexual assault. Refugees in European countries were unprotected and subjected to humiliation, expulsion and violence. The United States and the European Union should admit their poor human rights situations to the international community before arguing about the situations in other countries.

53. Japan continued to bluster about the abduction issue that had already been settled by the sincere effort to implement the Japan-DPRK Pyongyang Declaration. It appeared to be trying to evade responsibility for past crimes in order to punish the people of the Democratic People's Republic of Korea and bring down their socialist system. Japan should immediately and sincerely apologize for the heinous crimes against humanity it had committed in the past against the Korean people, including 8.4 million forcible draftings and abductions, 1 million massacres and forcing 200,000 women and girls into sexual slavery for the Japanese army.

54. **Mr. Yaremenko** (Ukraine) said that he wished to remind the representative of the Russian Federation of the definition of aggression pursuant to General Assembly resolution 3314 (XXIX), article 1 of which stated: "Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition". Article 5, paragraphs 1-3 of that definition further stated: "No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression. A war of aggression is a crime against international peace. Aggression gives rise to international responsibility. No territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful". The so-called referendum of the Russian Federation was null and void.

55. **Ms. Michaelidou** (Cyprus) said that Cyprus regretted Turkey's insistence on disregarding the international community and violating several General Assembly and Security Council resolutions by referring to the so-called authorities in the occupied part of Cyprus. She reminded the Turkish delegation that the referenced area was the product of the illegal Turkish occupation of part of the Republic of Cyprus for over 42 years. It was time for Turkey, as the occupying Power, to end that anomaly by aligning itself with legality and United Nations resolutions. With regard to the other issues mentioned by the representative of Turkey, her delegation's positions had been expressed in its initial statement and did not need to be repeated.

56. **Ms. Simovich** (Israel) said that the exchange of rights of reply could have been averted had the Palestinians chosen to work towards improving human rights in their own society and engage in serious negotiations with Israel. Unfortunately, instead of investing in education and giving children the tools for a better future, they were engaging in indoctrination and incitement and instructing children in the ways of terrorism. The Palestinian authorities had recently named a school in the West Bank city of Tulkarm the Martyr Salah Khalaf School, in memory of the leader of the Black September terrorist group who had been the mastermind of the 1972 Munich Olympics massacre in which 11 Israeli athletes had been tortured and brutally murdered and had also played a role in the 1973 takeover of the United States embassy in Khartoum, during which two United States diplomats and a Belgian envoy had been murdered.

57. The December 2015 report of the Secretary-General (E/CN.6/2016/6) highlighted the discrimination and ill-treatment faced by Palestinian women in their society, including domestic violence, lack of access to justice and labour discrimination. She asked how it was possible to discuss human rights while ignoring Hamas, an internationally recognized terrorist organization, which was going to extreme lengths to deny the most basic rights of the Palestinian population and carrying out terrorist acts against Israeli citizens while neglecting the needs of its own population. Unfortunately, the voices of Palestinian, Israeli and other victims of human rights violations perpetrated by the Palestinian authorities, Hamas or Islamic Jihad were being ignored and were of no interest to the

Special Rapporteur under his current mandate. Instead of promoting terrorism and inciting violence against Israelis, the Palestinians should promote education, health and welfare in their society and encourage respect for human rights. That was the only way to break the cycle of violence and help build a common future with Israel as a partner.

58. **Mr. Tsutsumi** (Japan) said that the assertion by the representative of the Democratic People's Republic of Korea that the abduction issue had already been settled contradicted the current agreement between their two countries and was therefore incorrect. In the May 2014 Stockholm Agreement, the Democratic People's Republic of Korea had undertaken to carry out comprehensive investigations concerning all Japanese persons, including abductees. Japan urged that Government to return all abductees as quickly as possible, pursuant to the agreement. The claims and figures cited by the Democratic People's Republic of Korea were groundless and based on erroneous information. Since the end of the Second World War, Japan had consistently endeavoured to build a free and democratic State based on respect for human rights and the rule of law.

59. **Ms. Rasheed** (Observer for the State of Palestine) said that, not surprisingly, the representative of the occupying Power had tried to distract attention from the brutality of Israel's illegal occupation and gross violations of the human rights of the Palestinian people by making misleading claims of incitement by the Palestinian leadership. Claims of incitement had been discredited in Israel's own courts, including a district court in Tel Aviv which had dismissed such claims as selective and distorted in 2013. The true cause of violence was the occupation itself. According to B'Tselem, an Israeli non-governmental organization, "living under military rule mostly means invisible, bureaucratic, daily, violence. It means living under an endless permit regime, which controls Palestinian life from cradle to grave". The oppression and repression by the Israeli occupation was real, and was experienced every day by Palestinians; they did not need to be incited. Her delegation also continued to reject the outrageous claim that Palestinians taught their children to hate. That argument dehumanized and vilified Palestinians, inciting further hatred among Israelis. Claims of Palestinian incitement to hatred in school curricula had also been debunked.

60. In her original statement, she had described a pattern of policies and practices constituting clear violations of international law which had been approved at the highest levels of the Israeli Government. It was not merely Palestinian opinion but was the consensus of the international community that many of those violations amounted to war crimes and crimes against humanity. Israel violated the rights of the Palestinian people on a daily basis, marring their lives with an intricate, self-perpetuating web of interlinked abuses. The 50-year occupation and violations were each as illegal as the other. She hoped that the Israeli representative would find it possible to mention the word “occupation” in her next statement.

61. **Mr. Ri Song Chol** (Democratic People’s Republic of Korea) said that his delegation totally rejected the misleading allegations by Japan regarding the abduction issue. The intergovernmental agreements between his country and Japan, including the Stockholm Agreement, had been breached by Japan aligning itself with sanctions against the Democratic People’s Republic of Korea. His delegation urged Japan to issue a sincere, official apology for all its crimes against humanity, including the crime of sexual slavery, as demanded by the international community, and to put an end to human rights violations and discrimination against Korean residents of Japan, in line with its moral and legal responsibility.

62. **Mr. Tsutsumi** (Japan) said that Japan had no intention of breaching the Stockholm Agreement, and urged the Democratic People’s Republic of Korea to return all abductees as quickly as possible pursuant to that Agreement. It was regrettable that the Democratic People’s Republic of Korea had not responded to the repeatedly expressed concerns of the international community with concrete actions. Japan hoped for a response to those concerns and constructive steps forward.

63. **Ms. Simovich** (Israel) said that she was looking forward to hearing a Palestinian non-governmental organization speaking out against Palestinian terrorism, the use of children for terrorism, and the exploitation and murder of Palestinian women and children. She also looked forward to hearing the Palestinian courts speak out against the appalling human rights violations perpetrated by the Palestinians.

*The meeting rose at 4.30 p.m.*