



General Assembly

Seventy-fourth session

Official Records

Distr.: General
27 May 2020

Original: English

Third Committee

Summary record of the 42nd meeting

Held at Headquarters, New York, on Friday, 1 November 2019, at 3 p.m.

- Chair:* Mr. Braun (Luxembourg)
- later:* Mr. Yaremenko (Vice-Chair) (Ukraine)
- later:* Mr. Braun (Luxembourg)

Contents

Agenda item 65: Report of the Human Rights Council

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 Management Section (dms@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>)



The meeting was called to order at 3.10 p.m.

Agenda item 65: Report of the Human Rights Council (A/74/53 and A/74/53/Add.1)

1. **Mr. Seck** (Senegal), President of the Human Rights Council, introducing the report of the Human Rights Council (A/74/53 and A/74/53/Add.1), said that successive Council Presidents had paid particular attention to strengthening cooperation and creating synergies between the Third Committee and the Council. In that vein, he had reported to the Third Committee on the work of the Council in April 2019. Regular dialogue between the two bodies was essential.

2. Over the previous year, the Council had remained true to its mandate to promote universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner. During its three regular sessions of 2019, the Council had also considered new situations outside its agenda, such as the human rights situations in Nicaragua, the Philippines and the Bolivarian Republic of Venezuela, and had debated new themes, such as discrimination against women and girls in sport, equal remuneration and the right to development. The Council had retained its focus on technical assistance and capacity-building, particularly in the cases of Cambodia, the Central African Republic, the Democratic Republic of the Congo, Georgia, Libya, Mali, Somalia, the Sudan, Ukraine, the Bolivarian Republic of Venezuela and Yemen. The importance of technical assistance and capacity-building had been highlighted during its debates throughout the year, especially through the holding of a roundtable on technical assistance and capacity-building with respect to older persons. The Council had also convened intersessional meetings in 2019 on the close link between human rights and the 2030 Agenda for Sustainable Development, the prevention of human rights violations, the participation of indigenous peoples in its work and the incompatibility between democracy and racism.

3. In the light of the challenges facing the international community, Member States must continue to make progress in their implementation and ratification of international human rights treaties and in their fulfilment of political commitments made within the framework of international human rights mechanisms. The universal periodic review, in particular, provided Member States with a unique platform for sharing best practices and collectively promoting human rights, with due respect for the principles of non-selectivity, impartiality and objectivity. The high-level participation in that forum

demonstrated the political will of Member States to continue dialogue on human rights, among equals and in a cooperative environment, with a focus on the implementation and follow-up of agreed recommendations. Technical assistance and capacity-building remained key issues during universal periodic reviews. The high-level segment of the Council in February 2019 had provided delegations with a further opportunity to present their human rights policies.

4. He welcomed the efforts of the least developed countries and landlocked developing States to participate in the Council and thereby make it a more universal body. Through the voluntary technical assistance trust fund to support the participation of least developed countries and small island developing states in the work of the Human Rights Council, 33 delegates from 32 countries, including 11 landlocked developing countries which did not have permanent missions in Geneva, had been able to take part in the work of the Council in 2019. In accordance with Council resolution 34/40, the fund would organize a second workshop for the Pacific region in Nadi, Fiji, in November 2019, at which a statement would be adopted on increasing the participation of small island developing States in the work of the Council. He encouraged more States to contribute to the fund.

5. The task force on secretariat services, accessibility for persons with disabilities and use of information technology, which had been established in 2011, continued to take initiatives to improve accessibility, as underscored in a report by the Joint Inspection Unit on enhancing accessibility for persons with disabilities to conferences and meetings of the United Nations system (JIU/REP/2018/6). Through the advocacy of the task force, the Council had held eight meetings in 2019 with full sign language and live subtitling, compared with only one meeting in 2011. The Council also adhered to its accessibility policy by allowing only documents that were in an accessible format to be downloaded from its extranet site. The task force's work was fully in line with the United Nations Disability Inclusion Strategy and was a clear example of the Council's efforts to promote non-discrimination of persons with disabilities and to uphold their rights.

6. Civil society, whose participation in Council meetings ensured that discussions remained relevant and close to the reality on the ground, played a vital role in follow-up and capacity-building. The space allocated to civil society at the Council was unique among United Nations intergovernmental bodies and must be maintained. Reprisals against and intimidation of people who cooperated with United Nations human rights mechanisms were absolutely unacceptable.

7. In its resolution [65/281](#), the General Assembly indicated that it would consider again the question of whether to maintain the status of the Council as a subsidiary body of the Assembly at an appropriate moment and at a time no sooner than 10 years and no later than 15 years. In 2019, the Council had continued to discuss measures to enhance the efficiency of its work. He had shared a road map with members and observers to continue discussions commenced several years earlier and had appointed facilitators to guide the discussions, in line with the statement by the President of the Council in December 2018 on enhancing the efficiency of the Council ([A/HRC/PRST/OS/12/1](#)). All stakeholders had demonstrated serious and constructive engagement to the process of improving the Council's methods of work without losing sight of its substantive work. It should be emphasized, however, that, given the many crises currently affecting the enjoyment of human rights, it was unrealistic to reduce the number of mandates established by the Council.

