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## Third Committee

### Summary record of the 23rd meeting

Held at Headquarters, New York, on Wednesday, 23 October 2013, at 10 a.m.

*Chair:* Mr. Tafrov..... (Bulgaria)

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

**Agenda item 69: Promotion and protection of human rights** (*continued*) (A/68/36), (A/68/487)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (A/67/931; A/68/56, A/68/176, A/68/177, A/68/185, A/68/207, A/68/208, A/68/209, A/68/210, A/68/210/Add.1, A/68/211, A/68/224, A/68/225, A/68/256, A/68/261, A/68/262, A/68/268, A/68/277, A/68/279, A/68/283, A/68/284, A/68/285, A/68/287, A/68/288, A/68/289, A/68/290, A/68/292, A/68/293, A/68/294, A/68/296, A/68/297, A/68/298, A/68/299, A/68/301, A/68/304, A/68/323, A/68/345, A/68/362, A/68/382, A/68/382/Corr.1, A/68/389, A/68/390 and A/68/496)

**(c) Human rights situations and reports of special rapporteurs and representatives** (A/68/276, A/68/319, A/68/331, A/68/376, A/68/377, A/68/392, A/68/397 and A/68/503; A/C.3/68/3)

1. **Ms. Pillay** (United Nations High Commissioner for Human Rights), introducing her annual report (A/68/36), said that her Office received a growing number of requests for assistance. Since submitting the report, the Office had added three more field presences, a Regional Office for North Africa and two human rights advisors. She and the Assistant Secretary-General for Human Rights had also undertaken several missions, including to countries in conflict. In emerging conflict situations, respect for human rights should be at the heart of the United Nations response from the earliest stages. Furthermore, the human rights components of peace missions needed quick and solid deployment support, and she was grateful to the Department of Peacekeeping Operations, the Department of Political Affairs and the Department of Field Support for their continued assistance.

2. Her Office continued to provide support to the Human Rights Council and its mechanisms, including the commissions of inquiry on the Syrian Arab Republic and on the Democratic People's Republic of Korea. In the latter case, she urged the authorities to cooperate with the commission, including by allowing direct access. Her Office's fact-finding missions and their reports had stimulated discussions in the Council

on the situations in various countries, including Mali, the Central African Republic and, most recently, Somalia.

3. With a record number of 51 special procedures, the Office would be appointing 25 new mandate holders in 2014, and she once again called upon Member States to allow them unimpeded access. In view of the alarming pattern of reprisals against human rights defenders cooperating with the United Nations system, she welcomed the Human Rights Council resolution on that subject, which sent a strong message that such behaviour would not be tolerated. Her Office continued to provide support and follow-up for the universal periodic review process, which had involved 41 States in 2013. Noting the ever-increasing workload of the United Nations treaty body system, she commended the co-facilitators of the intergovernmental process on strengthening it, whose work had produced a sound basis for a comprehensive and sustainable solution. Her Office was contributing to the detailed cost assessment requested by the General Assembly in its resolution 68/2.

4. She was encouraged by the groundswell of support for the full integration of human rights in the post-2015 development agenda, demonstrated by the outcome document of the United Nations Conference on Sustainable Development, the report of the United Nations System Task Team on the Post-2015 United Nations Development Agenda, the quadrennial comprehensive policy review, the report of the High-level Panel of Eminent Persons on the Post-2015 Development Agenda and the outcome document of the High-level Meeting of the General Assembly on the Realization of the Millennium Development Goals and Other Internationally Agreed Development Goals for Persons with Disabilities. With respect to efforts to combat racism, her Office had launched an online database of advice, legal precedents and know-how in September and was engaging with the International Federation of Association Football and the Union of European Football Associations. Regarding the abolition of the death penalty, she welcomed the ratification by Bolivia, Guinea Bissau and Latvia of the Second Optional Protocol to the International Covenant on Civil and Political Rights. She called for the integration of the rights of persons with disabilities in the post-2015 agenda.

