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PAST YEAR MARRED BY EVENTS — SYRIA, HORN OF AFRICA — THAT 'PUT TO THE TEST' WORLD

COMMUNITY'S CAPACITY TO RESPOND TO HUMAN RIGHTS CRISES, THIRD COMMITTEE TOLD

UN High Commissioner for Human Rights Presents Report; Also Hears from Experts On Iran, Extrajudicial Executions, Judicial Independence, Violence Against Women

The recent protracted violence in a number of sensitive areas around the world was a reminder that the prevention of conflict and protection of human rights in times of conflict remained among the world's most daunting challenges, the United Nations High Commissioner for Human Rights told the Third Committee (Social, Humanitarian and Cultural) today.

"The past year has been marred by developments which have put to the test the capacity of the international community to prevent and promptly respond to human rights and humanitarian crises: the conflict in Syria, fragile transitions, the situation in the Horn of Africa, in Mali and the Sahel, and the economic and social crises on all continents," said Navi Pillay, noting that the challenge of addressing crises had grown, as today they tended to develop at a faster pace, and often involved non-State actors.

Ms. Pillay's briefing on the work of her Office over the past year began the Committee's consideration of specific human rights questions, which over the next week will feature the special rapporteurs tasked with investigating the matters. Today it heard presentations by experts on Iran, extrajudicial executions, judicial independence and violence against women.

Ms. Pillay told delegates that, while much remained to be done to prevent abuses, there had been encouraging developments, including increased invitations to her Office by Member States to assist in addressing human rights concerns. Her Office now supported 57 field presences, and in June it had started regional activities in North Africa. In September, it signed an agreement with Yemen for a country office in Sana'a, and it also had a memorandum of understanding with Somalia on technical cooperation for human rights.

She said she valued her several opportunities to brief the Security Council this past year, including on Syria, which demonstrated the intrinsic link between human rights, peace and security. She also briefed the General Assembly on Syria, and had appealed for a focus on the centrality of human beings above political and economic interests. "This is the reason d'être for the United Nations, and must be reflected both in the decisions of its intergovernmental bodies and throughout the work of the Organization," Ms. Pillay said.

To that end, her Office had also provided consistent support to the Human Rights Council, whose resolutions required it to provide monitoring, reporting and technical cooperation. The Office was now providing support to 48 Special Procedures, who carried out 82 country visits in 2011 and issued 605 communications to 124 States, she said.

Integrating human rights into the development agenda, her Office worked this year to have the right to development included in documents, especially as it related to the Rio+20 Conference. The main human rights commitments in the outcome document were welcome steps, she said.

But it had become increasingly difficult for her Office to keep pace with its expanded mandates because it was labouring under financial constraints. "While we will continue to endeavour to fulfil such work, without sufficient resources, we are being compelled to do less with less," she said, earnestly seeking renewed commitment and support to enable the Office to maintain its momentum.

During a lengthy question-and-answer session, most State delegations pledged to continue to cooperate and engage with her Office to promote and protect universal human rights. However, a number expressed concern over the decision this year to move treaty body meetings from New York to Geneva. Several also asked for comment how the Office would address underfunding, as the budget heavily relied on voluntary contributions.

Responding, Ms. Pillay said she looked for Member State support for an increase in the regular budget. "This tradition of keeping human rights as the Cinderella of the three pillars must be addressed," she said. On concern about the relocation of meetings of the Committee on the Elimination of Discrimination against Women and the Human Rights Committee, she said their sessions had not been reduced, but rather those in New York had been moved to Geneva, with prior consultation, as the Office had overspent extra budgetary funds by \$40 million.

Following Ms. Pillay, the Committee began the afternoon with the report from Ahmed Shaheed, Special Rapporteur on the Situation of Human Rights in Iran, who said responses to communications from Iran made him optimistic about establishing a substantive dialogue with its Government. Since the drafting of his report, he added, Iran had announced hundreds of pardons and released a number of prisoners of conscience. He continued to call for the release of all such prisoners and to investigate charges of human rights violations, especially of due process rights.

The impact of general sanctions on Iran's human rights situation had been raised in several meetings with Iranian officials and members of the Iranian diaspora. "The potential impact of sanctions on human rights does concern me", Mr. Shaheed said, and an examination would be part of his future work.

However, Iran appeared to have a "deeply troubling" human rights situation, Mr. Shaheed told the Committee. Information from interviews painted a picture in which a "climate of fear" pervaded civil society, and legislative actions served to frustrate healthy participation in democratic processes and impaired the judicial system. He recommended that attention be paid to legislation that attenuated and abrogated rights guaranteed by the five human rights instruments it had ratified. Impunity must be addressed to facilitate accountability, he said.

Responding to the presentation during the question and answer period, Iran's representative said she had expected that the Human Rights Council, as the main pillar in the human rights sphere, would not allow any of its mechanisms to be abused as "instruments for discouragement", but the appointment of a country mandate holder had been the result of the political ambition of certain countries. That approach undermined the Special Procedures mechanism and status of the Council. Iran had submitted its general comments and observations on the draft report, but regrettably, they had not been included in the report. She welcomed cooperation with United Nations human rights mechanisms and her country had invited the High Commissioner for Human Rights to visit.

The Committee then heard from Christof Heyns, Special Rapporteur on extrajudicial, summary or arbitrary executions, who said he had deemed it essential to dedicate this year's report to the use of the death penalty, which was at the core of his mandate. There was a consistent trend among States toward abolition of the death penalty, and the impact of the General Assembly on the process, through the adoption of a series of resolutions in recent years, was well known and important, he said.

“Yet the retention of the death penalty remains a reality in a shrinking group of States,” he said. Moreover, in many cases, domestic law and practice regrettably run counter to international standards surrounding capital punishment, while in other cases information on the use of the death penalty is kept secret, which forecloses an assessment of the level of State compliance with international standards.”

His report detailed areas of concern in the continued use of the death penalty, and explored options for strengthening international engagement, he said. He welcomed a number of developments in Africa, including Benin acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights earlier this year, but regretted the renewal of executions in The Gambia, which represented a significant step backward.

Also speaking today were Gabriela Knaul, Special Rapporteur on the independence of judges and lawyers, and Rashida Manjoo, Special Rapporteur on violence against women, its causes and consequences.

The Committee will reconvene at 10 a.m. Thursday, 25 October to continue its discussion on human rights with presentations by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967; the Special Rapporteur on the human rights of internally displaced persons; the Chair of the Committee on Enforced Disappearances; and the Chair of the Working Group on Enforced or Involuntary Disappearances.

Background

The Third Committee (Social, Humanitarian and Cultural) continued its discussion on human rights today, taking up the human rights situations and reports of Special Rapporteurs and representatives.

For that discussion, the Committee had before it the Secretary-General's report on the Situation of human rights in the Democratic People's Republic of Korea (document [A/67/362](#)), which describes the human rights and humanitarian situation in that country from September 2011 to August 2012. It contains information on the level of engagement of the Democratic People's Republic of Korea with the United Nations human rights mechanisms. It briefly touches on the work of the Office of the United Nations High Commissioner for Refugees in monitoring the protection concerns of persons fleeing the Democratic People's Republic of Korea. Finally, it contains recommendations, addressed to the Democratic People's Republic of Korea and the international community, aimed at improving the human rights and humanitarian situation.

Among his observations, the Secretary-General remains concerned about the protection of the rights to life and physical integrity, including freedom from torture and other cruel, inhumane or degrading treatment or punishment, particularly in the context of detention. He calls on the Government to respect the rights to freedom of thought, conscience and religion; assembly; and opinion and expression. He also urges the Government to take immediate steps to secure respect for the rights to food and health, including the right to water and sanitation, and to allocate greater budgetary resources for such purposes.

Also before the Committee was the report of the Secretary-General on the situation of human rights in Myanmar (document [A/67/333](#)), which covers the period from August 2011 to July 2012. The report says it has been a “remarkable year of promise and change” in Myanmar. The new civilian Government headed by President Thein Sein undertook significant reform measures to consolidate democracy by building new institutions; enacting new laws in active sessions of the national parliament and regional assemblies; reaching out to various ethnic groups to promote peace and national reconciliation; releasing significant numbers of political prisoners, including some of the most prominent figures; and taking measures to carry out economic reforms aimed at transforming the largely centralized economy into an increasingly market-oriented one that is open to foreign investment and trade.

