



# General Assembly

Seventieth session

Official Records

Distr.: General  
16 November 2015

Original: English

---

## Third Committee

### Summary record of the 21st meeting

Held at Headquarters, New York, on Wednesday, 21 October 2015, at 10 a.m.

*Chair:* Ms. Kupradze (Vice-Chair) ..... (Georgia)

## Contents

Agenda item 72: Promotion and protection of human rights (*continued*)

- (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms
- (c) Human rights situations and reports of special rapporteurs and representatives

---

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Control Unit ([srcorrections@un.org](mailto:srcorrections@un.org)), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org/>).

15-18311 (E)



Please recycle A small graphic of a recycling symbol, consisting of three chasing arrows forming a triangle.



*In the absence of Mr. Hilale (Morocco), Ms. Kupradze (Georgia) (Vice-Chair) took the Chair.*

*The meeting was called to order at 10.10 a.m.*

**Agenda item 72: Promotion and protection of human rights (continued) (A/70/36, A/70/40)**

- (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (A/70/56, A/70/111, A/70/154, A/70/166, A/70/167, A/70/203, A/70/212, A/70/213, A/70/216, A/70/217, A/70/255, A/70/257, A/70/258, A/70/259, A/70/260, A/70/261, A/70/263, A/70/266, A/70/270, A/70/271, A/70/274, A/70/275, A/70/279 and Corr.1, A/70/285, A/70/286, A/70/287, A/70/290, A/70/297, A/70/303, A/70/304, A/70/306, A/70/310, A/70/316, A/70/334, A/70/342, A/70/345, A/70/347, A/70/361, A/70/371, A/70/405, A/70/414, A/70/415 and A/70/438)**

- (c) Human rights situations and reports of special rapporteurs and representatives (A/70/313, A/70/332, A/70/352, A/70/362, A/70/392, A/70/393, A/70/411, A/70/412, A/C.3/70/2, A/C.3/70/4 and A/C.3/70/5)**

1. **Mr. Al Hussein** (United Nations High Commissioner for Human Rights), introducing his report (A/70/36), said that durable solutions to the turmoil and crises that the international community faced would only be achieved when States fulfilled their human rights commitments. Over the past year, the world had seen the largest human displacement since the Second World War. More effective approaches, grounded in human rights, were urgently needed to address the problems of migration governance and protect both refugees and migrants. Refugees had special rights under international law, but all migrants had human rights, which must be protected. The Recommended Principles and Guidelines on Human Rights at International Borders issued by the Office of the High Commissioner for Human Rights (OHCHR) in 2015 set out detailed criteria for the rights-based governance of borders.

2. As co-Chair of the Working Group on Migration, Human Rights and Gender of the Global Migration Group, OHCHR had sought to inject a human rights perspective into discussions of migration at all levels.

OHCHR was engaged in capacity-building and developing training packages on migration and human rights for government officials, civil society and national human rights institutions. It was also monitoring human rights issues associated with boat arrivals and the trafficking, smuggling, detention and deportation of migrants in Asia and the Pacific, the Americas and Europe. In addition, OHCHR was providing urgent assistance through the United Nations Voluntary Fund for Victims of Torture to 5,000 victims of torture and family members who had fled the conflicts in the Syrian Arab Republic and Iraq.

3. The renewed attention being given to the root causes of the migration and refugee flows was welcome, but many States had responded to escalating insecurity by imposing counter-terrorism measures that fell short of international norms and resulted in arbitrary arrests and detention, torture and ill-treatment, and harsh restrictions on political, civil, economic, social and cultural rights. Countries facing real security concerns must address them in ways that furthered human dignity and promoted inclusion, through greater participation of civil society, women, minorities and youth and an independent press. A healthy civil society space was the strongest and most durable antidote against violent extremism.

4. States must address the economic injustices that hindered development for all and drove so many to leave their homes. Extreme inequalities were unjust, divisive and socially corrosive. They bred economic instability, social unrest and sometimes violent conflict. OHCHR had contributed significant input to ensure that human rights, including the right to development, were integrated at the heart of the 2030 Agenda for Sustainable Development, which brought unprecedented hope for greater inclusion and justice and more sustained prosperity. The implementation of the Agenda must be monitored to ensure accountability, and monitoring efforts should build on existing human rights monitoring mechanisms, in particular the universal periodic review, and have a human-rights-sensitive indicator framework. He urged Member States to join OHCHR in its call for greater disaggregation of data to ensure that the Agenda would address inequalities and discrimination, including gender discrimination.

5. All actors must be held to account, including the private sector. Greater leadership and more robust action by both States and companies were required to

implement the United Nations Guiding Principles on Business and Human Rights. In 2016, OHCHR would present recommendations for improving national legal systems to enhance corporate accountability and access to remedy and would step up its advocacy for more concerted and effective action regarding respect for human rights in economic activities, including in relation to financial institutions.

6. During the reporting period, OHCHR staff had continued to monitor and investigate human rights violations in many regions, often in dangerous and challenging conditions. At the request of the Human Rights Council, investigation teams had been deployed to Iraq, Libya and Yemen, and human rights teams had been sent to Cameroon, Niger and Nigeria. OHCHR had recently issued a historic report on reconciliation, accountability and human rights in Sri Lanka and was preparing a report on human rights violations and abuses against Rohingya Muslims and other minorities in Myanmar. In addition, OHCHR had been requested to urgently undertake a mission to South Sudan, and the Human Rights Council had extended for a further year the mandates of the Independent International Commission of Inquiry on the Syrian Arab Republic and the Commission of Inquiry on Human Rights in Eritrea. OHCHR continued to support investigations by commissions of inquiry and fact-finding missions in the Central African Republic, Sri Lanka and the Occupied Palestinian Territory. It had submitted reports on the situation Ukraine, and its sub-office had remained operational throughout the 2014 conflict in Gaza. In the context of peace operations and humanitarian crises, rapid response teams had been deployed to the Central African Republic, Lebanon, the Occupied Palestinian Territory, Ukraine, Nepal and countries in the Middle East. He had had multiple opportunities to brief the Security Council on specific country situations and on thematic issues. Such briefings were important early warning tools.

