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PARTICIPATION BY ALL CRUCIAL FOR SUCCESSFUL UNIVERSAL PERIODIC REVIEW

OF NATIONAL RECORDS, THIRD COMMITTEE TOLD

Speakers Criticize 'Selective' Politicization of Human Rights Questions

The participation of all States was crucial in enabling the Human Rights Council to conduct a successful second cycle of assessing the human rights records of each country — a process known as the universal periodic review — that body's President told the Third Committee (Social, Humanitarian and Cultural) today.

"Universal participation is essential to this process," Council President Remigiusz Achilles Henczel (Poland), emphasized as he delivered his annual report (document A/68/53) to the Committee. Noting that the review continued to enjoy positive feedback from all actors involved, he said challenges remained in ensuring the participation of all States and preventing issues of a bilateral, territorial nature from having a negative impact on the process.

To preserve the Review's integrity, he went on, all States should note several points: the Working Group's report was factual in nature and should reflect what was said in the room by the State under review as well as other participating delegations; all conclusions and recommendations contained in the report reflected the position of the submitting State(s) and/or the State under review, and should not be construed as having been endorsed by the Working Group as a whole; and all recommendations made during the review should be treated equally and listed only once, in the report's conclusions/recommendations.

He stressed that by applying all existing practices and rules consistently to all States, the Council could strengthen the review's credibility and ensure the success of its second cycle. Israel's re-engagement with the process was due to the "constructive, consensual and non-politicized approach maintained by the Council", he pointed out.

As the Committee began its general discussion, the representative of Gabon was among several speakers who underlined the review's key importance in the promotion and protection of human rights. Speaking on behalf of the Group of African States, she called for the proper allocation of resources to the United Nations Voluntary Trust Fund for Financial and Technical Assistance.

The delegate of Belarus said his country had undergone its first universal periodic review cycle and was preparing for the second. However, he voiced concern that some countries were imposing their social and economic development models on others, as well as lobbying for their own interests as holders of votes on the Human Rights Council.

Taking a similar line, China's representative said it was regrettable that certain countries were keen to politicize the issue of human rights, engage in confrontation inside the Council and use human rights as an excuse to interfere in the internal affairs of other countries, all while turning a blind eye to their own human rights problems.

Also speaking today were representatives of Japan, United States, European Union Delegation, Switzerland, Croatia, Liechtenstein, Brazil, Syria, Indonesia, Pakistan, Sudan, Morocco, Malaysia, Thailand, Nigeria, Norway, Chile, Iran, South Africa, Kazakhstan, Botswana, Bangladesh, Eritrea and Ethiopia. An observer for the State of Palestine also delivered a statement.

The Third Committee will reconvene at 3 p.m. on Thursday, 14 November, to take action on pending draft resolutions and hear the introduction of others.

Background

The Third Committee (Social, Humanitarian and Cultural) met this afternoon to consider the "Report of the Human Rights Council on its twenty-second, twenty-third and twenty-fourth sessions" (documents [A/68/53](#) and [A/68/53/Add.1](#)). It was expected to hear a presentation by the Council President, to be followed by an interactive dialogue.

Presentation of Report and Interactive Dialogue

REMIGIUSZ ACHILLES HENCZEL (Poland), President of the Human Rights Council, introduced his report (document A/68/53), highlighting 2013 as the seventh year since the body's Council's creation and the fact that it had achieved significant progress in dealing with human rights issues worldwide. Syria had continued to be high on its agenda throughout the year, with the mandate of the Commission of Inquiry on that country had been again extended. The Council had also established a Commission of Inquiry to investigate the systematic, widespread and grave violations of human rights in the Democratic People's Republic of Korea, with a view to ensuring full accountability, particularly where those violations might amount to crimes against humanity. The Council had also extended special procedures mandates on the Democratic People's Republic of Korea, Myanmar, Iran, Belarus and Eritrea.

He went on to say that the Council continued to discuss human rights issues in the Occupied Palestinian Territory, including the report of the international fact-finding mission to investigate the implications of Israeli settlements on the human rights of the Palestinian people. It had also adopted a number of country-specific draft resolutions — including texts on Cambodia, Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo, Guinea, Haiti, Libya, Mali, Somalia, South Sudan, Sudan and Yemen — within the framework of technical cooperation and capacity-building. Furthermore, the Council had established new country and thematic special procedures mandates, bringing the total number to 51, including those on Mali and the Central African Republic.