8. **Ms. Cruz** (Spain) said that membership of the Council should imply a deeper commitment to the active promotion and protection of human rights. Her delegation welcomed the mainstreaming of gender in the Council's work and resolutions, in particular the focus on gender-based discrimination, since women's rights were a top priority for Spain in its domestic and foreign policy. The Council had a role not only to promote respect for human rights, but also to establish appropriate mechanisms to react swiftly to violations. Human rights defenders and civil society were pivotal actors in that regard and their work should be supported and their voices heard.

9. In keeping with the recommendation to do more with less, Member States had a duty to maintain the Council's mandate. The body needed to be allocated appropriate funding in order to fulfil that mandate, but it should also seriously and realistically endeavour to become more efficient. Spain worked effectively, transparently and consistently with the Council mechanisms and, at a time when the multilateral human rights system was being constantly questioned, was committed to continuing that cooperation, including by participating in the universal periodic review process in January 2020.

10. **Ms. Moutchou** (Morocco) said that the Council was a vital part of the United Nations human rights system and Morocco supported its mandate, as set out in the institution-building package. The Council must maintain a good balance in its consideration of civil, political, economic, social and cultural rights. Although it had made notable progress recently in that regard, regular reflection was needed on the many factors that

had a direct impact on the enjoyment of human rights and threatened peace and security. The Dakar retreat in October 2019 was useful in that respect and should be repeated, since it allowed members to have candid and constructive discussions and helped to improve the Council's relevance. Her delegation supported the priorities contained in the President's road map for 2019 with a view to ensuring that human rights occupied the place they deserved in the United Nations agenda. It also supported strengthening the role of the universal periodic review, particularly with regard to technical assistance and capacity-building.

11. The upcoming review of the Council would be productive only if there was close cooperation between the General Assembly and the Council, as had been the case during the 2011 review. The aim should be to achieve significant harmonization and coordination between New York and Geneva. The review would also provide the international community with an opportunity to examine the interdependence of the three pillars of the United Nations and to evaluate the capacity of the system to address future challenges.

12. **Ms. Bassene** (Senegal) said that until everyone was free to exercise the right to development, the promotion and protection of human rights would remain a challenge. Senegal therefore welcomed the efforts by the Working Group on the Right to Development and Member States to promote that right. It also appreciated the impact of the universal periodic review in boosting technical cooperation and capacity-building. The Dakar retreat was an illustration of the current President's ability to balance decision-making with reflection, particularly on topics such as the need to link the human rights pillar with the development and the peace and security pillars.

13. **Mr. Schettino** (Italy) said that the Council had a valuable role to play in the protection and promotion of human rights and, in 2019, had concentrated on the most grievous human rights violations and discussed the most critical issues. His Government had particularly appreciated the adoption by the Council of its resolution [40/11](#), entitled "Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development", its adoption of various resolutions on gender equality and its renewal of the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

14. **Mr. Skoknic Tapia** (Chile) said that there was an urgent need for the Council to improve its capacity to respond flexibly to the growing number of human rights

issues in the world and for the Committee to complement the Council's work. Following the 2011 review of the Council, not enough had been done to address the problem of overlapping mandates. The upcoming review of the Council should be conducted on the basis of transparent discussions, shared analysis, a complementary focus on both New York and Geneva and inclusive consultations with interested parties. Particular attention should be paid to the election process, in order to ensure that Council membership was truly representative and reflected the voting of a qualified majority.

15. **Ms. Anna Suzuki** (Japan) said that her country looked forward to the review of the Council. Member States should pay more attention in that regard to the duplication of topics and the financial and organizational costs arising from resolutions. Efforts should also be made to rationalize the number of resolutions submitted and to improve the efficiency of the Council so that it could spend more time and resources on urgent human rights issues and areas in which it generated added value. She asked what the biggest challenge had been for the President in enhancing efficiency during his presidency and what advice he would offer to his successor.

16. **Mr. Ahmed** (Maldives) said that his delegation welcomed the adoption of Human Rights Council resolution 41/14 on equal pay and supported its recommendation that the General Assembly declare an international equal pay day. In the same vein, Maldives planned to incorporate key aspects of the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100) into its national policies. In accordance with Council resolution 40/15, in which the Council had called for broader ratification of the optional protocols to the Convention on the Rights of the Child, his country had ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in September 2019. Council resolution 41/21 on human rights and climate change was particularly relevant to small island developing States like Maldives that were exposed to extreme environmental events but lacked the resources to implement adequate adaptation and mitigation strategies. He joined the Council in calling on Member States to enhance cooperation in that regard, particularly by reorienting financial strategies to help small island developing States to overcome financial constraints.