5. Turning to women's rights, she noted the exchange of letters signed by her Office and the United

Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), which committed the two organizations to aligning their messages. Addressing sexual and gender-based violence would be a 2014-2017 priority for the Office, which would continue to promote an approach entirely framed in ratified norms and principles; to consider gender discrimination in its entirety; and to consider discrimination against lesbian, gay, bisexual, transgender and intersex persons as complex human rights phenomena. With respect to accountability for grave human rights violations, final preparations were under way for the regional consultation on transitional justice in Africa from 6 to 8 November in Kampala. In that connection, the immunities granted to certain senior public officials should not prevent their prosecution, especially at the international level.

6. On the subject of migrants, she expressed outrage and grief at the recent tragedy that had occurred off the coast of Lampedusa. All Governments should adopt the laudable approach of paying respect to the dead and seeking to prevent future tragedies, rather than devising new methods of exclusion. States should be as eager to prevent physical abuse and discrimination against refugees and migrants at home as they were to complain when their own citizens were mistreated abroad. In view of some States' continued opposition to recognizing the rights of migrants, she was encouraged by the negotiated outcome document of the second High-level Dialogue on International Migration and Development, which called for an international migration agenda that respected human rights.

7. Her Office was proud of its achievements over 20 years of steadily increasing mandates, missions and partnerships. However, ever-growing demands were not being matched by resources. Member States should consider increasing overall financial support and should ensure that new mandates were adequately funded.

8. **Ms. Li Xiaomei** (China) congratulated the Office of the United Nations High Commissioner for Human Rights (OHCHR) on its 20th anniversary and expressed her country's support for the fair and objective implementation of its mandate. OHCHR should continue to respect the development paths chosen by different peoples and should strengthen communications with Governments and further promote constructive dialogue on cooperation on human rights. China commended the Office's sustained

attention to economic, social and cultural rights and the right to development, despite the many challenges posed by the economic, food and climate crises. It welcomed the measures taken to improve financial transparency. OHCHR should live within its means, which meant maximizing its limited resources by providing technical assistance and capacity-building support at the request and consent of the countries involved. China was committed to enhancing communication and cooperation with the Office and would substantially increase its contribution for 2014-2017.

9. **Mr. Alemu** (Ethiopia), speaking on behalf of the African Group, expressed concern at the erosion of economic, social and cultural rights and the right to development. The Group appreciated the High Commissioner's steadfast efforts to promote those rights through, for example, her leading role in advocating and implementing the Guiding Principles on Business and Human Rights and the Guiding Principles on Extreme Poverty and Human Rights. Developed countries should do more to honour their commitments with respect to economic, social and cultural rights and the right to development, which should be a top priority of the post-2015 development agenda.

10. With regard to the intergovernmental process on the strengthening of the human rights treaty bodies, the African Group had stressed throughout the importance of a detailed cost assessment of capacity-building and therefore supported the General Assembly's decision to postpone completion of the process. The Office's valuable efforts to provide capacity-building and technical assistance faced a number of challenges, the biggest of which was a reliance on voluntary contributions. Furthermore, the lack of transparency made it difficult to assess their effectiveness. It would be helpful if efficiency measures and capacity-building and technical assistance were given higher visibility in the High Commissioner's reports.

11. The universal periodic review remained a valid mechanism for enhancing constructive dialogue among States. Alarmed at the promotion of new rights and new categories that were neither defined in international human rights treaties nor universally recognized, the Group urged full respect for the national sovereignty, cultural values and democratic choices of all States. It deplored the rise in racial violence, including violence against migrants. In view

especially of the shameful tragedy that had occurred off the coast of Lampedusa, it urged governments to adopt measures to ensure safe and legal migration and to refrain from devising new methods of exclusion. Lastly, with respect to the upcoming regional consultation on transitional justice in Africa, it encouraged participants to give due attention to reconciliation, bearing in mind its healing value, national and regional stability and the importance of national sovereignty.

12. **Mr. Weisleder** (Costa Rica) said that he would appreciate the High Commissioner's comments on incorporating a human rights focus in the post-2015 development agenda and the sustainable development goals, as well as on whether standing open invitations to thematic special procedures could improve cooperation. If that was the case, he would like to know what kinds of commitments those invitations should contain.

13. **Ms. Rasheed** (Observer for Palestine) asked if Israel had confirmed that it would send a delegation to participate in the universal periodic review process on 29 October. If it did not, its refusal to participate should not be allowed to set a precedent. She wondered what steps could be taken if Israel did not cooperate and what might be done to ensure that the Human Rights Council reacted appropriately.