The Council had adopted 107 resolutions, decisions and President's statements in 2013, he recalled. The number of its cross-regional initiatives continued to increase, affirming its capacity to take action on important human rights issues by overcoming different political positions. Among proposals submitted by cross-regional groups were those relating to: local government and human rights; elimination of child, early and forced marriages; the role of freedom of opinion and expression in women's empowerment; and the question of the death penalty. They also included country-specific issues, he said. Active participation and contribution by civil society organizations was central to the Council's work, making it a unique forum among intergovernmental organs of the United Nations, he said, adding that the Council had made some progress in making its work accessible to persons with disabilities.

Turning to the universal periodic review, he said the process continued to get positive feedback from all actors involved. However, the Council faced such challenges as upholding the principle of universality by ensuring the participation of all States, and by preventing issues of a bilateral territorial nature from having a negative impact on the process. To preserve the Review's integrity, all States should note several points: the Working Group's report was factual in nature and should reflect what was said in the room by the State under review as well as other participating delegations; all conclusions and recommendations contained in the report reflected the position of the submitting State(s) and/or the State under review, and should not be construed as having been endorsed by the Working Group as a whole; and all recommendations made during the review should be treated equally and listed only once, in the report's conclusions/recommendations.

Applying all existing practices and rules consistently to all States under review would strengthen the Review's credibility and contribute to a successful second cycle, he said. Noting that the constructive, consensual and non-politicized approach maintained by the Council throughout this year had encouraged Israel to re-engage with the process, he declared: "Universal participation is essential to this process."

In closing, he highlighted the financial aspects of the Council's work. While the Office of the United Nations High Commissioner for Human Rights (OHCHR) was requested to comply with an increasing number of mandates arising from Council decisions, its regular budget had not kept pace with that growth, he pointed out, calling on Member States to consider how to address the funding of new mandates.

Interactive Dialogue

In the ensuing interactive dialogue, delegates commented on and asked about more effective cooperation between Member States and the Human Rights Council; the Council's evaluation of the public hearings method; how to foster the second cycle of the universal periodic review; how to increase the Council's visibility on the ground; how to strengthen implementation of the Council's recommendations; the need to protect individual privacy against abuses of power in the digital age; and how to ensure that the Council's work was open to fair discussion and not susceptible to attempts to politicize it.

Mr. HENCZEL emphasized that his replies were offered in the spirit of “interactive dialogue”, as pointed out by some delegates. Regarding the next phase of the universal periodic review, he said the focus of the second cycle was exactly the follow-up stage, which had proved challenging. Recommendations needed to be formulated in such a way that they could be implemented, he explained, suggesting also the clustering of recommendations as soon as they were formulated. That would facilitate their implementation.

As for increasing the Council’s visibility, he said it was “fair to state that the Council is much more visible now than it was a few years ago”, thanks in particular to the work of regional blocs such as the African Group. Much more could be done, however, to raise the Council’s visibility within the United Nations system, he said, encouraging the enhancement of existing cooperation between New York and Geneva.

On cooperation with the Council’s commissions of inquiry, he said it was crucial to ensure that they and the special rapporteurs were provided with the broadest possible information. As for the working methods of such entities, he said he was open to any approach that would foster transparency, adding that he considered hearings a good tool in that respect.

Concerning the Council’s Consultative Group, he said the best way to improve its work was to change the cycle appointing its members in June, so that they could start their work earlier.

As for politicization, he recalled that most of the Council’s resolutions were tabled by regional groups and the issues dealt with were challenging. It would, therefore, be unrealistic to expect an absence of tension and their adoption by consensus, he said, noting that the Council retained a certain level of politicization.

Referring to the Council’s resolution 24/24, he underlined the important role played by civil society members, who attended Council meetings and contributed greatly to its work. He warned, however, that there was a growing level of intimidation towards them. Instances of reprisals against them had been addressed in a resolution, but, irrespective of the diverging positions of Member States, it was important to send a strong political sign that reprisals were not acceptable.

Participating in the dialogue were speakers representing Japan, United States, European Union Delegation, Switzerland, Croatia, Liechtenstein, Brazil and Syria.

General Discussion

MARIANNE BIBALOU (Gabon), speaking on behalf of the Group of African States, said the Universal Periodic Review mechanisms was of key importance in the promotion and protection of human rights. The Group called for proper allocation of resources to the United Nations Voluntary Trust Fund for Financial and Technical Assistance, she said. Indeed, it was concerned about the recent governance challenges faced by the Human Rights Council, particularly the erosion of the Institution-Building package upon which the Council’s mandate rested.