7. OHCHR continued to support reporting under the universal periodic review process and the work of the human rights treaty bodies, including the strengthening of the treaty-body system. The Office was also active in the implementation of the Human Rights Up Front action plan, with a view to ensuring United Nations-wide efforts to prevent grave human rights violations. The Human Rights Council had established three new special procedures mandates during the reporting period, on unilateral coercive measures, the rights of

persons with albinism, and the right to privacy, bringing the number of such mandates to 55 as at 1 July 2015.

8. Requests for OHCHR to provide field-based technical cooperation had expanded considerably; by July 2015, it had 64 field offices and structures. Seeking new and better ways of delivering the mandate of OHCHR, he had launched an organizational change initiative. The initiative capitalized on the role of OHCHR as the United Nations' leading reference point and advocate for human rights and prioritized working directly and through partners to transform the recommendations of the human rights mechanisms into real changes on the ground. It would place a premium on partnerships within the Organization and across the international system, especially with regional organizations, and would be achieved within the existing resource budget. Eight regional hubs would be established to achieve the more balanced global presence that Member States had long called for, making the Office fully operational in developed and developing countries alike. The hubs would position OHCHR to provide human rights mainstreaming expertise to Member States and regional organizations in the implementation of the 2030 Agenda, to deliver on the early warning and prevention aspirations of the Human Rights Up Front Action Plan and to provide surge capacity when needed. He counted on Member States to support the initiative and the work of OHCHR, which had impacted the lives of millions worldwide, in the continued pursuit of a more secure, prosperous, equal and just world.

9. **Mr. Giacomelli da Silva (Brazil)** said that his country was concerned by States' increasing focus on security concerns in their initiatives to promote and protect human rights, particularly as they sought to counter violent extremism and terrorism. Human rights, including women's rights, should not be subordinated to military and geopolitical objectives; efforts to promote those rights must maintain a civilian character. Indeed, military intervention in countries already affected by political instability often undermined respect for human rights, and had played a key role in generating the ongoing migrant and refugee flows. The international community had a twofold responsibility, namely to prevent a recurrence of those flows and protect the rights of all migrants and refugees, regardless of their migratory status. The promotion and protection of human rights was a

fundamental part of the work of the Organization, which must allocate a larger share of its budget to that end. Steps must also be taken to address the chronic underfunding of OHCHR and its overdependence on voluntary contributions. In that regard, his delegation believed that special political missions should be financed by a separate mechanism or by drawing on the resources allocated to peacekeeping operations with a view to freeing additional resources for human rights initiatives. He asked the High Commissioner how the international human rights system could be bolstered so as to strengthen protections for refugees and migrants.

10. **Mr. Rabi** (Morocco) said that his delegation appreciated efforts by the High Commissioner to enhance the flexibility of his Office so that it could more effectively address emerging challenges, including by enhancing coordination with its field offices. It was vital for all human rights bodies to coordinate their activities and respect their mandates. They must avoid all politicization of human rights issues and refrain from seeking to exploit human rights issues to undermine the sovereignty, stability or integrity of States.

11. It would not be possible to resolve the ongoing migrant and refugee crisis in Europe unless States adopted a comprehensive and holistic approach that was based on human rights. In that regard, he asked how the various United Nations agencies working in the field of migration could enhance the international community's response to the crisis. Morocco stood ready to strengthen its partnership with, and defend the independence of, OHCHR.

12. **Mr. Mendoza-García** (Costa Rica) said that his delegation recognized that OHCHR must be adequately funded in order to perform its functions effectively. The High Commissioner's report raised the issue of reprisals against human rights defenders and individuals or groups that worked with human rights agencies; he asked how OHCHR would further the implementation of the Guidelines against Intimidation or Reprisals (the "San José Guidelines") adopted by the chairs of the United Nations human rights treaty bodies at their 27th meeting in San José.

13. **Ms. Pérez Gómez** (Colombia) said that the joint work undertaken by OHCHR with her Government had been particularly helpful in combating impunity, protecting human rights defenders, preventing

discrimination and implementing economic, social and cultural rights and the United Nations Guiding Principles on Business and Human Rights. The restoration of rights was a prerequisite for peace; her delegation therefore sought more information on the work of OHCHR on ensuring the non-repetition of rights abuses. She thanked the High Commissioner for the work done by his Office to protect the rights of migrants, which was a priority issue for Colombia.

14. **Mr. Olguín Cigarroa** (Chile) said that Chile supported the work being done by OHCHR to investigate human rights abuses and combat discrimination, especially violence against minorities and lesbian, gay, bisexual and transgender persons. His delegation supported the strengthening of the regional offices. The regional office for South America located in Santiago had played a key role in strengthening democracies by providing technical advice to help countries implement their treaty obligations and supporting exchanges of experience, while crucially giving due consideration to the specific needs of each country.

15. **Mr. Hajnoczi** (Austria) said that his delegation supported efforts by the High Commissioner to address key challenges, including ongoing discrimination against minorities. Austria was particularly concerned by growing intolerance and violence against lesbian, gay, bisexual and transgender individuals. He asked the High Commissioner what concrete measures could be taken to address the challenges facing religious minorities in many parts of the world. His delegation shared the High Commissioner's concerns with regard to the ongoing migration and refugee crisis, which necessitated the adoption of a comprehensive human rights based response involving origin, transit and destination countries. Noting that the OHCHR was working with a broad range of stakeholders to address migration issues, including the International Organization for Migration, he asked what additional steps could be taken to strengthen inter-agency coordination. He also asked what action the international community could take to help civil society actors and human rights defenders carry out their work independently without interference or risk of reprisals.