The changed political environment, following the meeting between President Thein Sein and

Daw Aung San Suu Kyi in August 2011, resulted in the revision of the electoral laws that has enabled the National League for Democracy to return to the electoral fold after more than 20 years and to convincingly win 43 of the 45 seats in the by-election held on 1 April 2012. The past year has also witnessed a step change in the engagement between Myanmar and the international community. The Association of Southeast Asian Nations (ASEAN) agreed to Myanmar's hosting of the 2014 ASEAN summit. In the same period, the resumption of high-level bilateral engagement with Myanmar by the United States, the European Union and other interested countries brought about major shifts in their policies, including the review, suspension or lifting of their sanctions against Myanmar.

With the United Nations, there was a new expansion in relations that enabled engagement on the normalization of restricted programmes and greater cooperation with the various agencies of the Organization in support of the country's all-round political and socioeconomic development and in meeting humanitarian needs. Secretary-General visited Myanmar from 29 April to 1 May 2012, his third visit to the country in the position.

Next, the Committee had before it the Secretary-General's report on the Situation of human rights in the Islamic Republic of Iran (document [A/67/327](#)), which reflects recent trends in the human rights situation. The Secretary-General is "deeply troubled" by reports of the increasing number of executions, including in public; continuing amputations and flogging; arbitrary arrest and detention, unfair trials, torture and ill treatment; and the severe restrictions targeting media professionals, human rights defenders, lawyers and opposition activists.

He expresses concern that the new Islamic Penal Code fails to abolish the execution of juvenile offenders and has not raised the age of criminal liability of children. He strongly encourages further revisions to ensure compliance with international human rights standards and calls for a moratorium on the death penalty. Also, the Secretary-General welcomes Iran's recent efforts to report to human rights treaty bodies and its intention to invite two special procedures mandate holders for a visit in 2012. He regrets that, despite requests for a country visit, the Special Rapporteur on the situation of human rights in Iran, has not yet been admitted to the country.

A note by the Secretary-General transmitting the Report of the Special Rapporteur on the Situation of human rights in the Democratic People's Republic of Korea(document [A/67/370](#)), Marzuki Darusman, points out that the Government had thus far, not cooperated and the report was submitted based on the Special Rapporteur's visit to Thailand from 25 to 29 June 2012, and on meetings in Geneva, New York and Jakarta since March 2012. In addition to providing an overview of the current situation in the Democratic People's Republic of Korea, the Special Rapporteur presents conclusions and recommendations for the Democratic People's Republic of Korea and the international community.

In his conclusions, the Special Rapporteur emphasizes the need for the Democratic People's Republic of Korea to ensure the overall protection of human rights as provided under international human rights instruments, with a specific focus on: freedom of movement, freedom of expression and opinion, and the rights to food, health, water and sanitation. The international community should continue to provide humanitarian support to the people of the Democratic People's Republic of Korea. Provisions of food, medical and other urgent humanitarian needs, should not be contingent upon any political conditions.

A note by the Secretary-General transmitting the Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (document [A/67/379](#)) addresses Israel's compliance with its international legal obligations in relation to its occupation of Palestinian territory. The Special Rapporteur focuses on the legal responsibility of businesses, corporations and non-State actors involved in activities relating to Israel's settlements in the Occupied Palestinian Territory. He reiterates his request to Israel to cooperate with his efforts, noting that Israel has not cooperated with many other important initiatives of the General Assembly and the Human Rights Council relating to the Occupied Palestinian Territory.

As such, the Special Rapporteur calls attention to the grave circumstances of the Palestinian people, living under prolonged occupation and with no realistic prospect of its

termination in the near future. The United Nations has a great responsibility to do all possible to avoid the economic, political and cultural exploitation of Palestinians and their natural resource endowment. Among other recommendations, he calls on Israel to desist from settling its population in the Occupied Palestinian Territory, begin dismantling its settlements and returning its citizens to its own territory, namely: the Israeli side of the Green Line, in accordance with international law, numerous Security Council and General Assembly resolutions and the advisory opinion of the International Court of Justice on the wall.

A note by the Secretary-General transmits the Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, (document [A/67/383](#)), which covers developments since his previous report to the Human Rights Council in March 2012 (A/HRC/19/67) and to the Assembly in September 2011. The reporting period has seen “dramatic and accelerated” changes in that country, but also the persistence of long-standing concerns that continue to pose risks to the reform process. He urged Myanmar to ratify the core human rights treaties and ensure follow-up to the recommendations made by human rights mechanisms. All remaining prisoners of conscience should be released immediately and unconditionally, and their rights and freedoms should be respected.

Delegates also took up a note by the Secretary General transmitting the Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran (document [A/67/369](#)), submitted by Ahmed Shaheed. The report provides an overview of the prevailing human rights situation, with a focus on systemic issues that pose obstacles to the ability of Iran to comply with its international obligations. Among other things, the Special Rapporteur concludes that insufficient progress results from the country's reluctance to substantively engage with the international community on recurring matters of concern, and asserts his mandate should not be viewed as a punitive measure, but rather an opportunity to frequently engage the international community in a non-politicized, transparent and constructive forum.

Also before the Committee was a note by the Secretary-General transmitting the Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns (document [A/67/275](#)), who considers the problem of error and the use of military tribunals in the context of fair trial requirements. He also examines the constraint that the death penalty may be imposed only for the most serious crimes: those involving intentional killing. Finally, he considers the issues of collaboration and complicity, as well as transparency in respect of the death penalty's use. He concludes that international human rights law places stringent constraints on the conditions under which the right to life may be infringed. His recommendations cover “retentionist” States, abolitionist States, all States, international organizations and non-governmental organizations.

A note by the Secretary-General transmits the Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul (document [A/67/305](#)), which addresses two aspects of corruption: judicial corruption and combating corruption through the judicial system. It recommends that States should place the independence of judges, prosecutors and lawyers at the centre of their policies aimed at preventing corruption and strengthening both the rule of law and human rights.

Finally, the Committee had before it the report of the Special Rapporteur on violence against women, its causes and consequences (document [A/67/227](#)), which outlines the activities of the Special Rapporteur, Rachida Manjoo, between October 2011 and July 2012, and discusses the issue of violence against women with disabilities. It recommends that States ensure an empowerment perspective, as opposed to a vulnerability perspective, and apply a social model of disability, as opposed to a medical or charity model, within their prevention and response work on violence against women with disabilities.

Moreover, it recommends that States revoke any laws that discriminate on the basis of sex/gender against women with disabilities and address gender bias against those women in the administration of justice. They should improve disaggregated data collection (gender, age, disability), develop training materials on the prevention of and response to violence against women with disabilities and improve health-care services, including with regard to sexual and reproductive health. Reforms to reduce unnecessary imprisonment of persons with disabilities were needed.

Statement by United Nations High Commissioner for Human Rights

NAVI PILLAY, presenting her annual report, said: "The past year has been marred by developments which have put to the test the capacity of the international community to prevent and promptly respond to human rights and humanitarian crises: the conflict in Syria, fragile transitions, the situation in the Horn of Africa, in Mali and the Sahel, and the economic and social crises on all continents." The challenge addressing crises had grown over the years and they tended to develop at faster pace, often involving non-State actors. The protracted violence was a reminder that the prevention of conflict, and the protection of human rights in times of conflict remain among the most daunting challenges for the international community.

She valued the several opportunities she had to brief the Security Council this past year, including on Syria, which demonstrated the intrinsic link between human rights, peace and security. She also had the privilege of briefing the General Assembly on Syria, and on each occasion appealed for a focus on the centrality of human beings above political and economic interests. "This is the reason d'être for the United Nations, and must be reflected both in the decisions of its intergovernmental bodies and throughout the work of the Organization," she said.

Outright disrespect for human rights and humanitarian law, let alone human life, "is an anachronism that cannot be tolerated" and the United Nations must act to uphold the rule of law and protect human rights, she said. There was no doubt that every Security Council member wished to see an end to the conflict in Syria and the violence affecting civilians. While taking into account important political concerns, it was urgent to find ways to avert massive loss of civilians and human rights violations. International law obliged States to protect their people; and where a State manifestly failed to carry out that obligation, the international community needed to take urgent measures to protect the Syrian people, she said.