Regarding the recently adopted Human Rights Council resolution on the designation of a system-wide senior focal point to “prevent, protect against and promote accountability for reprisals and intimidation”, she said that such matters called for further reflection and deliberation by the general and universal membership of the General Assembly. She also called for a feasibility study to take stock of the different mechanisms currently used in other United Nations bodies before such a determination could be made by the Human Rights Council.

HELEN KALJULATE European Union delegation, reaffirmed its support for the Human Rights Council in its quest to address all human rights situations. She also reiterated the regional bloc’s commitment to the universal periodic review as the mechanism charged with addressing all issues relating to the promotion and protection of human rights, which was applicable to all Member States without distinction. Preserving the review’s universal nature was important, and the Council had been successful in doing so despite a significant increase in its workload, she noted. On the question of reprisals and intimidation of civil society representatives, she said she appreciated the vocal role of the President in promoting space for them because their feedback was important and their engagement should be further promoted.

ZHANG GUIXUAN (China) said the Human Rights Council should firmly maintain its fairness, objectivity and non-selectivity, while respecting the way in which each country chose to advance human rights. It should facilitate constructive dialogue and cooperation among all countries on the basis of equality and mutual respect, and promote civil and political rights, as well as economic, social and cultural rights, including the right to development, in a balanced manner. It was regrettable, however, that certain countries were keen to politicize the issue of human rights, engage in confrontation in the Council and use human rights as an excuse to interfere in the internal affairs of others, while turning a blind eye to their own human rights problems. They refused to consider the national conditions of other countries and the trajectory of human rights development, and tried to impose their own model of human rights protection on others, he noted, stressing that such practice was not conducive to effective work by the Council, and nor was it helpful to the healthy development of the international human rights cause.

YUSRA KHAN ([Indonesia](#)) said that despite acknowledging the Council's strong commitment to the promotion and protection of human rights over the last seven years, there were many areas of improvement that could be explored. The Council must protect human rights and fundamental freedoms for all without distinction, in a fair and equitable manner, he emphasized, adding that the Council should conduct genuine and constructive dialogue with the countries concerned, realizing that there was no "one-size-fits-all" approach to human rights. Each situation required careful observation with a view to producing long-term and sustainable solutions specific to different circumstances. Calling for recommendations made in the framework of the universal period review to be realistic and implementable, he stressed the need for more technical assistance in the preparation of the report, and for implementation of the review's recommendations.

EVGENY LAZAREV ([Belarus](#)) said his country attached importance to the promotion and protection of the human rights of children, as well as the human and social rights of human-trafficking victims, women and vulnerable groups. Belarus had undergone its first universal periodic review cycle, and was preparing for the second cycle, he added. He then voiced concern that some countries imposing their social and economic development methods on others, as well as lobbying for their own interests as holders of votes on the Human Rights Council. Pointing out that the report's introduction mentioned those specific countries, while the universal periodic review was mentioned only at the end, he said that issue should be addressed.

DIYAR KHAN ([Pakistan](#)) recalling his country's role as one of the founding members of the Human Rights Council, emphasized that United Nations human rights mechanisms should be based on mutually respectable and cooperative approaches. Special procedures should discharge their duties within the given mandates, and with full independence, impartiality and transparency while avoiding politically-motivated country-specific measures. Expressing concern over the use of drones (unmanned aerial vehicles, or UAVs) for surveillance and combat operations in the territories of other Member States, he welcomed the debate on their legality and the human rights implications of operations, calling on the relevant Special Rapporteurs to study the matter further and submit stronger recommendations in their reports to the Human Rights Council. In conclusion, he called for an immediate end to drone strikes until an agreed legal framework for their use was finalized.

MOHAMED IBRAHIM MOHAMED ELBAHI ([Sudan](#)), associating himself with the African Group, said special procedure mandate should be carried out without politicization and with respect for the adopted code of conduct. Reiterating his country's cooperation with all mechanisms for the promotion and protection of human rights, he said Sudan had submitted its first report to the universal periodic review and had taken great steps to implement its recommendations. It was currently preparing for the second cycle, he added. The Government had promoted several initiatives to promote and protect the rights of children, persons with disabilities and women, he said, pointing out also that Sudan had acceded to the relevant conventions with a view to enacting effective national laws.

NADYA RASHEED, observer for the [State of Palestine](#), called attention to the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem. Since 1967, he emphasized, Israeli Governments had openly led, directly participated in, and had full control over the planning, construction, development, consolidation and encouragement of settlements. The fact-finding mission had reported on crimes committed by extremist Israeli settlers against Palestinians, including violent attacks that had caused death and injury. They had also vandalized homes and vehicles, burning olive trees and contaminating water supplies, he said, adding that Israel could no longer continue to be treated as a State above the law.