16. **Ms. Fitzmaurice Gray** (Ireland), welcoming the opportunity to engage in two-way dialogue with the High Commissioner, said that it was important that the lines should not become blurred between dialogue and

direction. A key aspect of his mandate was his independence and that of his Office. She asked whether there were any practices he would like to see spread from the Human Rights Council in Geneva to the General Assembly in New York or vice versa; whether he agreed that allowing for greater civil society participation as was the case in the Council added real value and whether work across the two bodies could be better coordinated to lessen the burden on OHCHR, including the reporting burden.

17. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that his Government welcomed the establishment of the long overdue special procedure mandate on unilateral coercive measures. The Islamic Republic of Iran was concerned that certain States continued to pursue their biased and unsuccessful policy of naming and shaming particular countries in the Human Rights Council and the Third Committee, while constantly compromising when it came to grave human rights violations committed by their allies. His delegation expected OHCHR to adopt the necessary measures to combat the rise in anti-immigrant discourse and in incitement to racism and religious intolerance, particularly in the West, and urged OHCHR to redouble its efforts to stop the brutality in the occupied territories and the genocide of the Palestinian people.

18. In view of the total disregard of human rights demonstrated by takfiri-affiliated groups, such as Islamic State in Iraq and the Levant (ISIS), his delegation encouraged the High Commissioner to implement the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, particularly in relation to the Christian, Yazidi and Shia communities in the Middle East. His delegation noted with regret that sincere efforts by some countries to combat international armed drug traffickers and associated criminals were deliberately overlooked, when the production and distribution of narcotic drugs represented a major threat to the young and constituted a serious violation of human rights.

19. **Mr. Paswan** (India) said that, to have a more meaningful and sustained impact, any assistance offered by the United Nations human rights machinery, including OHCHR, should be upon the request and as per the priorities and specific circumstances of the country concerned. The inherent ambiguities in the governance and administrative arrangements of

OHCHR hindered its performance; it was imperative for Member States to agree on a mechanism to address the funding, staffing, priority-setting, transparency and accountability of that body. He would appreciate more information on steps taken in that regard.

20. The Human Rights Council and its mechanisms should avoid falling into the trap of selective country spotlighting and intrusive monitoring, which had repeatedly proven to be counterproductive, and should instead focus on enhancing genuine dialogue and cooperation. Much could be learned from the success of the universal periodic review process. He asked whether there were plans to improve the effectiveness of that process and avoid it being used to impose specific thematic issues that had not been universally accepted.

21. **Mr. Ríos Sánchez** (Mexico) said that Mexico supported the work of OHCHR and stressed the need to maintain the independence of the Office. It also supported initiatives to ensure that the Office was sufficiently funded and, to that end, Mexico continued to make non-earmarked contributions and lobby for increases to the Office's regular budget. Mexico was an open and democratic nation, which was endeavouring to strengthen the rule of law and human rights, as the High Commissioner had been able to see at first hand during his visit to the country from 4-7 October 2015, which had included a highly constructive exchange of information with senior Government officials and representatives of civil society about both the progress made and challenges that remained. His Government would pay close attention to the specific recommendations made by the High Commissioner in that regard.

22. His delegation wished to highlight the usefulness of the technical cooperation provided to Governments and the need to continue addressing the challenges faced by vulnerable groups. Mexico was also particularly interested in promoting the integration of human rights in the economic and development fields and had actively promoted the incorporation of human rights issues into the 2030 Agenda for Sustainable Development. Noting with appreciation the focus on migration issues in the High Commissioner's report, he asked how the High Commissioner thought the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families could help address the current situation.

23. **Mr. Syarif** (Indonesia) said that, for his country, the promotion and protection of human rights was an ongoing process. A fourth national action plan on human rights had been adopted for 2015-2019, which featured a streamlined implementation mechanism and more specific, measurable strategies. A national joint secretariat had been established and complaints mechanisms improved, and ministries, agencies and local governments now had the authority to formulate specific human rights actions.

24. At the regional level, Indonesia actively contributed and participated within the framework of the Intergovernmental Commission on Human Rights and the Commission on the Promotion and Protection of the Rights of Women and Children of the Association of Southeast Asian Nations (ASEAN). The promotion and protection of human rights at all levels required constructive dialogue and productive engagement. To that end, synergy, coordination and dialogue between the Human Rights Council and the OHCHR, as well as with the international community, should be further enhanced.

25. **Mr. Zehnder** (Switzerland) said that Switzerland was concerned about the chronic underfunding of OHCHR. Resources allocated from the United Nations regular budget to the human rights pillar should increase and at least cover all the activities mandated by the Human Rights Council. His delegation welcomed the change initiative presented by the High Commissioner, including the establishment of regional hubs that would allow his Office to work more closely with States and other stakeholders. He asked what measures, in the High Commissioner's view, could be taken to better mobilize the main bodies of United Nations to address the current migrant crisis.

26. **Mr. Yao** Shaojun (China) said that in the promotion of human rights at the international level, OHCHR should always adhere to the purposes and principles of the Charter of the United Nations, respect the sovereignty of Member States, and refrain from interfering in their internal affairs. It must not regard itself as a prosecutor or judge of the human rights situations of specific countries. Rather, on the basis of prior consultation with the countries concerned, it should address the relevant issues through dialogue and cooperation in a prudent, objective and appropriate manner.

27. His delegation hoped that OHCHR would seize the opportunity, presented by the recently adopted 2030 Agenda to guarantee adequate financial and human resources for the implementation of the International Covenant on Economic, Social and Cultural Rights and the realization of the right to development. OHCHR should also incorporate specific items relating to the right to development into its programme of work for the next two years.

28. OHCHR should focus on facilitating the creation of a working environment at the Human Rights Council characterized by equality and mutual trust, openness and transparency, and dialogue and cooperation, in order to promote mutual understanding and respect among Member States and uphold the intergovernmental nature of the Council and the principle of its ownership by Member States. The two types of human rights should be advanced in a comprehensive and balanced manner, and in the promotion and protection of those rights, the relevant United Nations organs and mechanisms should have a clear division of labour and strengthen cooperation so as to avoid duplicating efforts and wasting resources.