17. **Mr. Koba** (Indonesia) said that the Council should continue to serve as the main platform for addressing human rights issues and should work on the basis of trust and genuine dialogue among countries and relevant stakeholders, with due regard for the principles of

objectivity, impartiality, non-politicization and non-selectivity. In the face of new challenges that were taking a toll on the promotion and protection of human rights, no country should work alone. The Council must promote effective cooperation based on constructive engagement, dialogue and inclusivity, and ensure that multilateralism and respect for international law were upheld. It was also crucial to improve technical cooperation and capacity-building in countries in need, particularly by investing in conflict prevention, such as by raising awareness and fostering dialogue.

18. **Ms. Kim Jisoo** (Republic of Korea) said that her delegation welcomed initiatives by the Council in 2019 to develop a more effective approach to emerging trends. The upcoming panel discussion and Council Advisory Committee thematic report on the impact of digital technologies on human rights, in particular, should provide Member States with valuable suggestions on how to achieve a more balanced and holistic approach in that field. The Republic of Korea recognized the Council's ongoing efforts to eliminate all forms of discrimination and violence against women and girls and hoped that, in recognition of the thirtieth anniversary of the Convention on the Rights of the Child, it would review progress made in gender equality and the empowerment of women and girls. Her country would actively contribute to those efforts by convening the second International Conference on Action with Women and Peace, which would focus on combating sexual violence in conflict and post-conflict situations.

19. Recalling the statement by the President of the Council in December 2018 on enhancing the efficiency of the Council, she asked how he assessed the impact of measures taken to enhance the efficiency of the Council and what additional actions could be taken to further advance the process.

20. **Ms. Ammann** (Switzerland) said that over the previous year, the Council had demonstrated its capacity to react to contemporary challenges and had confirmed that it should remain central to efforts to combat violations of human rights. Switzerland supported initiatives to make the Council more efficient, to grant it a more visible role within the United Nations and to make human rights key elements of United Nations actions and discussions. She asked what could be done to improve coordination between the Council in Geneva and the United Nations bodies based in New York. She also wondered what States themselves could do to better promote human rights within the United Nations system.

21. **Ms. Manuel** (Angola) said that her country appreciated the Council's efforts to enhance its efficiency and improve the conditions of its work, such

as through the use of the e-deleGATE web portal, and reiterated her country's attachment to the principle of geographical representation within the Council. The underfunding of the human rights pillar of the United Nations and the constraints faced by mechanisms responsible for the promotion and protection of human rights highlighted why it was critical to strengthen the Council's role. Although the review process would be instrumental in redefining that pillar, the Council must be an active participant in that process rather than a passive observer.

22. **Mr. Mazaffarpour** (Islamic Republic of Iran) said that the efficiency of the Council's work should be strengthened and rationalized within the framework of the institution-building package. Follow-up measures by the Office of the High Commissioner for Human Rights (OHCHR) must be conducted in a balanced, fair and equal manner and the current structure of the Council's agenda must be maintained, especially the agenda item on the human rights situation in Palestine and other occupied Arab territories. Since the Security Council's work was already highly politicized, its further engagement with the Human Rights Council could further harm the cause of human rights at the expense of political interests. It was unfortunate that politicization and manipulation by a few unscrupulous Governments had already increased mistrust and eroded the effectiveness of the universal periodic review. The rationale behind the universal periodic review had originally been to ensure universality, objectivity, non-selectivity and impartiality.

23. **Ms. Ndayishimiye** (Burundi) said that dialogue, cooperation and consensual mechanisms, such as the universal periodic review, were the only universally accepted means of ensuring the promotion and protection of human rights. As had been demonstrated in many international instruments, however, some Member States sought to push for resolutions and mechanisms that advanced hidden agendas in targeted countries, while closing their eyes to massive violations in protected countries. Burundi maintained its principled position of rejecting all country-specific resolutions and mechanisms and, in particular, disassociated itself from passages of the Council's report that referred to the Commission of Inquiry on Burundi, which had been established by the Council in contempt of his Government's position on the matter.

24. **Ms. Ní Chonchúir** (Ireland) said that the President's attendance at the current meeting was proof of the synergies between New York and Geneva and demonstrated the importance of human rights to the United Nations as a whole. Lack of respect for human rights was often the root cause of instability and a

hindrance to development. The uptick in the number of resolutions submitted to the Council in 2019 was evidence of recent difficulties worldwide. Ireland was disappointed by attempts by some delegations to undermine or weaken long-agreed language in those resolutions. Nevertheless, it welcomed the adoption of Council resolution [42/28](#) on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, since neither the Council nor the wider United Nations system could function properly if Member States failed to prevent reprisals.

25. Noting with concern the obstacles to cooperation faced by many civil society actors in the Council, she asked what could be done to ensure that the Council and United Nations bodies in New York took better account of the views of civil society during deliberations.