HASSAN EL MKHANTAR ([Morocco](#)) said the world was witnessing global change and new challenges fuelled by social and political turbulence as well as financial crisis. In light of those challenges, the international community must act in unison in responding to threats to global peace and security, and to avoid undermining gains made in pursuit of the Millennium Development Goals. Welcoming the engagement of the Human Rights Council on the ground and in building the capacity of States to uphold their commitments, he noted the international community's ability to bridge differences through unity and solidarity on the promotion and protection of human rights. The Council had a crucial role to play in ensuring respect for the universal values of justice and equality, he stressed, calling upon the Council to continue its efforts to build national capacities to protect human right and to combat doctrines imbued with messages of intolerance.

HUSSEIN HANIFF ([Malaysia](#)) said that in parts of the world, the human rights situation continued to deteriorate as a consequence of escalating internal conflict — due to recent political upheaval — and foreign occupation. Malaysia, called on the international community to "embrace moderation" and refrain from any unilateral action to resolve those conflicts. While there remained country-specific situations that required the Council's full attention, greater emphasis should be given to thematic human rights issues. Furthermore, the global economic and financial situation continued to pose serious challenges to those most vulnerable. He urged Member States to formulate their respective economic policy to advance the economic and social rights of those groups, as well as to renew a commitment to the right to food. Finally, his country advocated for the preservation and strengthening of the universal periodic review, a more credible, transparent and constructive mechanism

compared with selective “naming and shaming” methods of some States through their country-specific resolutions.

CHONVIPAT CHANGTRAKUL (Thailand) said that the Human Rights Council had proven its role in promoting and protecting human rights at the international, regional and country levels. She also recognized the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in fulfilling the Council’s mandate. As the scope of the Office’s work had broadened, its regular budget should be increased, she said, urging the Committee to give the issue due consideration. At the same time, the efficiency of UNHCR could be improved by effectively setting priorities for its work and programmes. Human rights and the rule of law also must be mainstreamed to achieve sustainable development goals. Finally, stressing the importance of technical cooperation, she announced her country’s first contribution to the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

GODWIN AGAMAH (Nigeria) said the universal periodic review represented one of the great successes of the Human Rights Council, with 100 per cent participation in the Review’s first cycle and the review of 70 countries in the second, which began in May 2012. Nigeria was particularly pleased with the broad consultations that States under review carried out with relevant stakeholders, including civil society, while preparing the Review’s reports. His country also saw the equal allocation of speaking time to all delegations participating in the Reviews — as guaranteed by the Council — as a positive development that enhanced the relevance of the universal periodic review. The financial constraints faced by the Special Procedures mandate holders, however, hindered their performance in the promotion and protection of human rights. Therefore, Nigeria recommended that adequate Special Procedures funding come from the regular United Nations budget as 45 per cent from voluntary contributions was “certainly not ideal”.

TINE MORCH SMITH (Norway) said that while her country highly valued the Human Rights Council, it would have liked to see far stronger decisions by it in certain areas, such as women’s rights and the rights of LGBT-persons, as well as country-specific human rights crisis. Owing to the Council’s increasing number of issues and its unprecedented number of new mandates, the ability of OHCHR and of States to follow-up on those initiatives in Geneva and in the field, was not developing at the same pace. Further, although the chronic under-funding of the third pillar upon which the United Nations was founded was well known, further cuts had been proposed in OHCHR’s regular budget. She expressed concern with OHCHR’s extensive and increasing dependence on voluntary contributions for mandatory activities and field operations, and emphasized that the United Nations membership had a responsibility to ensure that OHCHR — the Organization’s key institution for human rights protection and promotion — could fulfil its mandate in the light of increasing demands.

OCTAVIO ERRÁRUIZ (Chile) commended the Human Rights Council’s “proactive focus” on curbing reprisals towards civil society members. Further, the relevant Council’s resolutions on the protection of human rights advocates and on ensuring space for civil society were also laudable. Those efforts would ensure that civil society organizations could complete their work. He encouraged a “cooperative, gradual, flexible, progressive and comprehensive” approach to human rights issues, particularly in certain countries. In that regard, Syria had been an especially serious case for the Council. His delegation supported the Council’s position in condemning all violations of human rights in the country, irrespective of the perpetrators of such violations, as well as the recommendation to seek a politically negotiated solution to the crisis.