29. When setting out specific ideas for restructuring the OHCHR headquarters and building local offices, and developing and carrying out its programme of work in accordance with the biennial strategic framework of the Secretary-General, OHCHR should maintain close communication with Member States and heed and respect their views. On the occasion of the 30th anniversary of the adoption of the Declaration on the Right to Development, as well as the recent adoption of the 2030 Agenda, his delegation wished to know what plans OHCHR had concerning the right to development.

30. **Ms. Anichina** (Russian Federation) said that the reforms of Secretariat departments proposed by the High Commissioner should be implemented if not at the decision of Member States then at least in consultation with them. She requested more detailed information on the political, structural and financial consequences of such reorganization, for example to what extent the new structure conformed to the mandates and projects put forward in Programme 20, and on how it had been determined in what countries and regions OHCHR presences would be established and existing ones strengthened. Her country was concerned by the tendency to establish OHCHR missions and commissions to examine human rights

violations in individual countries. Empowering OHCHR missions with investigative, supervisory or judicial authority went far beyond the scope of the existing mandate, according to which OHCHR could provide only technical or advisory assistance.

31. **Ms. Tschampa** (Observer for the European Union) said that the European Union reiterated its support for the independence and integrity of the mandate of the High Commissioner and his Office. The European Union welcomed the progress made by OHCHR with regard to its thematic priorities, including its focus on widening the democratic space, advancing equality and combating discrimination, and urged it to respond promptly and fully to requests made by the Human Rights Council for it to dispatch urgent missions and conduct in-country assessments. Europe, among other regions, was facing an unprecedented migrant and refugee crisis, and the European Union was committed to promoting and protecting human rights in its response. She asked how OHCHR saw its role in the follow up and review of the Sustainable Development Goals and how it viewed the impact of new social media and the immediacy of such media on the work of the human rights mechanisms, such as commissions of inquiry.

32. **Ms. Vilde** (Latvia) said that her Government appreciated the engagement of OHCHR in urgent human rights situations, the progress achieved in advancing its thematic priorities and its growing presence in social media, and wished to highlight its work in the field of gender equality. She requested information about the most pressing gender equality issues that OHCHR envisaged addressing in the short term.

33. Latvia hoped that the change initiative would strengthen the monitoring, reporting and technical assistance capabilities of OHCHR. Her country strongly supported the work undertaken by United Nations human rights monitoring missions, including in Ukraine, and asked for the High Commissioner's views on ways to enhance their operation.

34. **Mr. Storrar** (United Kingdom) said that the United Kingdom supported the independence of OHCHR and its work in the field and under the Human Rights Up Front agenda in particular. Addressing human rights concerns from the outset played an important role in conflict prevention. With its donation of over US\$ 1.1 billion to support the United Nations'

work in refugee camps, the United Kingdom had become the second largest humanitarian donor to the Syrian refugee crisis. However, the root causes of the current migration crisis, namely a fundamental lack of respect for basic human rights, in particular by the Assad regime in the Syrian Arab Republic, must not be ignored.

35. His Government had noted the High Commissioner's recent comments about the British media. The United Kingdom had a strong legal framework to combat incitement to religious and racial hatred. However, one of the foundations of an open and democratic society was a free and open media, able to hold Governments to account and to express views freely without interference from the State or fear of censure.

36. He asked what role the High Commissioner saw for his Office in helping to deliver the 2030 Agenda for Sustainable Development.

37. **Ms. Mendelson** (United States of America) said that her Government fully supported the mission of UNHCR and appreciated the High Commissioner's strong advocacy on behalf of victims around the world and his outspokenness about urgent human rights situations in countries such as the Syrian Arab Republic and the Democratic People's Republic of Korea, as well as on issues such as violence and discrimination against individuals because of their sexual orientation or gender identity.

38. OHCHR had engaged in constructive and meaningful work, including in support of the Independent International Commission of Inquiry on the Syrian Arab Republic, in relation to South Sudan, Sri Lanka, Ukraine and the atrocities committed by Islamic State in Iraq and the Levant (ISIL), and in regard to widening the democratic space through the protection of fundamental freedoms. Her delegation urged OHCHR to continue to increase its engagement with the Security Council and other United Nations organs and to raise awareness of human rights issues broadly through both traditional and social media. She asked what institutional threats there were to the independence of OHCHR and its mission, and what steps States should be taking to ensure it could function independently. She also asked how the proliferation of new laws aimed at curbing civil society participation could be addressed.

39. **Mr. Al Hussein** (United Nations High Commissioner for Human Rights) said that with regard to migrants and refugees, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provided a sound framework for protecting migrants, but only 48 States had ratified it, and its impact was therefore limited. In addition, some people might be forced to leave their country for reasons not covered by the Convention relating to the Status of Refugees. Migrants' human rights were protected under other conventions, however, and he urged States to comply with their treaty obligations without discrimination on the basis of migratory status. Worrying weaknesses in the global governance structures for migration and refugees had become apparent and needed to be addressed. Rights to legal redress and to have one's case heard, for example, were not always being upheld in refugee processing centres. His Office worked closely and met regularly with the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees, and the Special Representative of the Secretary-General for International Migration and liaised with the International Labour Organization to identify ways to link migration strategies with labour market requirements. The Geneva-based human rights bodies did indeed give a greater voice to civil society in their deliberations, and the practice should possibly be adopted across the board.

40. Suggesting mechanisms to ensure the non-repetition of human rights abuses should form part of reporting on human rights situations, and the Colombian authorities had been creative in that regard. Reprisals against persons who cooperated with United Nations human rights bodies was an ongoing concern that required renewed attention, not least because civil society human rights defenders often represented the most marginalized groups and those most denied their rights to education, health and development. It was shocking that the millions of deaths from preventable causes, which constituted a denial of the right to health, did not elicit the same response as deaths caused by violence, and he urged delegations to think broadly about those issues.