14. **Ms. Tschampa** (European Union) said that it was crucial for the international community to preserve the impartiality, objectivity and non-selectivity of the High Commissioner's work. She welcomed the transparency of the extensive consultations on thematic strategies for 2014-2017 and the decision to include a new thematic priority on widening the democratic space. She asked what further assistance the international community could give to ensure cooperation with the special procedures, what the key challenges for the Office were and what the international community could do to help it meet them. She also would like to know about the status of discussions on establishing a country office with a full mandate in Myanmar/Burma.

15. **Mr. Escalante Hasbún** (El Salvador) thanked the High Commissioner for her contributions to identifying the protection and implementation gaps in existing human rights instruments on the rights of older persons, which had contributed greatly to discussions in the Open-ended Working Group on Ageing and had led to the Human Rights Council's recent decision to

appoint an independent expert on the rights of older persons. He commended her Office's Free & Equal campaign, which had helped his Government take the first small steps towards eliminating discrimination on the basis of gender identity or sexual orientation. On behalf of his negotiating group, he assured her that the negotiators would meet the February deadline for finalizing a consensus document that would strengthen the human rights treaty system, taking into consideration the cost assessment that she would be submitting shortly.

16. **Mr. Zheglov** (Russian Federation) said that OHCHR should place greater emphasis on capacity-building, not only in developing countries but also in developed countries where human rights issues were a concern. Despite progress, much remained to be done to overcome geographical imbalances in the staffing of OHCHR, particularly in leadership positions. Moreover, the Office continued to implement general Assembly resolutions in an inconsistent manner, which had led to a kind of moratorium on implementing the General Assembly's recommendations to the human rights treaty bodies until the intergovernmental process on strengthening the treaty body system had concluded. The High Commissioner was giving disproportionate attention to the issue of sexual orientation, when there were many other more serious human rights problems to address. Furthermore, following the recommendations in its "Born Free and Equal" booklet would lead to a violation of the rights of the child. With respect to the negotiations to strengthen the treaty bodies, his Government was concerned at the way the recommendations contained in the High Commissioner's report to the General Assembly (A/66/860) were being imposed on the various participants in the system. The division of labour established in the Organization's founding documents should be observed.

17. The activities and strategic plan of OHCHR should be based on programme 20 of the biennial programme plan and priorities (A/67/6/Rev.1). However, the draft thematic strategies were unbalanced, as four of the six strategic priorities related solely to civil and political rights. Rather than promoting authentic dialogue with non-governmental organizations, the strategy for expanding civil society space was simply to reduce the role of States in international bodies. Establishing an international monitoring system and special indicators in different

countries and regions would lead to confrontation and would duplicate the work of the Human Rights Council and the special procedures. While discouraging the repression of human rights activists was a laudable goal, the Office's programmes constituted direct interference in the affairs of States, and the Human Rights Council should not be granted any additional powers. With respect to the idea of introducing mechanisms for preventing gross human rights violations at the national and international levels, it was essential to consider root causes and to take a very cautious approach to territorial disputes, protracted conflicts and contacts with non-State armed groups, in order to avoid escalating tensions and violence. The draft plan failed to address new forms of racism such as neo-Nazism and aggressive nationalism. It also lacked strategies for encouraging religious tolerance and dialogue among civilizations; promoting human rights through sports and Olympic ideals; preventing arbitrary revocation of citizenship and ensuring the integrity of judicial systems.

18. **Ms. Morgan** (Mexico) called for action to ensure equal rights and opportunities, reduce poverty and promote a human rights culture. It was vital to fund OHCHR adequately and to continue to integrate a human rights perspective in United Nations humanitarian and development work. Thanks to the valuable capacity-building of OHCHR, Mexico had made significant progress in promoting human rights at the policy, legislative and judiciary levels, in providing human rights training for public officials and in creating a human rights culture. Her delegation would appreciate hearing the High Commissioner's views on what might be done to ensure that the theme of immigration and development was included in the post-2015 development agenda.