ASADOLLAH ESHRAGH JAHROMI (Iran), reiterating his commitment to an open and constructive dialogue among all Member States and relevant stakeholders, said “we all need to continue our efforts towards making the Human Rights Council a medium of an approach based on constructive dialogue and cooperation rather than a political and selective one on all issues.” In establishing the Council, Member States had aimed at having a mechanism which avoided selectivity, double standard and political pressure when it came to human rights. However, the Council’s report included a reference to the resolution which had been introduced and adopted against Iran as a product of strenuous attempts by certain countries. His country’s ongoing cooperation extended to various human rights mechanism of the United Nations, in particular the universal periodic review. The resolution itself and the appointment of the Special Rapporteur on Iran were superfluous and unfair, he argued.

PITSO MONTWEDI (South Africa), associating himself with the African Group, said that the principle of non-discrimination remained the cornerstone of human rights and fundamental freedoms in the Council’s work; hence, the area of racial discrimination needed to be further reinforced and strengthened. It was particularly critical that those programmes, decisions and resolutions be fully implemented and that funds be allocated in that respect. His delegation remained seriously concerned about the proposed programme budget for the biennium 2014-2015, which reduced funding for the follow-up and implementation of the Durban Declaration and Programme of Action, as well as the associated fellowship programmes.

YERLAN ALIMBAYEV (Kazakhstan), recalling his country’s membership in the Human Rights Council, said that the Council and its bodies required appropriate budgeting and strengthening so that they could implement their mandate. A balance between political and civil rights on the one hand, and economic, social and cultural rights on the other, should always be maintained in the Council’s work. His country’s commitment to the

promotion of human rights could be seen in visits to Kazakhstan by the special rapporteurs on torture, on adequate housing, on the right to education and on contemporary forms of slavery, as well as the Independent Expert on minority issues. Those officials had then reported back to the Council. It was crucial for the Council to reinforce the confidence of Member States in its operations and, thus, encouraged further development of an equitable dialogue.

CHARLES T. NTWAAGAE ([Botswana](#)), associating himself with the regional groups to which he belonged, called for improvements to the Human Rights Council's mandate and for streamlining of the use of human and financial resources by OHCHR. His country had participated actively in the Council, including the universal periodic review, and had accepted 90 per cent of the recommendations made during its recent second Review. The proliferation of mandates emanating from the Council concerned him, particularly overlapping mandates which could potentially hinder efficiency and effectiveness. The intergovernmental process on strengthening and enhancing the treaty body system could address challenges faced by OHCHR. The work of Special Procedures and mandate holders were of great value, as was the work of human rights treaty bodies in monitoring and implementation. Stressing the importance of technical assistance and capacity-building assistance, he expressed concern over deteriorating human rights situations in some countries which remained on the Council's agenda with no improvements or solutions in sight.

MUSTAFIZUR RAHMAN ([Bangladesh](#)) said that the Human Rights Council's innovative universal peer review mechanism had proved to be a universal and effective mechanism, as its strength lay on non-selectivity. A founding member of the Council, Bangladesh had just had its second UPR cycle of UPR earlier this year. Under an environment of constructive dialogue, it accepted as many as 164 recommendations. On mandate holders, the success of Special Procedures had been based on the credibility and objectivity of the holders, who must follow the respective code of conduct. However, the Council should be careful while establishing new mandate holders to avoid unnecessary proliferation. The Council's continued attention to the human rights situation of the Palestinian people was appreciated, and he urged the Council to remain seized in addressing their right to self-determination. On the recent adoption of the Council's resolution 24/24, he agreed that any act of reprisal was unacceptable.

ARAYA DESTA ([Eritrea](#)), associating himself with the African Group, emphasized the need for more time to reflect on and discuss the Council's resolution 24/24. The universal periodic review remained a valid mechanism in enhancing constructive dialogue and cooperation among Member States. Such a constructive approach adopted by the Council, however, was being undermined by some countries that wanted to revert to the old way of addressing human rights issues. The Council, therefore, needed to address that challenge, as its legitimacy and credibility could be jeopardized. For that reason, the Council should eliminate practices such as double standards, selectivity and politicization, and avoid creating country-specific mandates on the basis on political considerations, among other things.

TEKEDA ALEMU, Director-General of the Ministry of Foreign Affairs of [Ethiopia](#), aligned his delegation with the African Group, and welcomed the role of civil society in the protection and promotion of human rights. He underscored the creation of his country's National Human Rights Council and the Office of the Ombudsman. Despite valuing the work done by civil society, he said that it needed to be in line with national legislations and in accordance with relevant Economic and Social Council resolutions. Civil society had responsibilities by which to abide in order to ensure that its work was harmonious with relevant national institutions.

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