41. OHCHR had a mandate to speak out on behalf of the most vulnerable, discriminated against and disadvantaged people; given the universal nature of human rights and of the universal periodic review

mechanism, his Office needed to have a global presence. The establishment of regional hubs was intended to improve the efficiency of OHCHR and bring it closer to rights holders and duty bearers. Their location was still the subject of ongoing discussions. The principles of non-selectivity and non-discrimination would continue to be applied. OHCHR established a presence in a Member State only at the request of the Member State concerned and sought to work closely with Governments on helping them improve the human rights situations in their countries. The exchange of information and ideas was important, and he invited delegations to share their assessments.

42. Greater attention should be paid at the country level to racial discrimination and the rights of minorities, including religious minorities. Work was continuing through well-attended regional workshops to implement the Rabat Plan of Action. His Office also supported the work of the Special Rapporteur on minority issues, as well as civil society discussions on incitement in the Middle East and North Africa.

43. Measures to counter violent extremism were shrinking the space for civil society in nearly all countries. An active civil society, however, was the best guarantee against radicalization. States must find the right balance between their duty to protect citizens and the need to leave enough space for civil society to operate. Civil society was needed not only to contribute to the work of the United Nations in the field of human rights, but also to achieve the Sustainable Development Goals.

44. Although certain thematic issues continued to divide the membership of the Human Rights Council, the Council was functioning efficiently and had successfully addressed a number of country-specific issues on which members of the Council had previously been unable to achieve consensus. The Council was being asked more frequently to conduct investigations, reflecting the increasing faith in its mechanisms and in its ability to produce high quality reports. While the General Assembly and its subsidiary bodies in New York played an important role in upholding human rights, it was important to acknowledge and maintain the considerable human rights expertise present in Geneva. To further the Organization's human rights agenda, United Nations bodies in New York and Geneva should respect each other's competencies.



45. Information on human rights abuses by parties to armed conflicts was increasingly being uploaded to social media platforms. OHCHR sought to make use of that information in its investigations and was striving to develop relevant expertise so that it could ascertain its veracity.

46. On the issue of women's rights, he said that OHCHR had signed a memorandum of understanding with UN-Women in 2013, which had set forth the two agencies' respective roles and responsibilities with a view to enhancing their collaboration. His Office had redoubled its efforts to integrate gender and women's human rights into its core activities, including in the areas of transitional justice and the protection of human rights defenders. UN-Women had worked with his Office in areas such as the provision of reparations to victims of sexual violence and the integration of gender in the work of commissions of enquiry and fact-finding missions. UN-Women had also provided support and guidance to ensure effective investigations of gender related killings.

47. The chronically low levels of regular budget support provided to OHCHR had increased its reliance on voluntary contributions. That situation had created a perception that the Office was over-reliant on a small group of countries, thereby compromising its integrity. The Office made every effort to counter that perception and ensure that it remained scrupulously objective. It did not favour any country or group of countries over any other and steadfastly sought to uphold the rights of the most marginalized and disadvantaged. He emphasized, however, that increasing regular budgetary support to OHCHR would help dispel any doubts regarding its objectivity and enhance job security for its dedicated staff members.

48. **Ms. Ermolovich** (Belarus) said that Belarus was pleased to note that OHCHR had recently been striving to adopt a balanced approach to human rights issues in all regions of the world without exception. Her delegation stressed the importance of ensuring adequate resources for all human rights mechanisms. Following the adoption of the 2030 Agenda, the provision of assistance to States in promoting economic and social rights and ensuring the right to development was of particular importance.

49. As a party to the main international human rights instruments, her country was gradually extending its international human rights obligations and had acceded

to the Convention on the Rights of Persons with Disabilities in September 2015. It was striving to develop cooperation with OHCHR and was grateful for the Office's assistance with a number of events held in Minsk on developing practical cooperation between government bodies, international organizations and civil society in the sphere of human rights, including an international seminar on combating trafficking in persons that had focused on protecting children in that context.

50. Belarus attached great importance to the technical assistance project elaborated in conjunction with the United Nations/United Nations Development Programme (UNDP) office in Belarus and the Council of Europe, with the participation of national experts, for the establishment of a national specialized institution to promote and protect human rights in Belarus. Belarus expected OHCHR to give priority to cooperation with Belarus in the implementation of the country programmes adopted by UNDP, the United Nations Population Fund and the United Nations Children's Fund for Belarus up to the year 2020. The programmes included a wide range of partners, including civil society.

51. Her Government was prepared to cooperate with United Nations human rights mechanisms on the basis of objectivity and impartiality and had extended the list of special procedures of the Human Rights Council invited to conduct country visits. It had successfully undergone the second cycle of the universal periodic review at the Human Rights Council, and had made a voluntary commitment to implement most of the 158 recommendations.

52. Belarus called on OHCHR to distance itself from any attempts to politicize human rights, actively combat double standards and steadily strengthen the principles of dialogue and cooperation. During the meeting of the President of Belarus with the High Commissioner in September 2015, a constructive dialogue had taken place on a range of human rights issues and specific areas of cooperation between Belarus and OHCHR.

53. **Mr. Mall** (Liechtenstein) asked the High Commissioner to update the Committee on the financial situation of his Office, on steps taken to reform its management and, in the light of the increasing restrictions that were being placed on human rights defenders worldwide, on the steps being

taken to ensure the full implementation of Human Rights Council resolution 24/24. Liechtenstein commended the independence and integrity of the High Commissioner and OHCHR, and would continue to support its work.