26. **Mr. Pildegovičs** (Latvia) said that the special procedure mandate holders were essential to the fulfilment of the Council's mandate. Latvia had been one of the first countries to issue standing invitations to all special procedure mandate holders in 2001 and encouraged other Member States to do the same. To ensure that the Council continued to have a central role in the promotion and protection of human rights, it was vital to maintain its credibility, visibility and transparency. Latvia therefore highly valued the President's commitment to strengthening the impact of the Council's work on the ground, raising public awareness of its activities, building trust among Member States and improving civil society participation in its meetings. He asked what the Council's main targets were for improving efficiency.

27. **Ms. Sesinyi** (Botswana) said that her country had consistently supported the Council since its establishment in 2006; it also recognized the instrumental role of special procedure mandate holders and encouraged all Member States to fully cooperate with them so that they could carry out their thematic and country-specific mandates. Given that the Council had faced numerous budget cuts in recent years, all Member States must continue to show restraint in the introduction of new initiatives, particularly with regard to issues already addressed elsewhere in the United Nations system. Efforts must also be made to improve the relationship between the Committee and the Council in order to ensure that the United Nations spoke with one voice on human rights violations. She asked the President whether the information in the Council's report could be made easier to comprehend.

28. **Ms. Brito Maneira** (Observer for the European Union) said that her delegation had expressed its opinion on the Council's report during the twenty-third

plenary meeting of the General Assembly (see [A/74/PV.23](#)). Although efforts were needed to bridge gaps between the Geneva and New York human rights bodies, her delegation welcomed the fact that cooperation had improved under the current President's tenure.

29. The European Union firmly condemned threats, intimidation and reprisals, both online and offline, carried out by State and non-State actors against groups or individuals who had cooperated with the United Nations and called on the Geneva and New York human rights bodies to both speak out against such issues. In that regard, she wondered what more could be done to prevent reprisals and improve the visibility of human rights actors, especially special procedure mandate holders, within the United Nations system.

30. **Ms. Prieto Martinez** (El Salvador) said that her delegation appreciated the diversity of the themes discussed by the Council, which enabled open, transparent and inclusive dialogue among Member States and other actors. Member States should, however, consider ways in which to make the Council's work more efficient and effective. Welcoming the adoption of Council resolution [41/13](#) on youth and human rights, she drew attention to the statement on migrant boys, girls and adolescents delivered by El Salvador on behalf of a group of countries during the Council's forty-second session.

31. **Ms. Calaminus** (Germany) said that the President's attendance at the current meeting and the invitation by Germany for him to participate in an informal exchange with the Security Council in April 2019 were positive advances: real progress could be achieved only by channelling efforts made across the three pillars of security, human rights and development into one approach. Given the close link between human rights and security, her country, alongside Switzerland, had decided to co-chair the Human Rights and Conflict Prevention Caucus in New York.

32. The Human Rights Council and its mechanisms should work to raise awareness of their work and deepen the analysis that they conducted, with the aim of improving conflict prevention. Her delegation would, in particular, welcome more briefings on special procedures in the Security Council, such as in Myanmar, Syria and Yemen. She asked what additional steps could be taken to bridge the gap between the human rights bodies based in New York and Geneva.

33. **Mr. Zhang Zhe** (China) said that his delegation welcomed the work of the Council over the previous year in promoting the right to development, fighting racism and protecting the rights of vulnerable groups but

recognized that there was still a lot to be done to improve its efficiency. First, politicization of human rights, the application of double standards and the use of public naming and shaming was increasing. Second, economic, social and cultural rights, as well as the right to development, which were of universal concern to developing countries, had not received due attention. There was, in particular, an urgent need for more technical assistance and capacity-building in the field of human rights. Third, some non-governmental organizations had used their consultative status within the Council to allow individuals to make an identical statement on multiple occasions. Separatists also used the cover of their status in non-governmental organizations to engage in separatist activities through multilateral human rights platforms, thereby undermining the sovereignty and territorial integrity of certain Member States. Fourth, some special mechanisms had acted outside their mandate by making irresponsible remarks on the basis of unverified information. Fifth, the Council was burdened by an agenda that was too full.

34. **Ms. Eugenio** (Argentina) said that her country supported strengthening the universal system for promoting and protecting human rights. It had worked closely with special procedure mandate holders and valued the universal periodic review as an objective system for promoting and protecting human rights. Argentina appreciated, in particular, the establishment of the mandates of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Independent Expert on the enjoyment of all human rights by older persons and the renewal of the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. Her delegation also welcomed the adoption of Council resolution [42/25](#) on the situation of human rights in the Bolivarian Republic of Venezuela.