On recent tensions over freedom of expression and religion, her Office was encouraged that the Human Rights Council had taken an approach to build on the existing legal framework to ensure those rights were respected while sanctioning incitement to hatred. Her Office had held a number of expert workshops which aimed to illustrate human-rights-compatible responses to important related issues. A final workshop in Morocco had brought together conclusions and recommendations and a proposed plan of action. She had publically regretted or condemned various displays of religious hatred or bigotry and had constantly urged religious and political leaders to condemn the violence.

While much remained to be done, she highlighted encouraging developments. In the past two years, in the wake of crises and transitions, her Office had been increasingly invited to individual Member States to assist in addressing human rights concerns. Today, her Office supported 57 field presences. In June, it started conducting regional activities in North Africa, and in September it signed an agreement with Yemen for a country office in Sana'a. There had also been a memorandum of understanding with Somalia on technical cooperation in the field of human rights, which would allow more support to Somali counterparts in the post-transition phase, she said.

There had also been increasing requests for human rights advisors, who were key players in mainstreaming human rights in country programmes, to be posted with United Nations resident coordinators and country teams. In that regard, she strongly encouraged States to donate to the Human Rights Mainstreaming Trust Fund of the United Nations Development Group, launched in 2011. Requests for technical cooperation had also expanded, particularly in the follow-up to the universal periodic review. The universal periodic review constituted a platform for States to reaffirm their human rights commitments, and it was important for that work to continue with follow up and implementation.

The support of her Office to treaty bodies was critical and the strengthening process had reached an important stage. The comprehensive reporting calendar, one of the main proposals in her report, sought to achieve better planning and pacing at the country level. As a result of consultations with all stakeholders who participated in the first session of the treaty-body-strengthening process in New York, they were more aware than ever of the challenges the system faced. She also commended the work of co-facilitators appointed by the General Assembly, Iceland

and Indonesia.

Her Office had also provided consistent support to the Human Rights Council, whose resolutions required it to provide monitoring, reporting and technical cooperation. The Office was now providing support to 48 Special Procedures, who carried out 82 country visits in 2011 and issued 605 communications to 124 States.

While independent, they complemented the work of her Office, and a joint event on 30 October on human rights mainstreaming and the role of Special Procedures would be held in New York. States should value the expertise of the Special Procedures and cooperate with them, she added. The Human Rights Council had also voted to extend the Commission of Inquiry on Syria for the fourth time, which required additional resources.

Integrating human rights into the development agenda, her Office worked to have the right to development included in documents, especially as related to the Rio + 20 Conference. The main human rights commitments in the outcome document were welcome steps, she said. The General Assembly resolution adopted at the high-level meeting on the rule of law reaffirmed that human rights, rule of law and democracy were mutually reinforcing, belonging to the United Nations' core values. She also supported the call for States to accept jurisdiction of the International Criminal Court.

As the Assembly was due to discuss a new resolution on a moratorium on the death penalty, she hoped for support of all Members. Today, around 150 States had abolished the death penalty or did not carry out executions. The struggle against all forms of discrimination was quintessential to her mandate, and it continued to highlight the prevalence of various forms of discrimination, in law and practice. In December last year, at the request of the Human Rights Council, she issued a study on documented violence and discrimination targeting lesbian, gay, bisexual and transgender people. "I am aware that Member States remain divided on this topic and encourage more dialogue," she said.

Like all other United Nations entities, her Office was labouring under financial constraints. Human rights were widely recognized as one of the three pillars of the Organization, yet the resources required to support important mandated activities was not forthcoming. "While we will continue to endeavour to fulfil such work, without sufficient resources, we are being compelled to do less with less," she said, earnestly seeking renewed commitment and support to enable the Office to maintain its momentum.

Question and Answer Session

Suriname's delegate, on behalf of the Caribbean Community (CARICOM), noted with great concern the decision to move treaty body meetings from New York to Geneva. She asked whether that decision had resulted from consultations with treaty bodies. She also asked for details on the projected savings to be gained by that decision and for an update as to whether all treaty body sessions scheduled for New York had been budgeted for in the current biennium. She also asked that the decision be placed in the context of the treaty body strengthening process, which was expected to resume in 2013.

Further, she noted with concern a letter from the Office of the High Commissioner making a request of States regarding their standing national reporting and coordinating mechanisms. She asked for background information on that decision, and whether that decision would create an additional reporting burden for States parties. Finally, she asked about the implications of that decision on strengthening the treaty body system.

Liechtenstein's delegate noted the lack of meaningful multilateral diplomacy in Syria and thanked the High Commissioner for adding her voice to the situation. He agreed on the value of the universal periodic review and expressed concern there might be a threat to its universal nature. He wondered if she agreed that there was a threat to the review's universal nature and what States could do to preserve the integrity of that mechanism.

As to the financial situation of her Office, he said the creation of the Human Rights Council, while a positive development, also had impacted the resources available to the High Commissioner's Office. One concern was over the financing of commissions of enquiry and he wondered if United Nations funding mechanisms for unforeseen expenditures were now available to her Office, as its work was of utmost importance, especially in Syria. He attached great importance to treaty body reform.

Chile's delegate said it was necessary to promote more attention to all situations of human rights violations, wherever they occurred. Chile supported constructive dialogue and strengthening the protection of national human rights systems. On other matters, he said gender equality was a central theme in the protection of all human rights. He was concerned at the proliferation of mandates for special procedures, which now numbered 48. With low resources, priorities must be made. He reiterated Chile's commitment to promote and protect human rights, which required coordination, especially with the General Assembly, which must provide resources to the Human Rights Office.

The European Union's Special Representative for Human Rights supported the Office's work, saying that commissions of enquiry were important for gathering information on human rights abuses around the world. The High Commissioner's report showed the difficulties they faced when access was prohibited. Special procedures mandate holders in reporting on human rights violations were a key component of the United Nations human rights machinery. He valued support to those bodies, including in Eritrea and Belarus, saying that State cooperation with mandate holders was crucial.

But, some Special Rapporteurs were still unable to access countries. He asked what more the intentional community could do to ensure such access, and how best it could support the efforts of special representatives. On treaty body strengthening, he asked ideas on ensuring the independence and effectiveness of those bodies. He welcomed role of the Human Rights Office in New York and Ms. PILLAY's increased visibility on peace and security discussions.

Malaysia's delegate said the human rights situation in some countries in the Middle East and Africa continued to deteriorate amid internal conflict caused by socioeconomic upheavals. She called on all parties to ensure unimpeded access to humanitarian aid to affected areas. She also urged an end to the flow of arms into Syria and voiced hope that the Joint Special Representative for Syria would soon succeed in bringing about a ceasefire. She was disappointed by Israel's July decision not to cooperate with yet another Human Rights Council mechanism.

The Russian Federation's delegate drew attention to the decision to move the meetings of the Committee on the Elimination of Discrimination against Women from New York to Geneva, saying that the \$70,000 cost savings was not a "terribly convincing" argument. He asked where that money would go and why such economics had been applied only to that treaty body?

On another point, he said that on 20 October, the Permanent Representative in Geneva had received a letter with a request that States compile the practices of national mechanisms in their treaty body reports. That was the letter referred to by Suriname's delegate and those measures were being asked by the High Commissioners Office. The Russian Federation considered that to be a violation of the General Assembly resolution 66/254 (2012), on the intergovernmental consultative process on reform of the treaty bodies. He considered the situation to be unacceptable and urged the High Commissioner to reverse her decisions, reaffirm her readiness to follow respective General Assembly resolutions and refrain from any other steps that could be perceived as being in violation of relevant resolutions.

Algeria's delegate said his country was adapting its national legislation to international standards and looked forward to continuing its constructive partnership with High Commissioner and Special Rapporteurs. He reiterated the call for proper funding for the Office, saying that Algeria had committed \$500,000. He cautioned against double standards, reminding the Office that not all of the international community's decisions had been implemented, notably as related to the decision for peacekeeping operations to contain a human rights component.

He said that, to date, all peacekeeping operations had a unit except that in Western Sahara, and he could not understand the attitude of the secretariat or the Security Council. It undermined positive developments. Also, her Office should take a public stand regarding the nexus between religion and freedom of speech, especially in the wake of the shooting of a girl and jailing of young people in that context.