54. **Ms. Stener** (Norway) said the independence of the High Commissioner and his Office was crucial for the advancement of the human rights agenda. Without a high degree of independence, the High Commissioner could not perform his duties as an impartial, objective, non-selective and effective mandate holder and he and his Office must be shielded from any form of micro-management or attempts to exert political influence over its activities. Norway was concerned, therefore, by recommendation 1 contained in the Joint Inspection Unit Review of Management and Administration of the Office of the United Nations High Commissioner for Human Rights (JIU/REP/2014/7), regarding governance arrangements of the Office. If implemented, that recommendation could undermine the independence of OHCHR. In that regard, Norway welcomed the fact that that over 50 States had expressed similar concerns in a joint statement emphasizing the need for a strong and independent mandate for the High Commissioner.

55. **Ms. Rasheed** (Observer for the State of Palestine) thanked the High Commissioner for the attention he was according to the deteriorating situation in the Occupied Palestinian Territory. Some 50 Palestinians, including children, had been killed and more than 1,850 injured over the previous 21 days. Israel continued to perpetrate grave human rights violations and acts of collective punishment, including house demolitions, against the Palestinian people. Furthermore, armed settlers continued to kill and injure Palestinians and destroy their property. The current escalation in tension was not taking place in a vacuum but rather in the context of a military occupation facilitated by the impunity enjoyed by Israel's occupying forces and settlers. The State of Palestine had long called on the international community, including the United Nations, to accord priority to ending Israel's occupation and bringing the perpetrators of crimes against Palestinian civilians to justice. In that regard, she recalled that, in the report of the commission of enquiry established pursuant to Human Rights Council resolution S-21/1 (A/HRC/29/52), the Human Rights Council had recommended that a follow-up mechanism should be established to ensure implementation of previous

non-implemented recommendations of relevant commissions and fact finding missions. She asked the High Commissioner how he believed such a mechanism should function and whether that mechanism could have helped stem the current violence and brought further pressure to bear on Israel to end its occupation.

56. **Ms. Ortega Gutiérrez** (Spain) said that her delegation supported the restructuring of OHCHR and the effort to move out of the bubble of Geneva and establish offices closer to the work done at ground level. She asked what the High Commissioner's expectations were regarding those changes in the next few months. Spain commended the work done by OHCHR to combat discrimination on the basis of gender and sexual orientation and urged it to continue work in that area. With regard to the refugee and migrant crisis, tackling the root causes, such as lack of development, would be key, and the 2030 Agenda for Sustainable Development represented a unique opportunity to make progress. Her delegation urged OHCHR to continue its work on the development of human rights indicators for the Agenda and asked the High Commissioner what role he saw for his Office in its implementation and the quantification of the achievement of the Sustainable Development Goals.

57. **Ms. Ramos** (Cuba) requested more information on how the restructuring of OHCHR to ensure a presence worldwide would avoid violating the principle that the Office's activities must respond to a prior request for cooperation and assistance from a Member State.

58. **Mr. Jabbar** (Iraq) said that Iraqis were determined to defeat the scourge of terrorism that had engulfed their country and the region. OHCHR had provided much-needed technical assistance to Iraq, which was proving invaluable as it sought to investigate gross human rights violations committed by the Islamic State in Iraq and the Levant. His Government appreciated that assistance and would continue to work closely with the High Commissioner with a view to upholding human rights in its country.

59. **Mr. Myong Nam Choe** (Democratic People's Republic of Korea) said that genuine dialogue, cooperation, objectivity and impartiality must prevail over confrontation, politicization, selectivity and double standards in the international human rights area. His country reiterated its categorical rejection of the

mandate of the OHCHR field office in Seoul, which was pursuing purposes other than genuine promotion and protection of human rights. It also denounced and categorically rejected Human Rights Council resolution 28/22 on the situation of human rights in the Democratic People's Republic of Korea, which some parties claimed provided justification for the establishment of that field office. His delegation unequivocally rejected any discussion by the Security Council of the human rights situation in the Democratic People's Republic of Korea. Such discussions had nothing to do with human rights or the mandate of the Security Council, namely to uphold international peace and security. His country would continue to reject any attempt by certain States, including, in particular, the United States of America, to misuse interactive dialogues, including the current meeting of the Committee, with a view to naming and shaming certain countries.

60. **Mr. Al-Kumaim** (Yemen) said that his delegation appreciated the ongoing efforts by OHCHR to monitor the human rights situation in conflict-affected areas in his country. He asked the High Commissioner to provide further details on the work being undertaken by his Office in Yemen, and whether a lack of financial resources was impeding its work.

61. **Mr. Elmajerbi** (Libya) expressed appreciation for the technical assistance OHCHR was providing to his country in collaboration with the United Nations country team in Libya. Libya condemned all human rights abuses, regardless of their perpetrators. The legitimate authorities in Libya would welcome a visit by a United Nations mission to investigate violations of human rights as soon as conditions allowed and when his Government controlled all parts of the country.

62. **Mr. Elbahi** (Sudan) said that his Government had made significant progress in its efforts to promote, safeguard and strengthen human rights, and particularly in combating human trafficking. Sudan had amended its legislation on trafficking, signed agreements with neighbouring countries on transborder security, and hosted a regional conference on combatting human trafficking and smuggling in the Horn of Africa. Sudan called on OHCHR and the international community to provide technical assistance to the countries of the region to support their efforts to implement the outcome document of that conference. Noting that the High Commissioner

intended to propose to the Human Rights Council ways in which Member States could strengthen their legislative safeguards on human rights, his delegation emphasized that Member States should be involved fully in the formulation of any proposals in that area. He asked the High Commissioner to provide further information on the provision of technical and capacity-building assistance to States that were subject to special procedures of the Human Rights Council. He also asked the High Commissioner to share his views on unilateral coercive measures and whether the debt burdens of States subjected to those measures undermined their ability to uphold human rights.