35. **Mr. Seck** (Senegal), President of the Human Rights Council, said that the Council would continue to try to anticipate human rights violations before they caused any damage. The universal periodic review was a useful tool in that respect, since it was designed not to impose sanctions but to prevent violations by allowing delegations to discuss their problems and receive recommendations before those issues escalated. Member States valued being able to have that kind of advanced and depoliticized dialogue.

36. The Council faced the same resource challenges that the United Nations as a whole faced on account of budget constraints. Although its special rapporteurs and mandate holders were affected, the Council continued to

accomplish its work of reporting on and raising the alarm in the event of violations and formulating recommendations. He called on Member States to continue to support the Council so that it could benefit from the resources needed to fulfil its mandate.

37. The Dakar retreat had provided an informal and relaxed environment for members of the Council to discuss such burning issues as the relation between human rights and climate change, mass migration, the growing inequality that had stoked protests across the world and human rights in the digital age. Those topics merited particular attention if the Council was to continue ensuring the protection of all rights under the Universal Declaration of Human Rights. He hoped that subsequent Presidents would continue to delve into those issues.

38. Technical assistance and capacity-building was a crucial part of the Council's agenda (A/HRC/42/1). Member States wished to benefit from the support they needed to satisfy their obligations to respond to treaty bodies and harmonize their laws with international standards. Technical assistance was as important as prevention in bringing the Council closer to Member States.

39. To the extent possible, the work of the Council complemented and did not overlap with that of the Third Committee. In March 2019, he had held a complicated informal meeting with Member States on the upcoming review of the Council's status in 2021. According to some participants, only the General Assembly should be involved in the review, while others felt that a review of the Council could not be conducted without receiving feedback from Geneva. In his view, the best possible conditions for the review could be achieved if the Assembly received feedback from and continued to work in close cooperation with Geneva, where concerns about the Council were well known. It was important to guarantee good coordination of the review by gathering opinions and feedback as soon as possible in 2019, or in 2020 at the latest.

40. The biggest challenge that he had faced during his presidency was in striking a balance between streamlining the Council's work, on the one hand, and addressing numerous sensitive and urgent issues, on the other hand. Although the agenda grew longer each day, necessitating new mandates that provided for actions on the ground, reconciliation was possible by remaining innovative and flexible. He recommended that his successor strengthen links among Council actors, make prevention a priority, focus on the Sustainable Development Goals and sufficiently take into account economic, cultural and social rights and civil and

political rights. It was also critical for the President to remain neutral and, for the sake of the Council's credibility, not to be associated with specific groups.

41. With regard to the aforementioned statement by the President of the Council in December 2018, facilitators had been appointed in 2019 on the topic of enhancing the efficiency of the Council. They would submit a summary of their conclusions by the end of November 2019 and report to the Council in December 2019 on discussions that had been held between Member States and facilitators. The question of streamlining the Council's work was complicated and would require substantive discussion, especially on sensitive issues such as the adoption of universal periodic review reports.

42. His attendance at the General Assembly was a signal of the Council's willingness to raise awareness in New York of the work done in Geneva. In 2019, the Council had renewed its practice of sending the President of the General Assembly informal papers on the main conclusions of ordinary sessions held in Geneva. In April 2019, he had also come to New York to discuss with Security Council members the connection between that organ and the Human Rights Council. In Geneva, the Human Rights Council made frequent use of General Assembly reports and made recommendations for its own reports to be sent to the Security Council since it enabled the United Nations to better protect human dignity and not to work in silos. Efforts should also be made to dispel reticence and fear about politicization so that recommendations and reports from Geneva had resonance in New York.

43. Civil society and human rights advocates had an essential place in human rights work and their statements made up roughly half of the total time of general debates. Although those advocates participated at all stages of Council discussions, more contributions should be made to strengthen their participation in New York. Civil society should also be allowed to participate without pressure, intimidation or fear of reprisals and the Council did everything possible to respond to and investigate reports of reprisals promptly. In most cases, Member States responded diligently, but occasionally the Council was obliged to send cases to the Assistant Secretary-General for Human Rights in New York in order to take up the matter jointly. All Member States should endeavour to allow civil society and human rights defenders to interact with United Nations bodies so that those bodies could be closer to the reality on the ground.

44. **The Chair** invited the Committee to engage in a general discussion on the item.

45. **Mr. Valtýsson** (Iceland), speaking on behalf of the Nordic and Baltic countries (Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden), said that it was important to ensure complementarity and coherence between the Council and the human rights bodies in New York. Two of the Nordic and Baltic countries were currently Council members, while others had previously been members or aspired to become members. Although some aspects of the Council's work could be reformed, such as to ensure that those elected to the Council fulfilled their duty of upholding the highest standards in the promotion and protection of human rights, many improvements were the responsibility of Member States. The Nordic and Baltic countries had not been among the countries disapproving of the Council's methods of work.