19. **Ms. Mørch Smith** (Norway) said that the protection of human rights was one of the three pillars of the work of the United Nations, yet only 3 per cent of its regular budget was allocated to human rights activities. Across-the-board budget cuts should not be allowed to undermine the ability of OHCHR to meet demands for its expertise, and the regular budget should provide funding for all mandated activities of OHCHR, the Human Rights Council and the other human rights bodies. Her delegation would appreciate hearing the High Commissioner's views on whether the proposed regular budget for 2014-2015 would be adequate to respond to requests from States, special

procedures, United Nations agencies and programmes, civil society and other stakeholders.

20. **Ms. Miculescu** (Romania) said that the regular budget of OHCHR should be commensurate with the importance of its work and should be supplemented by non-earmarked voluntary contributions. Her Government welcomed the discussions under way with Egypt and Myanmar regarding country offices. As Romanians were well aware, the interdependence of human rights, democracy and the rule of law was a priority issue for countries in economic and political transition, and her delegation wished to know what the international community could do to ensure its inclusion in the post-2015 development agenda.

21. **Ms. Pillay** (United Nations High Commissioner for Human Rights) said that each year she listened closely to all of the comments and opinions expressed in the Committee. She was tasked with protecting all human rights for all persons, regardless of thematic priorities or national policies or interests. She recognized the crucial need for technical assistance, including capacity-building. Her office was receiving a steadily increasing number of requests for such assistance, particularly in relation to universal periodic review implementation and follow-up, and was responding to the best of its ability, given its limited resources. Under the proposed regular budget for 2014-2015, it was unlikely that her Office would be able to respond to all requests for engagement or support. With increased resources, it could do much more.

22. As to how the international community could strengthen cooperation with the special procedures, standing open invitations were indeed useful, provided they were honoured in a timely manner. It was her practice to urge States seeking election to the Human Rights Council to pledge to cooperate with human rights mechanisms, and the General Assembly should encourage the Council to follow up on those pledges regularly. It should also continue its regular practice of urging Member States to allow access to country-specific mandate holders.

23. With respect to a country office in Myanmar, OHCHR had submitted a memorandum of understanding on opening an office with a full mandate for capacity-building and technical assistance. The Government had responded with an alternative draft text that would allow technical cooperation only at

Myanmar's request. She had responded by suggesting a host country agreement along the lines of the Yemeni model. She continued to be optimistic. In the meantime, the regional office in Bangkok had conducted a number of follow-up missions.

24. Regarding Israel's universal periodic review, the Human Rights Council had reached a consensus decision to begin on 29 October, with or without the Israeli delegation, in order to preserve the principle of universality. She remained hopeful that the efforts being made to persuade Israel to participate would be successful.

25. OHCHR had made great strides in improving the geographical distribution of staff, as indicated by the statistics in her annual report. It was working to address growing demands for assistance by improving its efficiency and effectiveness, including by engaging in a functional review in order to rationalize the scope and distribution of its internal functions. States could further assist the Office by voting to increase regular budget funding and by boosting their voluntary contributions, which would provide greater predictability and improve the management of planning and delivery. They could also diversify funding streams and consider humanitarian and development assistance envelopes. Lastly, States should be judicious and strategic when establishing new mandates without additional funding, as resources then had to be diverted from other planned activities.

26. The global population of migrants, if considered as a country, would be the fifth largest in the world, yet migrants were largely absent from the theory and practice of development. A significant percentage lived and worked in unequal, unjust, discriminatory and marginalized conditions. Migrants should be specifically included in the post-2015 agenda, with migrant-specific targets for health, education and decent work, including a target for prohibiting discrimination on the ground of legal status. The whole post-2015 development agenda should be built on human rights standards and principles, for which purpose it would be necessary to create a new, balanced framework addressing both freedom from fear and freedom from want, without discrimination. The Office was participating actively in the agenda process through research, advocacy and consultations.

27. OHCHR did not invent new rights. It adhered strictly to the rights internationally agreed in the

Universal Declaration of Human Rights and other human rights instruments. They applied to everyone, not everyone except lesbian, gay, bisexual and transgender people. It was a universal right of protection that no one should be discriminated against or subject to violence.