63. **Mr. Nina** (Armenia) said that the effective promotion of human rights worldwide required States to enact robust domestic human rights safeguards. Since submitting its initial report in 2010 under the universal periodic review, Armenia had implemented a national strategy on human rights, adopted a number of national action plans to address human rights issues and taken steps to ensure that its domestic legislation was in line with international human rights instruments. Although Armenia did not claim to have a perfect human rights record, independent human rights experts had commended the significant progress it had achieved in recent years in areas such as combating domestic violence, promoting good governance and strengthening the rights to freedom of expression and to peaceful assembly and association. His Government stood ready to work with domestic and international stakeholders to strengthen respect for human rights and was proud of Armenia's vibrant civil society — an integral part of the country's public life that played a crucial role in monitoring the implementation of human rights legislation and ensuring accountability.

64. Armenia was deeply concerned by the ongoing migration and refugee crisis and the increasingly frequent human rights violations against migrants and refugees. To achieve sustainable and lasting peace, all States must embrace a human rights approach at both the national and international levels, *inter alia*, by encouraging national civil society actors to voice their concerns regarding domestic and foreign policy issues and facilitating their collaboration with their counterparts abroad. By doing so, Governments could prepare their societies for peace rather than for war. He asked the High Commissioner what additional steps States could take to prevent the intimidation of, and reprisals against, civil society actors, including, in

particular, individuals and organizations involved in regional peace initiatives.

65. **Mr. Fawundu** (Sierra Leone), speaking on behalf of the African Group, said that the Group was committed to upholding all human rights and fundamental freedoms on the basis of the principles of universality, indivisibility, interdependence and interrelatedness. In efforts to uphold those rights and freedoms, it was crucial to refrain from imposing narrow cultural standards, and to respect national priorities and cultural, social and religious differences between societies and communities. The African Group also reaffirmed that human rights included economic, social and cultural rights and the right to development, and called on the High Commissioner to accord due consideration to the right to development within the context of the six thematic priorities established by his Office.

66. The development of normative standards in the field of human rights must take place on the basis of intergovernmental consultations, the outcomes of which must be consensual and transparent. The Group cautioned against any attempts to codify new norms outside such intergovernmental processes and, in that regard, rejected the content and implications of the San José Guidelines against Intimidation or Reprisals. All United Nations bodies must respect their mandates and refrain from attempting to circumvent them through loose interpretations of concepts and principles. In that regard, the Group reiterated the importance of constructive dialogue and cooperation between Member States and the United Nations system, including the special rapporteurs, special procedures and treaty bodies.

67. **Ms. Ilham-Ahmed** (Observer for the Organization of Islamic Cooperation) said that the Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation was deeply concerned by the human rights situation in Palestine, the ongoing plight of migrants on the borders of Europe and, in particular, the human rights situation of the Rohingya minority in Myanmar. In that regard, she asked the High Commissioner for his views on the human rights situation in Myanmar and whether that situation was likely to be affected by the upcoming elections in that country.

68. **Mr. Qassem Agha** (Syrian Arab Republic) said that his country rejected the politicization of human

rights issues by the delegations of certain countries, including the delegation of the United Kingdom, which had misused the current meeting of the Committee to level baseless accusations against his Government — a Government that was using all available resources to combat terrorism. Prior to making such allegations, the representative of the United Kingdom would be well advised to study his country's colonial history and the many gross violations of human rights his country had perpetrated.

69. He asked the High Commissioner what preventive measures his Office could take to stem human rights violations by Israel in the Occupied Palestinian Territory and the occupied Syrian Golan, what his views were on unilateral sanctions, which impeded people's right to development, and what action his Office could take to compel State sponsors of terrorism to refrain from providing financial assistance to terrorist groups. He also asked whether OHCHR was investigating human rights abuses against Syrian refugees in camps in neighbouring States.

70. **Mr. Moussa** (Egypt) said that the global advancement of the human rights agenda should be undertaken on the basis of non-selectivity, impartiality, transparency and objectivity while avoiding politicization and double standards. It was also crucial to respect cultural, social and religious differences between communities and societies and refrain from imposing narrow country-specific standards. Relevant United Nations agencies should provide technical and capacity-building assistance in the field of human rights to countries when requested to do so by the countries concerned. The development gap between countries must be narrowed with a view to mitigating the negative repercussions of globalization and addressing the root causes of terrorism and extremism. United Nations bodies must respect their mandates and refrain from any attempt at circumventing them through loose interpretations or generalizations. Any normative development of human rights should take place within the context of consensual and transparent intergovernmental consultations. Egypt hoped that, in his planned presentation to the Group of 77, the High Commissioner would provide more information on the organizational changes planned for his Office, how those changes would be implemented, and the mandates and locations of the new regional hubs.

71. **Mr. Canay** (Turkey) said that the financial stability of OHCHR and the predictability of its

funding must be strengthened, but without infringing on the independence of that Office. He asked what steps could be taken by the United Nations human rights system to mobilize additional financial and political support for the Office's increasing workload. Rather than adopting a security-based approach to the ongoing migrant and refugee crisis, which would inevitably prove inadequate, States must adopt a comprehensive approach that respected and promoted the dignity, safety and well-being of all migrants and refugees, and which shared burdens and responsibilities between countries of origin, transit and destination. In that regard, he asked how OHCHR could help States formulate a more effective human rights based approach to address the crisis.

72. **Mr. Adeoye** (Nigeria) said that his delegation condemned in the strongest terms the human rights abuses and other heinous crimes perpetrated against innocent women, children and other vulnerable groups in his country by Boko Haram. The Nigerian people and Government continued to stand firm in the face of those deplorable acts and his Government would ensure that the perpetrators of those acts were prosecuted. Nigeria also condemned the utter disregard for human life demonstrated by smugglers and traffickers and the inhumane treatment of migrants in transit and destination States, which constituted a gross violation of international humanitarian and refugee law. States must ensure the humane and dignified treatment of all migrants.

73. Nigeria appreciated the High Commissioner's decision to refrain from adopting positions on issues dividing Member States. While Nigeria condemned all acts of intimidation or reprisal against individuals or groups and endorsed all international measures to promote and protect human rights, it underscored that the development of the human rights framework must take place within the context of intergovernmental consultations that were consensual and transparent. Existing rules and procedures on human rights adopted by consensus by Member States must be adhered to. Nigeria hoped that the right to development, an important component of universal human rights, would be integrated and mainstreamed in the six thematic priorities of the High Commissioner.