Costa Rica's delegate agreed that mediation and preventive diplomacy were critical to avoiding human rights violations. Universal periodic reviews also were constructive tools to give impetus to human rights. The reviews must be perfected and their follow-up improved. The introduction of a gender perspective, noted in the report, was important, especially as regards the Declaration on the High-level meeting on the rule of law. He asked for views on encouraging that perspective in reaching sustainable development goals in the post-2015 period.

China's delegate said the High Commissioner's Office should respect national cultural traditions and conduct its work in a fair, objective manner by engaging in dialogue with countries concerned. It should promote both categories of human rights in a balanced manner by taking further measures. Also, it should improve its financial transparency and she welcomed its steps to make improvements in that regard, so that States could better support the Office.

As for treaty body reform, she said the General Assembly intergovernmental process was mandated to improve the system and promote dialogue among State parties and treaty bodies. The Office should cooperate with that process and not initiate any reforms without a mandate from the General Assembly or the Human Rights Council. China was ready to strengthen its dialogue with the Office on the basis of mutual respect.

Kazakhstan's delegate noted the launch of the human rights mainstreaming trust fund, launched in 2011. The Commissioner's Office must adhere to principles of transparency and the involvement of all stakeholders in the treaty body strengthening process. He also encouraged the Office to adhere to objectivity and impartiality, in line with its mandate. Its focus should be on monitoring, reporting and technical cooperation with Member States. His Government had taken note of its recommendations and was considering the adoption of a human rights action plan from 2013 to 2016. Moreover, it had established a working group on the human dimension, comprising Government and civil society representatives. He asked for views on ways to ensure the reliability of facts that informed the Office's work.

Syria's delegate said his Government had taken part in the creation of the Human Rights Council. Reaffirming Syria's support to all noble efforts to promote and protect globally agreed human rights, he voiced concern at the continued unilateral reading by the High Commissioner of the Syrian crisis, in which she viewed very complex matters as "merely black or white". Ms. PILLAY insisted on criticizing the Government whenever the opportunity presented itself. Flagrant interference in Syria had been unveiled. Yet, Ms. PILLAY insisted on ignoring any reference to the role of external parties in the funding, arming and provision of political cover for terrorist groups in his country.

Syria had always hoped that the High Commissioner would intervene, he said, by calling on countries to stop providing support, shelter and arms to those groups. Terrorist armed groups, affiliated with Liwa al-Islam, today had slaughtered 25 women, children and elderly people in Douma, just north of Damascus. That massacre had happened during a closed Security Council session. Foreign support of those groups had been verified, with States no longer hiding their negative role, in that regard.

He recalled the statement by the chief of the International Inquiry Commission on the proliferation of foreign combatants fighting the Syrian Government, which noted they had come from 11 neighbouring and non-neighbouring States. He urged cooperation with the Syrian Government and for exerting pressure on foreign parties who were causing the bloodshed, so they would end their violations of international law and the United Nations Charter.

Pakistan's delegate said his Government would continue to cooperate and engage with the Office to promote and protect universal human rights. He agreed that the United Nations must

uphold the rule of law and protect human rights, work that must be undertaken without double standards. The High Commissioner's Office had drawn attention to incitement to hatred based on religion or belief and such acts should be addressed in line with international human rights law. He supported its work in highlighting the link between articles 19 and 20 of the International Covenant on Civil and Political Rights. He asked what more could be done to address that issue, which had serious consequences for peace and security.

On other matters, he said Pakistan had taken note of the acknowledgement that the international community was divided on the death penalty and sexual orientation. Success of the Universal Period Review depended on its cooperative nature, which required avoiding "naming and shaming". He supported the High Commissioner's view to support treaty bodies through increased funding. There had been no forward movement on the right to development and he asked about practical measures to realize that important right. He also fully supported the need for resourcing the High Commissioner's Office so that it could carry out its mandated activities.

Morocco's delegate reassured the Office of the High Commissioner for Human Rights of his Government's full support, recognizing the High Commissioner's participatory approach. Her report revealed progress and identified challenges that required an immediate response, especially as regards the budget, and it was time for States to ensure adequate resources. The results of the universal periodic review showed the need for more resources. "This is a priority", he said. Morocco also had noted with interest intensified work on a range of themes, including racism. That situation was alarming. He drew attention to Afro-descendants in that regard and requested the Office focus on that issue.

Moving on, he invited her Office to cooperate further on supporting the rights of immigrants and refugees. As for the right to development, he supported intergovernmental efforts and attention in that regard. As for the Rio+20 Conference, he welcomed the Office's efforts and hoped they would be maintained. On a final point, he said the United Nations Mission for the Referendum in Western Sahara (MINURSO) was not the only peacekeeping that lacked a human rights dimension; there were six others.

Norway's delegate asked how to mainstream human rights perspectives into the quadrennial comprehensive policy review and post-2015 development agenda.

Switzerland's delegate had been struck by the Office's resource deficit and appealed to States to engage, especially in the Fifth Committee (Administrative and Budgetary), to increase the regular budget dedicated to human rights. Switzerland supported the High Commissioner in the strengthening of treaty bodies. He welcomed its first report on the promotion of truth, justice, reparations and guarantees of non-recurrence, earlier this year, and the importance it placed on the issue of transitional justice. He asked about the most pressing needs in strengthening transitional justice.

The representative of the United States said the High Commissioner's Office was playing a critical role combating impunity and strengthening rule of law, and her delegation supported its continued advocacy of LGBT individuals. She asked, with regard to technical assistance for States, particularly those going through transition, what had been the results and impediments? Also, she asked for more details on efforts to establish a field office in Yemen.

Cameroon's representative, speaking on behalf of the African Group, asked for comment how the Office would address underfunding, as the budget heavily relied on voluntary contributions. Could she elaborate the reasons for the discrepancy in support for Special Procedures mandates and what efforts were underway so they could be assured adequate funding? Could she also elaborate on efforts to fully implement the Durban Declaration, especially since racism still presented a major challenge affecting millions around the world?

The African Group also noted with concern the move to consider States parties reports in Geneva, which posed a problem for those who did not have a mission there, and she asked would it be possible to reconsider this decision, bearing in mind it usually met in New York. She also wished to seek clarification on how the Office decided to publicly call for funding, when the process was still

under review.

Tunisia's representative asked whether clandestine immigration was a priority in her new agenda, and how she would develop the Tunis imperative in her new mandate.

The representative of the United Kingdom asked what follow-up, if any, was planned for her Office in Nepal; also, what could the international community do to put a stop to the disturbing trend of reprisals against civil society working with the Organization in Syria?; and what could the international community do to help implement the universal periodic review recommendations worldwide?

South Africa's representative reaffirmed its commitment to work with members to strengthen the treaty bodies system and assured the High Commissioner of her delegation's continued support in her mandate.

Palestine's delegate asked what were the consequences of Israel's decision to stop contact with her Office and others, defying international obligations?

The representative of Cuba asked for an update on efforts to overcome the poor regional geographical distribution in her office so that it could reflect the universal, as well as her opinion on results monitoring the code of conduct for Special Procedures, and said he was awaiting with great interest her answers on strengthening treaty bodies and the intergovernmental process in New York.

The representative of Bangladesh asked for clarification, which had been asked by others, about the rationale for changing treaty bodies to Geneva, which had apparently not been done with adequate consultation.

Iran's representative also raised concern about any effort to change the treaty body issue out of the intergovernmental process. On the issue of the death penalty, he said every country had the sovereign right to decide for itself. With regard to religion, the international community was witnessing an ever-increasing trend in Islamophobia, which needed concrete and preventative action with binding instruments. On Syria, his country said the way out of the crisis was to establish cessation to hostilities and hold dialogue between both sides, with the international community helping efforts. There was no other alternative.

Iraq's representative said his delegation would like to dissipate concerns expressed by the High Commissioner on just trial in Iraq and the death penalty, as judgements went through several phases.

The representative of Belarus drew attention to the need to step up the efforts of the Office to combat human trafficking, particularly the capacity-building of law enforcement agencies. She said it was prepared to cooperate with the Office, but unfortunately that was undermined by its reluctance to make arrangements with countries and bias. She expressed concern for discriminatory practices and silence by the Office on practices in Western countries. Unfortunately, there had not been adequate response by the Office in regards to incitement of hatred on an international level. Also, she asked the High Commissioner to urge removal of universal coercive measures of states under sanctions.