28. **Ms. MacIntosh** (Suriname), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM appreciated the work of OHCHR, including in particular its collaboration with UN-Women, its partnership with external organizations in the fight against racism, its contributions to the post-2015 development agenda and the comprehensive and detailed cost assessment of treaty body activities that it would soon be submitting in the context of the negotiations on strengthening the treaty body system. Recalling that capacity-building was essential for small States such as those of CARICOM to meet their obligations under human rights treaties, she said that the comprehensive cost assessment of capacity-building initiatives would be very useful in that context. The Office's regular budget funding was grossly inadequate, and its reliance on voluntary contributions undermined its independence. It was imperative to provide adequate funding under the regular budget, especially given the critical role of human rights in development and international peace and security. In fact, all treaty bodies should receive adequate funding from the regular budget.

29. **Ms. Dali** (Tunisia) said that OHCHR should have sufficient funds to carry out the mandates assigned to it. As the Tunisian revolution had demonstrated, sustainable development could not be achieved solely through economic growth; it was necessary to address social exclusion, discrimination and fundamental political and civil rights. Her Government remained committed to constructive dialogue with OHCHR and other partners on ways to make human rights a fundamental component of its development process.

30. **Ms. Walker** (United Kingdom) called on the Government of Burma to deliver on its commitment to establish a country office. She asked the High Commissioner to elaborate on what an in-country office could do to improve the human rights situation that other methods of support could not.

31. Her Government welcomed the High Commissioner's support for the independent international commission of inquiry on the Syrian Arab

Republic and her robust pleas for an end to the violence there. It also welcomed the High Commissioner's visit to Sri Lanka and the statement before the Human Rights Council, identifying problem areas and offering assistance. It encouraged the High Commissioner to maintain her leadership in the negotiations on strengthening the treaty body system.

32. The United Kingdom delegation would like the High Commissioner, who was addressing the Committee for the last time, to share her opinion regarding the direction that OHCHR would take in the future.

33. **Ms. Abubakar** (Libya) said that her Government wished to thank the High Commissioner for the legal consultancy and capacity-building assistance that OHCHR was providing to Libya both directly and in cooperation with the United Nations Support Mission in Libya. It had taken steps to protect human rights, including establishing a human rights commission and, in September 2013, enacting a transitional justice law, and it was working to launch a new national plan of action to strengthen and protect human rights. Her delegation would like to know if the High Commissioner had set a date for her visit.

34. **Ms. Ilić** (Serbia) thanked the High Commissioner for her visit to Serbia in June. The Government of Serbia agreed with the High Commissioner's assessment that more attention should be given to human rights questions in the dialogue between Belgrade and Pristina. It shared the High Commissioner's concern regarding various aspects of the human rights situation in Kosovo-Metohija. In the High Commissioner's report on her visit, she had mentioned the need to earn the trust of victims and witnesses in high profile cases, and the Serbian delegation would like to know how that might be accomplished, particularly in the context of the investigations into allegations of human organ trafficking.

35. **Mr. Guerber** (Switzerland) appreciated the transparent manner in which the new strategies had been developed and particularly welcomed the priority given to early warning and protection of human rights in situations of conflict, violence and insecurity, which was consistent with the recommendations of the report of the Internal Review Panel on United Nations Action in Sri Lanka and would help to prevent crisis situations from deteriorating. It was important to take full

advantage of the work of the High Commissioner, the Human Rights Council and the special procedures.

36. His Government, too, was concerned that OHCHR would not be able to carry out its mandates without major additional voluntary contributions and urged Member States to work to strengthen human rights activities through the regular budget. With respect to the challenges of migration, a sustainable solution required a coordinated, human rights-based approach. He would like to know about any OHCHR plans for new migrants' rights initiatives.

37. **Mr. Gálvez** (Chile) said that his Government appreciated the Office's efforts to promote more coordinated and harmonized working methods among treaty bodies and to integrate a human rights perspective at all levels of the United Nations system. In view of its multiple activities, OHCHR clearly required a larger budget. Unfortunately, it would be necessary to maintain the cuts made in the 2012-2013 biennium budget, even though they led to greater dependence on voluntary contributions. Lastly, his delegation wished to stress that one option for strengthening the promotion and protection of human rights would be to encourage cooperation and assistance among countries through plans with both national and regional dimensions.