46. The achievements made by the Council in 2019 in addressing the most important human rights situations and calling for accountability had proven that it remained the primary forum for dialogue on human rights. It had passed crucial country-specific resolutions on the human rights situation in Venezuela, Yemen, Iran, Myanmar and the Philippines; had addressed important topics in joint statements, including on the human rights situation in Saudi Arabia; and had adopted resolutions on the contribution of environmental human rights defenders and violence against women. Those resolutions and decisions should be built upon and respected in discussions by the Third Committee and the Fifth Committee. The Nordic and Baltic countries had also been pleased that Council members had overwhelmingly supported the extension of the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

47. **Ms. Cohen** (Australia), speaking also on behalf of Canada, Iceland, Liechtenstein, New Zealand, Norway and Switzerland, said that in the face of increasing attacks against the international human rights system, and the Council in particular, Member States must safeguard the integrity of the Council. Their delegations welcomed the important steps taken during the Council's forty-second session to address the human rights situations in certain countries, including Venezuela and Myanmar, operationalize the Independent Investigative Mechanism for Myanmar and provide reliable, unbiased and evidence-based reports on issues of common concern.

48. While the Council was a subsidiary body of the General Assembly, it took most of its decisions autonomously and implemented them immediately. Their delegations welcomed the President's report to the plenary of the Assembly and his interactive engagement

with the Third Committee, in particular regarding recommendations made by the Council to the Assembly. Although the Third Committee and Fifth Committee usually acted quickly on Council decisions, it was the responsibility of the plenary of the Assembly to take action on the report of the Council, its addendum and its recommendations, and not for the Committees to reconsider Council decisions.

49. Council members should uphold the highest standards in the promotion and protection of human rights, as mandated in General Assembly resolution [60/251](#). Although each State had room for improvement in its human rights record, tolerance of gross and systemic violations was always reprehensible, particularly when such behaviour was displayed or condoned by Council members. Member States must act more responsibly when electing Council members to ensure that States which had committed or permitted the commission of gross human rights violations did not sit on the Council. All States should adapt their election practices accordingly, even in situations of clean slate elections. Member States running for election should also issue standing invitations to all special procedures as an expression of their will to fully cooperate with the Council.

50. Given that civil society and human rights defenders kept the Council informed and reminded members of their duty to act, the increasing hostility against them was a cause for concern. Reprisals against human rights defenders were particularly abhorrent when they resulted from a country's participation in the Council or its engagement in the universal periodic review process or with special procedure mandate holders. Harassment, intimidation and obstruction by States with regard to special procedure mandate holders was equally worrying. Mandate holders should be free to shine a light on human rights abuses and violations, research and report on disturbing trends, encourage new norms and share best practices. She called on all States to work constructively with the special procedures, consider their recommendations in good faith and engage respectfully with them, even when it was difficult to find common ground. Lastly, she called on States to promote the safety of journalists and combat impunity for those who committed attacks against them. The United Nations should step in if criminal investigations into crimes against journalists did not meet the highest standards of transparency.

51. **Mr. Chan Aye** (Myanmar) said that Council resolution [40/29](#) on the situation of human rights in Myanmar and resolution [42/3](#) on the situation of human rights of Rohingya Muslims and other minorities in Myanmar had not been adopted by consensus. Myanmar

had rejected them because they were based on one-sided narratives and sweeping allegations and were designed to increase the international pressure on Myanmar. They would also sow mistrust and increase polarization among the diverse communities in Rakhine State. Myanmar also strongly objected to the establishment of the Independent Investigative Mechanism for Myanmar, which was a display of selective and discriminatory scrutiny of Myanmar. That politically motivated action, providing for monitoring for two years, would waste more than \$26 million of scarce resources at a time when the United Nations was facing a liquidity crisis.

52. Despite his country's consistent opposition to country-specific mechanisms, it had, in the spirit of cooperation, welcomed various country-specific mandate holders since 1992, including six visits by the current incumbent between 2014 and 2017. The Government, parliament and people of Myanmar had decided to terminate cooperation with the current Special Rapporteur on the situation of human rights in Myanmar because her attitude had become unbalanced and biased. The Government was, however, working in good faith with the Special Envoy of the Secretary-General on Myanmar, who had visited Myanmar eight times since the start of her mandate in April 2018 and had allowed her to open her country office in the capital. It had also allowed the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees to conduct independent field assessments in Rakhine State and had engaged with the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative of the Secretary-General on Sexual Violence in Conflict.

53. The improvement of human rights in Myanmar should be a Government-led process. The Council and its mechanisms should therefore focus efforts on enhancing technical cooperation, including by developing national institutions and building capacity in Myanmar. He called on Member States to contribute more voluntary funding to the Council to enable more technical cooperation to take place. Myanmar would continue to cooperate constructively with the United Nations and the international community to promote and protect human rights.

54. **Mr. Roscoe** (United Kingdom) said that the Council was instrumental in tackling human rights violations and holding perpetrators to account. The United Kingdom hoped to be re-elected to the Council for the period 2021 to 2023 and would continue fighting for the most appropriate language in human rights resolutions.