Eritrea's representative said Member States needed to be guided by the principles on impartiality and non-selectivity.

Angola's representative said his country would welcome a more objective dialogue with States and urged them to increase voluntary donations and technical assistance in the field of human rights.

Responding, Ms. PILLAY thanked Member States for their encouragement and support, saying she valued this dialogue. On the question of the regular budget, she looked for Members' support for an increase. The call from the Secretary-General for zero growth in the 2014-2015

budget made the situation more difficult for funding, so she looked to delegations. Mainly because of the universal periodic review and Special Procedures and great demand for assistance from her Office, more funding was needed. "This tradition of keeping human rights as the Cinderella of the three pillars must be addressed," she said.

On the question of geographic recruitment of staff, she said she had been asked this in the four previous presentations to the Committee and had been paying attention to the matter. The human resource scorecard said the 58 per cent level had been achieved, even though the target had only been 20 per cent. The Office followed very closely the process on how it should recruit and select staff.

She also said she had been asked to share best practices to also stimulate Member States. Responding to questions of concern about the relocation of the Committee on the Elimination of Discrimination against Women and the Human Rights Committee, she said their sessions had not been reduced, but rather those in New York had been moved to Geneva, with prior consultation, as the Office had overspent extra budgetary funds by \$40 million. "I do feel like an overburdened donkey here with buckling legs, but I'm not asking for work to be removed," she said. She had made a cut by 7.85 per cent in her offices, and that was how treaty bodies had made the cut. "I'm not saying they shouldn't sit in New York; I'm saying we don't have the funds," she said.

With regard to Special Procedures and their requirements, she said many new mandates had been increased, but there had been no increase for the regular budget. They were relying on voluntary donations to fill the gap. And on the Code of Conduct for Special Procedures, complaints should be addressed to the coordination committee, which had told her it had not received any complaints, even though she had heard them. So, she urged Members to take their complaints there.

She said the likelihood of achieving 100 per cent participation in the universal periodic review was not good because of the disengagement of one country, an unfortunate state of affairs. She looked to Member States to address that.

On the question of reprisals against human rights defenders and individuals cooperating with the United Nations, she said States had an obligation to investigate and conduct remedies for reprisals. She was dedicated to the fight against racism, and would continue to provide support to states to follow up on plans and actions.

On the post-2015 agenda, she said it must be a truly global, universal and balanced agenda consistent with all human rights, addressing pervasive inequalities and with strong accountability. The Secretary-General had set up a task team on the post-2015 agenda, and the Office was an active member. Her office also was working to enlarge the constituencies on the right to development, she said.

Statement by Special Rapporteur on Human Rights Situation in Iran

AHMED SHAHEED, Special Rapporteur on the Situation of Human Rights in Iran, said the responses he had received from Iran to his communications on specific cases made him optimistic about establishing a substantive dialogue with the Government to discuss these concerns, as well as others raised by the international community. He looked forward to positive engagement on his recent request to visit Iran to examine the veracity of allegations reported to him.

His report documented various developments and examined issues impacting Iran's human rights situation in the context of its international obligations, he said, noting that Iran was a State party to five human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Iran was also obliged to implement the 123 recommendations voluntarily accepted during its universal periodic review with the Human Rights Council in February 2010.

Since the drafting of his report, Iran had announced hundreds of pardons and released a number of prisoners of conscience, including Pastor Youcef Nadarkhani, he said, reportedly in

prison on apostasy charges. He continued to call for the release of all such prisoners and to investigate charges of human rights violations, especially of due process rights. He had met with Iranian officials and members of the Iranian diaspora since submitting his last report to the Human Rights Council in March.

Concern about the impact of general sanctions on Iran's human rights situation was raised in several of those meetings. "The potential impact of sanctions on human rights does concern me", he said, and an examination would be part of his future work. That required a careful review of a wide range of indicators, which called for cooperation from various actors and a visit to the country. Information gathered from other sources, including Iranians who had reported human rights violations, presented a "deeply troubling" human rights situation. It painted a picture in which a "climate of fear" pervaded civil society, and legislative actions served to frustrate healthy participation in democratic processes and impaired the judicial system.

Citing examples, he said over 40 journalists were in prison serving sentences from six months to more than 19 years. At least 19 journalists appeared to have been arrested between January and June of this year. The high frequency of executions, particularly for drug-related crimes — which did not conform to "most serious" standards under international law — was a serious concern. Over 300 executions had been recorded since the start of the year. In addition, the report outlined concerns about the impact of "cybercafé laws" on freedom of expression and the right to information, as they had apparently been used to prosecute those using the media to criticize the Government.

Moreover, judges were compelled to defer to either fatwas or Sharia where the law was silent on criminal matters, he said, while the penal code's reticence could serve as a loophole for the use of stoning and prosecution for apostasy. He was also concerned that the new penal code broadened the scope of national security crimes under vague headings of "corruption on earth", for which even harsher punishments would now be mandated. He was alarmed by reports of due process rights violations, saying that of the 99 people interviewed, about 60 per cent had reported the use of prolonged solitary confinement; 80 per cent said they had been beaten during interrogations; and over 60 per cent alleged they had been denied adequate access to a lawyer.

At least 32 lawyers and several human rights defenders were being detained, including Nasrin Sotodudeh, Abdolfattah Soltani, Narges Mohammadi and, last month, Mohammad Ali Dadkhah. "This situation continues to undermine the Government's ability to adhere to its international commitments", he said, urging Iran to address systemic obstacles. Further, he recommended that attention be paid to legislation that served to attenuate and abrogate rights guaranteed by the five human rights instruments it had ratified. Impunity must be addressed to facilitate accountability.

Question and Answer Session

Opening the discussion, FRONZANDEH VADIATI (Iran) expected that the Human Rights Council, as the main pillar in the human rights sphere, would not allow any of its mechanisms to be abused as "instruments for discouragement". The appointment of a country mandate holder, however, had resulted from a one-sided approach and the political ambition of countries, including the United States and its European allies. That approach undermined the Special Procedures mechanism and status of the Council. Iran had submitted its general comments and observations on the draft report of the Special Rapporteur in July and August, but regrettably, the Special Rapporteur had refrained from introducing the proposed amendments into his report.

None of the code of conduct requirements for Special Procedures had been observed by the Special Rapporteur. The report did not focus on the trend of human rights developments in her country and lacked the principles of independence and impartiality in its approaches. It noted that Yahoo, Gmail, Hotmail and MSN were banned, but those services were active. Moreover, there were long-standing examples of peaceful coexistence among ethnicities and religions in Iran. The constitution recognized all Iranian ethnic groups and their representation in all political, electoral and local decision-making.

On other matters, she said the establishment of a cyber-council for securing the internet related to the security and sovereignty of States, rather than the promotion of human rights. Iran was targeted by cyberattacks and had every right to enhance its cybersecurity. The report also failed to notice daily military threats by the United States and the Zionist regime. The media and some institutions had raised baseless allegations against Iran, turning the Special Rapporteur's mandate into a political, rather than independent, one. The report failed to reflect the actual situation of human rights in Iran. She welcomed cooperation with United Nations human rights mechanisms and had invited the High Commissioner for Human Rights to visit. A preparatory visit was carried out in December 2011 to facilitate such a visit.

The representative of the Maldives welcomed Iran's participation in the Universal Periodic Review this year. He asked to what extent sanctions had impacted Iranians and the Government's ability to fulfil its human rights obligations. He asked how the Special Representative planned to work with human rights partners and Iran to examine the impact of sanctions on the country.

China's delegate said Iran had the right to choose the manner in which it protected human rights.

Canada's delegate was gravely concerned at the human rights situation in Iran, amid reports of torture and other cruel punishments. He condemned the punishment of religious minorities, including Christians and those of the Bahá'í faith, urging Iran to release people arrested on that basis. Those people should be able to practice their faith freely, including the Zoroastrian community. He also expressed concern at restrictions on the freedoms of assembly, opinion and expression, as well as about measures taken regarding women.