38. **Ms. Alsaleh** (Syrian Arab Republic) said that, both in her statement and in her report, the High Commissioner had ignored the humanitarian situation in the occupied Syrian Golan for no apparent reason other than that the occupying Power was Israel. She wondered if the High Commissioner and Member States would show as little concern if a country other than Israel had boycotted OHCHR and the Human Rights Council. She would like to know what steps OHCHR had taken to prevent incitement to jihad, which had inflamed sectarian strife and armed conflict in peaceful countries around the world.

39. **Mr. Wenaweser** (Liechtenstein) said that he particularly appreciated the High Commissioner's update on the establishment of a country office in Myanmar. He stressed the importance of the universality of the periodic review mechanism. Recalling that the High Commissioner and a sizeable number of Member States had called for the human rights violations in the Syrian Arab Republic to be referred to the International Criminal Court, he expressed surprise that the commission of inquiry had

remained silent on how best to enforce accountability and asked her to bring the matter to its attention. The findings of the report of the Internal Review Panel on United Nations Action in Sri Lanka should be central to discussions on making human rights a priority. He asked what she considered to be the key lessons from the conflict in Sri Lanka.

40. **Mr. Lazarev** (Belarus) wished to know what steps the High Commissioner and her Office were taking to draw attention to unilateral measures. In view of the suffering inflicted, he would appreciate her opinion on whether it would be a good idea to establish a special procedure on human rights and unilateral coercive measures.

41. **Mr. Rahman** (Bangladesh) said that the universal periodic review had the potential to change human rights culture; it should therefore be supported and provided with adequate resources. Attacks on the personal integrity of special procedure mandate holders were unacceptable, but they might often be avoided if mandate holders stayed within their terms of reference. The treaty bodies needed reform, and his Government stood ready to contribute to an early conclusion of the discussions.

42. Although some affirmed otherwise, the Millennium Development Goals were human rights goals. Human rights were also central to the themes under discussion for the post-2015 development framework. In a way, the right to development encompassed all human rights, including civil and political rights. His delegation urged the High Commissioner to highlight the central importance of the right to development in the post-2015 development agenda and would appreciate a few words from her on that subject.

43. **Ms. Le Fraper du Hellen** (France) said that the High Commissioner had tackled sensitive subjects during her tenure and had spared no one, as France could well attest. Her delegation appreciated the high Commissioner's steadfast efforts to combat impunity, including her repeated calls to refer the situation in the Syrian Arab Republic to the International Criminal Court. It was indeed surprising that the commission of inquiry had not done so. As the High Commissioner had repeatedly stressed, human rights should be at the heart of conflict management; the Security Council could not afford to take a complacent view of mass atrocities. Regarding the post-2015 development

framework, her delegation wished to know how, specifically, human rights could be incorporated and what role OHCHR and the national human rights commissions could play in developing a human rights-based agenda.

44. **Mr. Sarki** (Nigeria), agreeing that the gross violations of human rights in the Syrian Arab Republic were indefensible, said that the foreign dimension of the conflict must be addressed. He hoped that the High Commissioner's mission to the Democratic Republic of the Congo would help to strengthen the Government's capacity to fight impunity and, in the Central African Republic, that OHCHR would provide the assistance needed to stabilize institutions, restore the rule of law and protect human rights. In Mali, it was essential for OHCHR and the international community to assist the new Government's efforts to strengthen its institutions and implement its four-point agenda, which addressed fundamental human rights issues. He welcomed the increase in OHCHR technical assistance to African countries, including his own.

45. While highly appreciative of the integrity, independence and dedication of the High Commissioner and her staff, he wished to respond in a constructive manner to a few points in her report. First, the rights of certain people or certain tendencies were at variance with his country's law, customs and religious beliefs and should not be included in United Nations discourse on human rights. Secondly, Nigeria retained the death penalty in its statutes, and to question the execution of persons sentenced by Nigeria's duly constituted courts was to question the integrity of its judicial system. Lastly, the Human Rights Council and its mechanisms, including the universal periodic review, commanded the respect of the international community. However, the Council must avoid selectivity, politicization and double standards. Furthermore, special procedures mandate holders must abide by the agreed code of conduct, and country mandates must be supportive, not punitive.