55. In Venezuela, the report of the United Nations High Commissioner for Human Rights provided a damning indictment of the Maduro regime's recourse to arbitrary arrest, torture and extrajudicial killings. The international community must respond robustly to violations on that scale. The United Kingdom was therefore grateful to the Lima Group for its leadership on the issue that had paved the way for the Council to establish a fact-finding body under its resolution 42/25.

56. It was critical for the international community to continue exposing the appalling human rights abuses in Syria. His delegation had thus been one of the main sponsors of Council resolution 42/27 on the human rights situation in the Syrian Arab Republic, which had gained considerable high-level support. The United Kingdom welcomed the establishment to that end of a board of inquiry to investigate attacks on de-conflicted and United Nations-supported facilities in the north-west of the Syrian Arab Republic.

57. His delegation was also pleased to have sponsored Council resolution 42/35, which extended the mandate of the Independent Expert on the situation of human rights in the Sudan and highlighted the commitment of the Government of the Sudan to establish OHCHR offices to help it to deliver on its human rights commitments. In Myanmar, his Government welcomed the work of the independent international fact-finding mission on Myanmar and was working with international partners to implement its recommendations. The establishment of the Independent Investigative Mechanism for Myanmar was also a positive step that would hopefully lead to engagement with all domestic and international accountability processes in the country. His delegation also appreciated the comments made at the current meeting by the delegation of Myanmar to continue working with the Special Envoy of the Secretary-General on Myanmar and other United Nations bodies to bolster its human rights record.

58. The Council had continued its impressive work on sexual and reproductive health and on the rights of lesbians, gays, bisexuals and transgender (LGBT) persons. All people should be able to make informed decisions about their sexuality and nobody should suffer discrimination or persecution because of gender identity. The United Kingdom had therefore supported the renewal of the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and had joined a statement to the Council by 31 countries urging it to take action in response to the persecution of LGBT persons in Chechnya.

59. *Mr. Yaremenko (Ukraine), Vice-Chair, took the Chair.*

60. **Ms. Tripathi (India)** said that the Council's strength was its emphasis on dialogue, cooperation, transparency and non-selectivity in the promotion and protection of human rights, including the right to development. Throughout its existence, it had strengthened consensus on a variety of thematic issues, including rights related to cyberspace, artificial intelligence, genetics and other emerging technologies, and had taken a resolute position on terrorism.

61. The universal periodic review was one of the Council's most successful instruments in encouraging States to recognize and address gaps in human rights protection. It could, however, be improved by allotting more time to exchanges of views. The special procedure mandate holders were also instrumental in fostering dialogue on capacity-building. Nevertheless, human rights issues should not be considered in isolation from their complex relationship with development, democracy and international cooperation. Mandate holders must remain independent, impartial and, in accordance with their mandates, carry out their tasks responsibly and with sensitivity to countries' concerns and capacity constraints. The selection and appointment of the mandate holders should be based on equitable representation of the different kinds of legal systems. The Council should continue to rationalize and prioritize its work through the upcoming review process in order to make the most of its limited resources. The long-standing issue of equitable geographical representation among OHCHR personnel deserved special attention.

62. India set a good example as a democratic pluralistic society with a secular polity, an impartial and independent judiciary, a vibrant civil society, a free media and independent human rights institutions. Her country had engaged with the Council since its establishment on account of the importance that it attached to consultation among States in framing discourse and action on human rights.

63. **Mr. Ba Abbad (Yemen)** said that his delegation rejected the recent report by the Group of Eminent International and Regional Experts on the human rights situation in Yemen. It was clear that the Group of Experts had simply reproduced the information it had received from various sources without making any effort to verify its accuracy. It had ignored the cause of the conflict in Yemen, namely the military coup by the Houthi militia in September 2014, which had resulted in the abolition of the Constitution and the country's constitutional institutions and had ultimately led to the

current tragedy. Furthermore, the Group of Experts had ignored Security Council resolutions related to the situation in Yemen, in particular resolution [2216 \(2015\)](#).

64. The Group of Experts had followed the same methodology as in its previous report, which involved assumptions made on the basis of misinformation and allegations made by biased non-governmental organizations or published in the media. As a result, the report lacked objectivity, impartiality and credibility. The report relied on allegations of violations of international humanitarian and human rights law that had no basis in fact. The Group of Experts had again reached a set of conclusions that were not accurate or fair and would not benefit the political process in Yemen or the Yemeni people. The report did not differentiate between the activities of law-abiding Governments and those of rebel militias and provided no real evidence of the involvement of the Yemeni Government or the coalition States in the alleged violations, such as enforced disappearance, arbitrary detention, rape and other forms of sexual violence, torture, ill-treatment, child recruitment and violations of economic, social and cultural rights.