He went on to say that March parliamentary elections were neither open nor democratic, as candidates had been harassed, among other things. He asked how Iran could ensure free and fair elections and candidate selection process for the 2013 presidential elections. People of the Bahá'í faith had been prevented from pursuing education. Authorities had worked towards gender segregation in higher education, decreasing the number of women admitted to those schools from 45 per cent in 2007-2008 to 32 percent in 2011-2012. He asked for comments on that situation.

Norway's delegate said human rights defender's centre had been under pressure and the founders were now in prison. The case of Nasrin Sotodeh was particularly difficult. She had also started a hunger strike. He asked how the Special Rapporteur would follow up on such cases and, further, engage Iran to address the fate of political prisoners, including those from 2009 demonstrations.

The European Union's delegate was deeply concerned at the situation in Iran, noting that Iran was party to five human rights treaties. He asked about the means that would help the Government adhere to its obligations. Other questions centred on the penal code and execution trends. He regretted that the Special Rapporteur's request for a visit had not yet been met with a positive response.

The representative of the United Kingdom strongly supported the Special Rapporteur's mandate and voiced serious concern at the human rights situation in Iran. She voiced great concern that Iran had failed to show its engagement on its human rights record. She asked about the most effective way to encourage Iran's engagement. Iran's low observance of human rights standards had been seen in its use of the death penalty, including for drug-related offences. She asked about areas of focus for the Special Rapporteur's next report and plans to explore the rule of law, including repression of human rights defenders and minorities.

The representative of the United States repeated the call to allow the Special Rapporteur to visit, saying that Iran's repression was beyond deplorable, as the report outlined torture and execution of political prisoners as examples of violations of the International Covenant on Civil and Political Rights obligations. Many people had been sentenced to death without due process, for exercising freedoms that Iran was obliged to protect. Women's access to higher education had been restricted to an unprecedented degree.

Moreover, she said Christians, Sufis and people of the Bahá'í faith had become targets. Iran had violated its Constitution. Its blocking of domestic and foreign news, a ban on personal email accounts, and attempts to control and filter online content highlighted the crackdown on Iranians' freedom of expression. She asked about the steps needed to ensure its 2013 presidential election would be free and fair.

The representative of the Czech Republic shared the concerns that, while Iran had human rights tools, a wide range of human rights violations had been documented and there had been insufficient adherence to the rule of law. He asked about detention of human rights defenders, their executions without fair trial and subjection of family members to similar intimidations. He wondered how the international community could engage to support human rights defenders and their families in Iran. He also expressed concern at restrictions on the media and systematic violations of the freedoms of assembly and association — those elements were crucial for the holding of free and fair elections. He asked about the likelihood of free and fair elections in Iran.

Brazil's delegate acknowledged the positive economic and social rights achievements in the human rights situation in Iran. But, he also voiced concern at the treatment of human rights defenders, arbitrary arrests and detention, and discrimination against ethnic and religious minorities. Brazil was open to bilateral dialogue and cooperation with Iran, also in the field of human rights, and he encouraged Iran to engage with the international human rights system. A visit by Special Rapporteur would constitute a step in the relationship building process.

Switzerland's delegate said ethnic and religious minorities — including Sunnis, Kurds, Jews and Christians — had been subjected to unequal treatment, while people of the Bahá'í faith also were suppressed. He asked about the likelihood of a visit in the near future and about the international community's role in that regard.

Responding, Mr. SHAHEED said he was pleased to have received a very lengthy response from Iran. However, its 60 pages did not qualify as a summary that could be put in his report, because it would then have exceeded its 10,000 word limit mandated by the General Assembly. He noted, however, his appreciation to Iran for its commentary. On allegations he ignored terrorism, he said he did not claim to address all issues in the country, but focused on the most pressing issues at the time, while rotating addressing others.

On questions about how he intended to monitor sanctions on Iran, he said he could only rely on witness testimonies. He was concerned about the impact of sanctions.

On the question about ensuring the upcoming elections were free and fair, he said there were a number of concerns, including limiting women running for office and prosecution of journalists. In that context, it was very difficult to speak about free and fair elections. Finally, they needed to be transparent. Transparency, rule of law and some systemic indicators would be the mark of free and fair elections.

Iran had made a lot of progress in women's education, he said, but recently there had been concerns about quotas limiting them or administrations banning them from courses. The Baha'is faced discrimination because they were not recognized as a religion, and if they declared their faith, they often faced discrimination, including lack of access to education.

Meanwhile, on provisions in the penal code, he said he would like to see a ban of general executions. And finally, on the question about what to do to ensure Iran heeded recommendations of the mandate, he said Iran was party to a number of international treaties, and there were very serious issues that needed to be addressed. The international community had to uphold the rule of law and encourage a dialogue.

Statement by Special Rapporteur on Extrajudicial Executions

CHRISTOF HEYNS, presenting his annual report, said he had deemed it essential to dedicate this year's report to the use of the death penalty, which was at the core of his mandate. It was vital to recall that life constituted the supreme and ultimate right, and required the highest level

of protection. In cases of capital punishment, international law provided for a very narrowly defined exception by which States that still had this form of punishment may impose it. There was a consistent trend among States toward abolition of the death penalty, and the impact of the General Assembly on this process, through the adoption of a series of resolutions in recent years, was well known and important.

“Yet the retention of the death penalty remains a reality in a shrinking group of States. Moreover, in many cases, domestic law and practice regrettably run counter to international standards surrounding capital punishment, while in other cases information on the use of the death penalty is kept secret, which forecloses an assessment of the level of State compliance with international standards,” he said. His report detailed areas of concern in the continued use of the death penalty, and explored options for strengthening international engagement. He welcomed a number of developments in Africa, including Benin acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights earlier this year, but regretted the renewal of executions in The Gambia, which represented a significant step backward.

A considerable part of his report was dedicated to the most serious crimes provision under international law, which he said was strictly limited to intentional killing. An overview of statistics suggested State practice might support that understanding of “most serious crimes”, and he drew attention to the fact that the death penalty may not be imposed for other offences, such as drug-related activities or economic crimes. He also concluded that mandatory death sentences violated various human rights standards, and therefore should be abolished. It was also in contravention of international law to impose the death penalty in cases where proceedings did not adhere to the highest standards of fair trial.

His report also raised two major issues of concern in the area of fair trial: the inappropriateness of military tribunals imposing the death penalty, and the problem of error in capital proceedings, which had been highlighted by emerging evidence that innocent people were sentenced to death. States must ensure transparency on all cases of capital punishment, including prosecutions, sentences and executions. “Secrecy should have no place in this process,” he said, adding individuals directly concerned by the death penalty, as well as their families and lawyers, should receive timely and sufficient information on their situations. “The absence of transparency in relation to the imposition or implementation of the death penalty violates by consequence the right to life,” he said.

The report also evoked the responsibility of all States, including abolitionists, to ensure that countries which still used capital punishment applied it under very strict observance of international standards. Abolitionist States had a particular obligation not to assist in any way the imposition of the death penalty, whether or not the State that actually imposed it was in compliance of international standards. Finally, he said, he would like to mention he intended to devote the upcoming year to researching and reporting on the issue of robotic technology and remote controlled aerial vehicles, and its implications for protection of the right to life.

Question and Answer Session

Switzerland's asked how the Special Rapporteur intended to continue his work on the death penalty, and whether he supported efforts to create a Special Procedure on the death penalty.

Norway's representative said it would be helpful in a future report to provide retentionist States guidelines for transparency, and also asked the Special Rapporteur to coordinate with relevant United Nations bodies on drugs when reviewing norms. She asked how States could contribute to ensuring effective cooperation in that regard.

The representative of Singapore said his delegation condemned extrajudicial, summary or arbitrary executions; thus, it was surprised the Special Rapporteur focused his report on the death penalty. It could not imagine how the application of the death penalty, which was applied in Singapore with judicial safeguards, applied to his mandate. He categorically rejected his argument, which only reflected the Special Rapporteur's summary, arbitrary opinion. There was no international consensus for, or against, capital punishment when imposed according to the due

process of the law. Drug trafficking was a serious crime that had a pernicious impact on the community, and Singapore was a State that viewed it as a serious offence for which the death penalty must be imposed. Singapore had a robust criminal justice framework and, therefore, disagreed that the Rapporteur's mandate included the death penalty. Thus, he would like to hear whether extrajudicial executions had worsened in cases of conflict over the past year.