46. **Mr. Mamabolo** (South Africa) said that OHCHR should be allocated any additional funds required for its activities through the regular budget. His delegation strongly condemned the ongoing attacks on the personal integrity of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, which should be addressed by the Human Rights Council. He welcomed the High Commissioner's increased involvement in protecting

human rights in country-specific armed conflicts, as well as the increased cooperation between OHCHR and UN-Women. His delegation welcomed the Office's emphasis on the rule of law and transitional justice. It also welcomed the attention given to the right to development and its inclusion among the thematic priorities for 2014-2017. It urged all States to commit to full and effective implementation of the Durban Declaration and Programme of Action and called for greater progress on developing complementary standards to strengthen and update the international instruments on racism, racial discrimination and xenophobia. His Government, which remained committed to hosting an African regional seminar on human rights, sexual orientation and gender identity before the close of the year, very much appreciated the High Commissioner's emphasis on combating discrimination on the basis of sexual orientation or gender identity. In closing, he urged Member States to maintain their focus on achieving the Millennium Development Goals, thereby laying the foundation for the post-2015 development agenda.

47. **Mr. Eshraghi Jahromi** (Islamic Republic of Iran) said that OHCHR should be careful to ensure that its increasingly action-oriented approach to capacity-building and technical assistance met the real expectations and needs of Member States; it should limit its activities to internationally recognized human rights, and it should continue to provide support for improving the universal periodic review. With regard to the negotiations on strengthening the treaty body system, it was important for the reform process to respect the views of Member States.

48. As to the situation in the Syrian Arab Republic, his Government continued to maintain that the only viable way to end the conflict, stop the massive human rights violations and restore the rule of law was a negotiated settlement involving meaningful dialogue among all parties. Regarding the embargo on his own country, the imposition of economic sanctions was not only contrary to the principles of international law and the United Nations Charter; it also constituted a clear violation of his country's economic, social and cultural rights, and the High Commissioner should unequivocally condemn such measures. Lastly, OHCHR should give priority to addressing the dire situation of the Palestinian people and the atrocities committed against them.

49. **Mr. Belhaj** (Morocco) said that OHCHR required sustainable funding in order to meet increasing requests from governments, the Human Rights Council and the Council's mechanisms. His Government would continue to support its activities through contributions to the Voluntary Fund for Financial and Technical Assistance. In 2012, in cooperation with OHCHR, it had organized workshops on the prevention of torture in the context of transitions and on freedom of expression and the prohibition of incitement to national, racial or religious hatred.

50. Lasting and effective solutions must be developed to ensure decent living conditions for migrants and protect them from xenophobic acts. With regard to refugees, host countries were morally and legally responsible for the protection of their rights and freedoms.

51. With respect to the High Commissioner's welcome engagement in discussions on a universal, balanced human rights-based framework in the post-2015 agenda, it should be remembered that the promotion and protection of human rights depended on strengthening good governance and the rule of law at the national and international levels. His delegation appreciated her Office's work in partnership with relevant United Nations agencies to empower women and protect their economic, social and cultural rights. In general, however, it needed to place greater emphasis on promoting those rights; to avoid using human rights for political purposes and to ensure non-selective treatment of human rights. His delegation would like to know what OHCHR was doing in the area of governments' implementation of economic, social and cultural rights.

52. **Mr. von Haff** (Angola) said that his Government appreciated the High Commissioner's visit to his country in April and would follow up on the recommendations received. As a first step, it had issued standing invitations to the Special Rapporteur on the human rights of migrants and the Special Rapporteur on adequate housing. It had also launched a consultation process on strengthening the functioning of the national human rights institutions for accreditation in compliance with the Paris Principles. It would continue to work to provide Angolans with a better standard of living and access to basic human rights such as health, education and decent work.

53. His Government welcomed the establishment of the Universal Human Rights Index database; the adoption of the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes for the reduction of preventable maternal mortality and morbidity and the signing of memorandums of understanding with UN-Women and the United Nations Development Programme.