65. For those reasons, Yemen and the coalition States had not welcomed the interactive dialogue at the recent session of the Human Rights Council to discuss the report. If at all, the discussion of the human rights situation in the country should have taken place under the Council's agenda item on technical assistance and capacity-building, which Yemen needed. Pending a peaceful solution to the conflict, the emphasis should be on helping the country to overcome the difficult situation it faced and securing the immediate implementation of the understandings reached at the peace talks in Sweden in 2018 concerning such issues as the handing over of ports, the release of prisoners and allowing the entry of humanitarian aid.

66. **Mr. Rahman (Bangladesh)** said that his country recognized the onerous burden faced by the Council and the need to step up efforts to address human rights issues. It would be worthwhile to focus on ensuring coherence between the Council and human rights bodies in New York and giving due regard to work and language agreed upon in Geneva. Bangladesh appreciated the universal periodic review, in particular, as an effective tool for improving the human rights situation in individual Member States. It also welcomed the adoption of Council resolution [40/29](#) on the situation of human rights in Myanmar and hoped that the language agreed by consensus in Geneva could be used in draft resolutions submitted to the Committee, so that Member States could show their continued support for

the situation of Rohingya Muslims and other minorities in Myanmar.

67. Bangladesh valued special procedure mandate holders and related mechanisms and encouraged all Member States to work closely with them in the interest of objectivity. His delegation regretted the fact that the Special Rapporteur on the situation of human rights in Myanmar and the independent international fact-finding mission on Myanmar had been denied access to that country. Full and unfettered access to all areas of Myanmar would help to establish accountability for atrocities that had been perpetrated, which was not only a moral obligation for the international community, but also a critical enabler for the resolution of the Rohingya crisis. Bangladesh had cooperated fully with the Special Rapporteur, the fact-finding mission and the Special Envoy of the Secretary-General on Myanmar.

68. **Mr. Al Said** (Oman) said that human rights in his country were safeguarded by a system of laws and regulations that aimed to protect individuals and society alike. Discrimination was prohibited under legislation introduced in 1996. Oman was a party to many international human rights instruments, such as the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. Oman had also ratified many ILO conventions, including those on forced labour and the worst forms of child labour. The Government had established committees to monitor implementation of those conventions as well as committees on family affairs, human rights, combating human trafficking and protecting the rights of persons with disabilities. In 2015, the Human Rights Council had commended the report of Oman under the universal periodic review.

69. The Government was pursuing efforts to extend its social protection system to all sectors of society and was implementing various programmes aimed at providing public services and education and health-care services to groups in need, such as widows, divorced women, orphans, prisoners' families, persons with disabilities and older persons. Oman was among the first countries in the region to have introduced automated teller machine services for persons with visual impairments and provided mobile units for persons with special needs in order to reduce the financial and psychological burden on families living in areas far from urban centres.

70. With regard to women's rights and gender equality, all persons were equal before the law in rights and duties. The Government was proud of the achievements of Omani women and the exercise of their rights to vote and run for election to the Shura Council and municipal councils. Women played an equal role to

men in national and community service. Their representation in various executive, legislative and judicial bodies and in the private sector was encouraged.

71. **Mr. Moussa** (Egypt) said that his country continued to support the mandate of the Council, as enshrined in the institution-building package, and welcomed proposals to review the Council's work in line with that document. Any agreement reached on measures to be taken should respect the wide array of views, concerns and interests of Member States and be adopted by consensus. The continued polarization of Council deliberations was particularly worrying, since its mandate could be implemented effectively only if there was respect for the principles of non-politicization, non-selectivity, objectivity, universality and international cooperation. Member States should refrain from targeting human rights situations in specific countries and from considering divisive issues that had no basis within the internationally agreed human rights legal framework and that did not enjoy the broader support of members of the Council. All human rights, including the right to development, were universal, indivisible, interrelated and interdependent and should be addressed in a fair and equitable manner. Egypt, which was spearheading a number of initiatives regarding such rights, believed that all issues on the agenda of the Council should be treated equally and on a non-discriminatory basis.

72. **Ms. Malouche** (Observer for the International Organization of la Francophonie) said that on 27 September 2019, during the Council's forty-second session, the permanent representative of Djibouti had read a statement on behalf of 81 delegations. The delegations had drawn the attention of the Council and the management of the United Nations Office at Geneva to the disturbing imbalance brought about, as of the second week of the forty-first session, by the reduction in the number of summaries provided in French and English by the United Nations Information Service in Geneva. The signatories had indicated that the provision of summaries in two languages guaranteed all delegations, especially smaller ones with limited resources, an equal opportunity to follow the Council's work and prepare reports for their Governments. Although the signatories were aware of the budgetary constraints faced by the United Nations Office at Geneva, they hoped for a swift resolution of the cashflow issues so that the Council could provide full coverage of its next sessions, in full compliance with its mandate.

73. *Mr. Braun (Luxembourg) resumed the Chair.*
The meeting rose at 5.10 p.m.