The European Union's representative asked the Special Rapporteur to elaborate on the most serious crimes idea. What were his recommendations for avoiding executing the innocent?

The United States representative asked what could the international community do to gather more information on their death penalty practices.

Kenya's representative said bringing the death penalty into the mandate probably encroached on an area that was not within it, and asked for further explanation. Also, Kenya had a moratorium on the death penalty, but it continued to be on the books and it was difficult to get it out. It was not purely a human rights issue. What more could the Special Rapporteur prescribe for a country like Kenya?

The Russian Federation's representative asked if he intended to do a study on drones or remote controlled vehicles to determine whether they were terrorist attacks.

Brazil's representative underlined that his country was part of an international norm on the death penalty, including those that prohibited the death penalty on vulnerable people.

Viet Nam's representative said by focusing on the death penalty, the report misled the international community. If it had focused on extrajudicial killing in armed conflict, it would have been more welcome. International law did not have any prohibition requiring abolishment of the death penalty. It was applied to only a few serious crimes in Viet Nam, and had been applied less in recent years.

Responding, Mr. HEYNS said he planned to continue engagement with the issue, through 20 per cent of his communications, which continued to deal with the death penalty. He was in favour of the death penalty being given special attention, but the level of resources for mandates needed to be kept in mind. It was very clear in his mandate that the death penalty could be addressed, as long as it dealt with international standards. The regional level was also an entry point that could deal with the issue.

Responding to Norway's question on drug agencies and the death penalty, he said when the resolutions on drug policy were raised in the General Assembly they should be addressed.

On the statement from Singapore, he said unlawful killings were also the broader context of his mandate. The resolution of the General Assembly of the mandate stated in Paragraph 5 that all States should comply with relevant provisions and pay attention to Article 6 in the Covenant on Civil and Political Rights. Also, he said, the mandate was to monitor existing international standards.

On the question by the European Union, he said, yes, the trend was to move away from moral crimes. The General Assembly request to put a moratorium on a death penalty would be a way to end executions of the innocent.

Responding to the question by Kenya on how to get the death penalty off their law books, he said a moratorium was a "useful halfway house" if the political will was not there to repeal the death penalty. After five or ten years of seeing that crime did not escalate, there could often be political will.

On the question of drones, he said he would look into international human rights framework on how drones could be used.

Finally, responding to the question by Viet Nam, he said killing in armed conflict would be

explored in the drones issue, and he also praised Viet Nam's approach to gradually phase out the death penalty.

Special Rapporteur on Judicial Independence

GABRIELA KNAUL, Special Rapporteur on the Independence of Judges and Lawyers, said that since her last briefing, she had gone on an official visit to Pakistan and would travel next month to El Salvador. The reports of both visits would be presented as addenda to her next report to the Human Rights Council in June 2013. She had proposed dates for a trip to the Russian Federation in 2013 and looked forward to collaborating in preparations for that mission. She encouraged Argentina, Bangladesh, China, Fiji, India, Iran, Kenya, Malaysia, the Maldives, Myanmar, Nepal, Philippines, Togo, United States, Venezuela and Zimbabwe to seriously consider extending an invitation.

Turning to her report, she said it analyzed types of corruption and identified elements needed for safeguarding judicial actors from conditions conducive to corruption. Her recommendations were grounded in international principles on the independence of judges, prosecutors and lawyers. "Corruption is a multifaceted and widespread phenomenon", she said. It was a daunting challenge to combat in many countries. Throughout her mandate, she had seen first-hand the pervasiveness of corruption and negative impacts on public institutions, especially the judiciary.

Corruption in the judiciary undermined the rule of law and the judiciary's ability to guarantee the protection of human rights. It also threatened the very essence for judicial independence, extending from pre-trial investigations through trial proceedings and settlement, to the enforcement of decisions by court bailiffs or the executive. She had confined her report to assessing corruption involving judges, prosecutors and lawyers. "An independent and impartial administration of justice is essential to the protection and implementation of human rights", she said, noting that a lack of trust in the judicial system encouraged corruption.

She went on to say that judicial corruption had a strong potential to victimize those who did not have the means to play by the informal rules set by a corrupt system. It discouraged people from resorting to the formal justice system, and thus, diverted dispute settlements towards informal systems that often were not impartial, fair or non-discriminatory. Strengthening the judiciary from within and providing all safeguards for its independence was essential in combating and preventing judicial corruption. All justice system actors must be properly trained in their respective codes of ethics and conduct, especially as related to the right to a fair trial.

Whenever suspicion or evidence of corruption arose, there should be effective mechanisms of accountability to deal with them, she said, which should be developed with the full participation of the actors concerned. They should guarantee that in any investigation and prosecution of any actor in the judicial system the person's right to a fair hearing was safeguarded. Judges, prosecutors and lawyers were in a good position to tackle corruption by placing sanctions on such abuse. Institutional elements could play a prominent role in that regard. Anti-corruption bodies should be established to strengthen transparency within the public sector. The creation of specialized units or courts within the criminal justice system could also improve the quality of the investigation of corruption.

Against that backdrop, she drew attention to the Cambodia War Crimes Tribunal whose independent action had been seriously impaired, due to a lack of financial resources. It was unacceptable that a tribunal in charge of judging those responsible for one of the world's most horrendous massacres was threatened by a lack of financial support. Its work was paramount for bringing the perpetrators of serious international crimes to account and guaranteeing victims that were duly compensated. It required proper resources. It was fundamental that States and international organizations provided support and demanded that its work proceed with fairness, impartiality and independence.

Question and Answer Session

When the floor was opened for questions and comments, the Maldives's delegate said an accountable and independent judiciary was essential for any State. The Maldives was undertaking various reforms and had enhanced its accountability bodies. He reiterated the invitation for the Special Rapporteur to visit and would work to finalize the details of a potential visit. Her recommendations could be substantial, as his Government undertook substantial justice sector reforms.

The representative of the Russian Federation asked for the Special Rapporteur's opinion on an anti-corruption measure in courts. Such a programme was taking place in the Russian Federation, while sentences and judgements were being published on the web.

The United States' delegate said safeguarding the independence of judicial actors was vital to promoting and protecting human rights and he welcomed the Special Rapporteur's report and recommendations. He also voiced concern at reports of efforts to intimidate judiciary members. While it was prevalent around the world, one high-profile case of assault against a judicial service commission member highlighted the severity of that problem. He asked if the Special Rapporteur had seen such attacks growing in any particular States or regions. He asked how the international community could ensure there was no impunity for such attacks.

The representative of the European Union attached importance to all efforts aimed at strengthening the judiciary, welcoming the reference to the independence, impartiality and integrity of the judicial system as essential to upholding the rule of law. The Special Rapporteur's focus on corruption was a timely one, as such abuse affected all countries. Corruption also should not be an obstacle to prosecuting judges and asked about good practices to be shared in that regard. He also asked how to enhance international cooperation for developing best practices in the prosecution of corruption cases.

Responding, Ms. KNAUL said she hoped to agree with the Maldives on a date for a visit in 2013.

More broadly, she encouraged ratification of the United Nations Convention against Corruption, commending the Human Rights Council resolution adopted during its twenty first session, by which it decided to convene a panel on the negative impacts of corruption on the enjoyment of human rights. Indeed, corruption created space for almost any type of interference in the functioning of the judicial system. Such interference was motivated by political or economic interests, undermining democracy and human rights. She had seen several complaints about violations of judicial independence.

She had seen an increase in two main complaints from judges and courts: Those related to the budget for the administration of justice, which was usually inferior to the amount requested by the judiciary from Parliament; and those related to interference in judicial matters.

The lack of financial resources might create opportunities for corruption, she said. For example, in some countries, courts were closed once a week due to a lack of financial resources. If the judiciary must beg for the authorization to receive funds, justice as a whole became seriously impaired. An adequate budget must be authorized and allocated by law, preventing any type of undue negotiations between the judiciary and the executive or administrative branches.

She said all three branches of Government must separate their powers, as overlap opened the door for corruption. A recurrent example was role of justice minister in the promotion of judges. When that happened, there was improper interference in the judiciary. With non-independent administrative procedures, the function of disciplinary procedures became tainted.