74. **Ms. Gebrekidan** (Eritrea) said that human rights were universal, indivisible, and interdependent. International cooperation on human rights issues should ensure equal treatment and should reflect the principles enshrined in the International Covenant on Civil and Political Rights and the International

Covenant on Economic, Social and Cultural Rights; it should be conducted through non-confrontational, transparent and constructive dialogue on the basis of non-politicization and non-selectivity. Every effort should be made to ensure that human rights values were not misused as tools to further narrow political agendas.

75. **Mr. Al Hussein** (United Nations High Commissioner for Human Rights) said that his Office made every effort to ensure that it remained apolitical and objective. OHCHR was guided by information submitted by national human rights bodies, including non-governmental organizations, and went to great lengths to verify the information on human rights abuses that it received. The Office examined the human rights records of a wide range of States, including those whose records were rarely questioned, and was keen to understand the basis upon which any allegations of bias were made. Human rights obligations were incumbent upon all States and the Office had a responsibility to remind States of the commitments they had made pursuant to the human rights instruments to which they had adhered.

76. Turning to the implementation of Human Rights Council resolution 24/24, he emphasized that the United Nations human rights machinery could not function effectively unless the Council enjoyed unfettered access to civil society organizations. States must not threaten civil society actors for carrying out their mandates. Indeed, on the basis of his professional experience, he believed that Governments and civil society actors could often engage in respectful dialogue despite their sometimes divergent viewpoints. Every effort must be made to achieve consensus as to the status of resolution 24/24 and the modalities for its implementation.

77. The deteriorating situation in the Israel and the Occupied Palestinian Territory was a matter of grave concern. The region could ill afford yet another protracted crisis and, for the sake of both Israelis and Palestinians, it was essential for the current crisis to be brought to an end as quickly as possible. Palestinian President Abbas had been invited to address the Human Rights Council and OHCHR was currently developing mechanisms for the investigation of alleged violations of international human rights and international humanitarian law in Gaza, which would be submitted to the Human Rights Council in March 2016 for approval.

78. OHCHR had been unable to verify all allegations it had received of violations of human rights and international humanitarian law in Yemen. Eighteen staff members worked at the OHCHR country office in Yemen but, due to the security situation, its three international staff members had been relocated to Jordan. OHCHR stood ready to provide technical and capacity-building support to the Government of Yemen so that it could investigate alleged human rights violations. In that regard he noted that technical assistance was provided by the Office only to countries that requested it; there were no political ramifications for recipient countries.

79. He welcomed assurances by the authorities in Myanmar that they would respect fundamental freedoms, including the rights to freedom of expression and to peaceful assembly, and their assurances that the upcoming elections in that country would be free and fair. He was therefore concerned by the recent wave of arrests, detentions and convictions of civil society activists and journalists who were critical of the Government of Myanmar. He urged the Government of Myanmar to take meaningful steps to address institutionalized discrimination against the Rohingya and other minorities in the country.

80. In coordination with other relevant agencies, an OHCHR team was monitoring all violations of the rights of internally displaced persons within Syria and of Syrian refugees in neighbouring countries. Furthermore, in coordination with UNHCR, his Office had produced training materials on migration and human rights that had been used to train European Union counter-trafficking officials. OHCHR had been requested by the Human Rights Council to make a presentation at its 31st session on the human rights of migrants in transit.

81. The projected extrabudgetary income of the Office in 2015 stood at \$120 million, which was approximately \$30 million or 20 per cent less than it had received in 2014. Funding was therefore a major concern of the Office, and the fact that two thirds of the its budget came as donations from individual Governments exacerbated a sense of instability and made it impossible to predict whether the Office could continue its activities or fund all its staff positions each year. He urged Member States to address that issue and ensure that more than a mere 3 per cent of the budget of the United Nations was allocated to one of the three pillars of the Organization.

82. Work was underway to develop human rights indicators that would promote efforts to achieve the Sustainable Development Goals. The Office had realistic expectations regarding the potential outcome of the reforms it was implementing and believed that the establishment of regional hubs, which would place the expertise of the Office closer to the countries that needed it most, would encourage those countries to avail themselves of OHCHR expertise.

83. **Mr. Barkan** (Israel), speaking in exercise of the right of reply, said that the Palestinian delegation and the delegation of the murderous Syrian regime were once again blaming Israel and the wider world for whatever happened in Israel and the Palestinian territories when they should be considering the responsibility of their own leaderships for the current situation. Indeed, the recent tragic events were the direct result of the Palestinian Authority's refusal to enter into negotiations with Israel and of the wave of incitement of terrorism against Israelis that was being propagated from within Palestinian society, Palestinian organizations and the Palestinian leadership. The Palestinian leadership had a responsibility to prevent those acts of terror; the United Nations and other international organizations should be discussing how to prevent the Palestinian leadership from shirking its responsibilities and how it could be compelled to take concrete action to stop the ongoing wave of incitement and terror. It was time for the international community, including the High Commissioner, to tell the Palestinians to stop blaming others for everything that happened to them and to start taking steps to better their own lives.

84. **Mr. Lynn** (Myanmar) said that the election laws of his country set forth clear eligibility criteria for those who wished to vote or stand as candidates in elections, including the requirement that candidates and voters and both their parents must be citizens of Myanmar. That requirement applied regardless of the individual's political affiliation, race, gender or religion. Allegations of unfair disenfranchisement of candidates or voters on the basis of religion were baseless; many approved voters and candidates adhered to religions other than Buddhism. Candidates and voters could also appeal to the electoral commission if they believed they had been unfairly discriminated against. All non-citizens whose applications for citizenship were approved were eligible to vote or stand in elections.

*The meeting rose at 1.10 p.m.*