54. **Mr. Van Oosterom** (Netherlands) said that his Government supported the High Commissioner's emphasis on rule of law, equality, participation, access to remedies and, in general, empowering people to claim and enjoy their civil, political, economic, social and cultural rights. Addressing those issues required special procedures and effective mechanisms, for which sufficient funding was crucial. That was why his Government contributed generously in support of the special rapporteurs and the treaty body system. The treaty body system should be strengthened while ensuring its independence. Impartiality, objectivity and non-selectivity were essential to the work of OHCHR. He supported the High Commissioner's appeal for additional regular budget resources to allow her Office to fulfil all of its mandates and would be interested to hear her further views on the place of human rights in the post-2015 agenda.

55. **Ms. Mwaura** (Kenya), emphasizing the importance of human rights for individual well-being and economic and social progress, said that her Government had recently developed a comprehensive human rights framework to guide the implementation of programmes, strategies and plans both in and outside government. It valued the technical assistance received from the OHCHR office in Nairobi and supported the enhancement of the Office's capacity-building efforts in the context of the treaty body strengthening process. Given the critical need for costing information, she hoped that the cost assessment would be available when consultations on the process resumed.

56. Selective emphasis in the implementation of human rights only endangered universal acceptance of human rights standards. The international human rights system would be judged harshly if it chose to ignore the rights of migrants, and new methods of discrimination against migrants should be nipped in the bud. The many instances of boat tragedies in which immigrants had been left to die constituted crimes

against humanity, and those responsible should be held accountable.

57. With regard to the role of the international criminal justice system, her Government did not support impunity. Nevertheless, international instruments should not be interpreted in a way that would undermine a people's right to elect its leaders, the proper functioning of a State's constitutional institutions or national and regional peace and stability. In view of the fundamental nexus between peace, security and justice, African leaders considered it necessary to take all prevailing circumstances into account. The views of political leaders were often an ingredient in the formation of international law and it might be wrong, as a matter of law, to ignore them.

58. **Ms. Sutikno** (Indonesia) stressed that OHCHR should provide assistance within the terms of its mandates and at the request of the Governments concerned. It should promote cooperation among regional and subregional actors to strengthen early warning and conflict prevention. In view of the proliferation of Human Rights Council mandates, she encouraged mandate holders to work in cooperation with Member States and stakeholders and avoid duplicating their work.

59. **Ms. Almeida Watanabe Patriota** (Brazil) expressed concern that some countries had still not accepted the universal periodic review. In the case of country-specific human rights resolutions, negotiations should be more transparent. Her delegation commended the impartial work of the commission of inquiry on the Syrian Arab Republic. In view of the recent revelations of violations of the fundamental right to privacy, she asked what the international community could do to help to enforce that right and whether, in the High Commissioner's opinion, the absence of Internet privacy guarantees might undermine freedom of expression. She would also appreciate further comments on what Member States could do to help others realize that securing basic human rights for all vulnerable groups, including lesbian, gay, bisexual and transgender people, did not represent an emphasis on any one group.

60. **Ms. Pillay** (United Nations High Commissioner for Human Rights) said that her representative in the office of the United Nations Support Mission in Libya was working with the Government of Libya to arrange a mutually convenient date for her visit. With respect

to unilateral coercive measures, in 2013 her Office had prepared the Secretary-General's annual report on human rights and unilateral coercive measures (A/68/211), a thematic study on the impact of unilateral coercive measures on the enjoyment of human rights (A/HRC/19/33) and a report for the Human Rights Council on a workshop on that subject, organized at the Council's request. In the thematic study, she had noted that even carefully targeted sanctions should be proportional, as brief as possible and subject to appropriate safeguards, including human rights impact assessments and monitoring by independent experts.

61. Regarding the cost assessment, she had noted the importance of including technical assistance. The report would include both costing of the current system and costing of all proposed new activities. With respect to the value of having an in-country office, national OHCHR officers were reliable partners who worked to ensure the sustainability and effectiveness of national efforts. Lastly, regarding the direction that she saw OHCHR taking in the future, she was encouraged by the positive response and increasing demand for its assistance. Its accomplishments had laid the groundwork for mainstreaming human rights in all United Nations endeavours. Unfortunately, many opportunities could not be seized because of shrinking resources, and the Office had to focus on issues with the greatest potential impact. However, with the support of the Member States and a proper funding base, OHCHR would continue to work towards placing human rights on the same level as the other pillars of the United Nations system.

*The meeting rose at 1.15 p.m.*