Another situation that opened the door to corruption was when judges were appointed to an organ of the executive or administrative functions, she said, which could create a conflict of interests and must be avoided. It opened the door to corruption. Such internal distortions fed a potentially widespread culture of impunity.

In practice, a budget that was compatible with the judiciary's needs must be guaranteed,

she said, allowing the judiciary to be responsible for the administration of justice and also to be accountable. Those were good measures to strengthen the judiciary's independence. Transparency must be a bedrock of the judiciary. Improvements in human rights and democracy were possible and attainable.

Special Rapporteur on Violence against Women

RASHIDA MANJOO, Special Rapporteur on violence against women, said that her report provided information on her recent activities and focused on the issue of violence against women with disabilities. In that respect, she said, the impact of the combined effects of gender, disability and other factors had not gained sufficient attention, and violence against women with disabilities remained largely unaddressed. The situation continued despite the evolution of normative frameworks concerning both the human rights of women and of persons with disabilities, and the fact that women with disabilities made up a significant part of the world's population. Women with disabilities experienced both the stereotypical attitudes towards women and towards persons with disabilities.

The manifestations of violence against women and girls with disabilities occurred in various spheres, including in the home, the community, perpetrated and/or condoned by the State as well as in the transnational sphere, she said. Women with disabilities were twice as likely to experience domestic violence as non-disabled women, and were likely to experience abuse over a longer period of time and to suffer more severe injuries as a result of violence. In addition, women with disabilities were often treated as if they had no control, or should have no control, over their sexual and reproductive choices. They also faced a number of obstacles in the justice system, including the systematic failure of the courts to acknowledge them as competent witnesses. That exclusion was particularly problematic in cases involving sexual assault or other forms of gender-based violence, in which the complaining witness might provide key evidence necessary for conviction.

Although ratification of the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women and other relevant regional instruments was widespread, it was difficult to assess effective implementation of those instruments with regard to preventing and responding to violence against women with disabilities. In many countries there was also a lack of specific and comprehensive laws, policies and programmes for persons with disabilities in general or for women with disabilities in particular. She recalled that her report to the Human Rights Council this year had focused on the issue of gender-related killings of women — whether occurring in the family, the community or perpetrated or condoned by the State — whose incidence was on the rise. The report provided an overview of the global trends and manifestations of gender-related killings of women and international human rights law and jurisprudence regarding that issue. Those included: killings of women as a result of intimate partner violence; killings of women due to accusations of sorcery/witchcraft; killings of indigenous women; and “honour” killings, among others.

Turning next to the country missions undertaken over the reporting period, she described a November 2011 trip to Jordan, where the status of women was gradually changing. Today women enjoyed, in principle, equal rights with men with regard to political participation, education and employment. However, despite many positive legislative efforts, current legislation still discriminated against women on issues such as nationality and citizenship, among others.

In Somalia, which she had visited in December 2011, she had learned of recurring instances of sexual violence, especially affecting internally displaced women; domestic violence; female genital mutilation; and forced and early marriages. It was clear that there was a lack of substantive reporting of such violence, she said, as well as an absence of accountability mechanisms and specialized services for women and girl victims of violence. Nonetheless, she commended the Government's “tentative efforts” to address the issue of violence against women, which included a draft law against female genital mutilation by the Puntland authorities, the creation of a Task Force on Gender-Based Violence by the Transitional Federal Government and other actions. During her visit, she had also noted the fragmentation of the programmes and policies of United Nations agencies, donors and other humanitarian stakeholders, which posed an obstacle to sustainable and effective development.

In January 2012, she had visited Italy, investigating issues including domestic violence, femicide, and violence against women who faced multiple and intersecting forms of discrimination, including Roma, Sinti and other migrant women. Violence remained a significant problem due, among others, to persisting underlying structural causes of inequality and discrimination against women. While the legal framework largely provided protection for violence against women, that remained fragmented, and the inadequate punishment of perpetrators and lack of effective redress was a concern noted in most interviews. Indeed, domestic violence remained the most pervasive form of violence that continued to affect Italian women across the country.

Questions and Answers

Opening the question period, the representative of the United Kingdom said she was concerned at the report's reference to women with disabilities who had been trafficked. Also, she asked what the United Nations could do to overcome the misperception that sex with a virgin could cure HIV/AIDS.

Liechtenstein's delegate said women were under-represented in post-conflict processes and she asked if involving women in those processes had been confirmed.

Austria's delegate said her country had made it an objective to support women with disabilities and identify violence directed against them. She asked about obstacles women with disabilities faced in the justice system and about how to make the justice sector more responsive to their needs. She asked for good practices in that regard. She also asked how the Special Procedures were collaborating with the Special Rapporteur on Disability.

Norway's delegate said seven of 10 women had experienced physical or sexual violence in their lives. Men and boys could contribute to combating that abuse. She asked for approaches that engaged men and boys, and how to advance that agenda both nationally and at the United Nations.

Japan's delegate said that, on the one hand, the Committee on the Elimination of Discrimination against Women and other mandate holders were addressing gender, and, on the other, the Committee on the Rights of Persons with Disabilities, among others, were addressing persons with disabilities. How did they collaborate?

Jordan's delegate said the report contained non-factual assertions. Jordan did not deny refugees the right to healthcare or public education. Jordan shouldered its burdens as a host for Iraqi, Syrian and Palestinian refugees.

In her report, the Special Rapporteur stated that constitutional amendments related to protecting persons with disabilities against abuse encouraged a traditional view of women as people in need of protection. He disagreed with that interpretation. He considered the text an important legal basis for considering women's rights. He asked for an assessment of Arab women's organizations in supporting women in the region.

Canada's delegate recognized the challenges facing women and girls with disabilities and asked for best practices on the protection of women with disabilities from violence.

The representative of the European Union said the report noted that women with disabilities were not usually included in post-reconciliation processes. He asked how States could better ensure their participation. He wondered if the Special Rapporteur was working with the Special Representative on Sexual Violence in Conflict. Also, he wondered how disaggregated data collection could be improved and made comparable among countries.

Kenya's delegate said he supported the Special Rapporteur's mandate and work to "remove violence against women from our doorsteps". He commended her work to protect women in Somalia. Some Somali refugees were suffering from disabilities. There were close to one million refugees in Kenya, for whom the Government had been working hard to provide. He asked for

guidance on providing greater protection for women with disabilities and about the international community's role in that regard.

Switzerland's delegate noted that women with disabilities were more likely to be victims of domestic violence. He drew attention to forced sterilization against women with disabilities, which was not considered illegal in some countries. All women and girls should have full access to sexual and reproductive health. He asked about good practices.

Responding, Ms. MANJOO said times of transition and times of conflict were when disabilities occurred. The challenge was to include women in humanitarian assistance in times of conflict. Accommodation seemed to be understood in many parts of the world as physical accommodation in terms of spaces, but all the underpinnings of citizenship rights were neglected. Inclusion in decision-making on such things as forced sterilization might not be considered informed consent by the person who would be impacted. Support required resources, whether in terms of conflict or post-conflict, dedicated through specific budgets, which she had not seen in most studies.

Whether the normative framework and values were addressed was unclear in terms of the High Commissioner's study; research in academia indicated the human rights approach was the exception, rather than the norm, she said.

Addressing the question on how she complemented related mandates, she said "I think what I bring in is the specificity" for violence against women, its causes and consequences, which strengthened other mandates in that area, who in turn strengthened her mandate with their specificities.

Further, concerning values, inclusion, accommodation and support, they were not the norm. Also, the starting point in the justice system towards those with disabilities was that they were highly problematic and were not useful witnesses. On the question of those who believed sex with virgins cured AIDS, she said there could be no informed consent in such a case, and broader efforts needed to make certain it was known to be a myth.

In Somalia it was very clear that people with disabilities were invisible, and the participation of women was invisible as well. Women needed to be part of the political process as it moved forward, she said. In regards to Jordan's comments, she proposed they have a one-on-one discussion about the report.

Taking the floor again, Iran's representative said a small group of so-called human rights champions had tried to misuse the Third Committee to name and shame her great country. They had a poor record on their enjoyment of human rights. Their statements had not been made to promote human rights, but rather to degrade Iranians. She cited a Council of Europe report showing that a growing number of people had become victims of trafficking in the United Kingdom for forced labour. She also discussed situations in Canada, the European Union and the United States.

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