

## **GA adopts 60-plus Third Committee resolutions, including on Iran, North Korea and Syria**

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Despite sharp opposition, the bi-annual **human rights defenders resolution**[2] calls upon States to "ensure that human rights defenders can perform their important role in the context of peaceful protests" and refers between the lines to the role of social media by recognizing that "new forms of communication can serve as important tools for human rights defenders". Though these timely references are notable achievements, it is regrettable that detractors were also able to gain additional references to the requirement that human rights defenders operate in the framework of national legislation in this year's text. [3] By pushing to include such limitations, these States sought to restrict the role of defenders in peaceful protests rather than to protect and support their work.

This year's **resolution on torture**[4] mentions current events by expressing deep concern at acts that can amount to torture and other cruel, inhuman or degrading treatment or punishment committed against "persons exercising their rights of peaceful assembly and freedom of expression".

A **resolution on women and political participation**,[5] last seen at the General Assembly in 2003,[6] includes numerous references to situations of political transition. Despite staunch resistance from hardliners,[7] the US-sponsored resolution was adopted by consensus. Notably, the new language was supported by States currently undergoing significant transitions, including Egypt, Libya and Tunisia.

Finally, the bi-annual resolution on **the role of the United Nations in enhancing periodic and genuine elections and the promotion of democratization** included new preambular language highlighting the importance of fair, periodic and genuine elections in "new democracies and countries undergoing democratization." [8]

### **General Assembly split on Human Rights Council report**

Several recommendations in the Human Rights Council report[9] were addressed individually in separate resolutions by Third Committee, including the United Nations Declaration on Human Rights Education and Training[10] and the Optional Protocol to the Convention on the Rights of the child on a communications procedure.[11] Both standard setting instruments were adopted by consensus. In addition, the Committee considered a general resolution sponsored by the African group that generated a fair amount of controversy, as it has in previous years. The resolution ([A/C.3/66/L.64/Rev.1](#)) initially "took note" of the report of the Human Rights Council (Council) and "noted with concern some of the recommendations contained therein". This was revised to "note the report ... and some of its recommendations" and orally amended before the vote in Third Committee to "notes the report ... and its recommendations." The changes reflected the African group's

decision to comply with behind-the-scenes requests from members of other regional groups that the resolution not send a negative message about the Council's work.

At the request of Belarus,[12] the draft general resolution on the Council report was put to a vote in the Third Committee and adopted with 94 in favour, to 3 against (Belarus, Syria and DPRK), with 62 abstentions.[13] Most states in the Western Europe and Other Group (WEOG) except Turkey abstained, with most statements expressing that the plenary—and not the Third Committee—should consider the report. Eastern European countries also abstained with the exception of Belarus, who voted against, and the Russian Federation and Armenia, who voted in favour. In addition to the African Group, overwhelming support came from the Asian Group and the Latin American and Caribbean Group (GRULAC) countries,[14] providing a clear North versus South divide to the voting pattern. Many statements on YES votes qualified their position by citing the politicisation and double standards within the Council, particularly the issue of country specific resolutions.[15]

Ongoing debates on sexual orientation and gender identity (SOGI) also surfaced in the discussions on the HRC report resolution in Third Committee and the General Assembly plenary. In Third Committee, Russia and Pakistan expressed concern at [the Council's request](#) that the United Nations High Commissioner for Human Rights to commission a study and convene a panel on discriminatory laws and practices and acts of violence against individuals based on their SOGI. On the other side, Israel and the US voiced support for the initiative on SOGI taken by the Council in [HRC/RES/17/19](#). In the plenary, the African Group and the Holy See also registered their concern about the Council's resolution on 'sexual preferences' and 'undefined' notions such as SOGI.

### **Two resolutions threaten mandate of Special Representative on Children and Armed Conflict**

This session of the Third Committee saw a number of new initiatives, including a resolution put forward by Thailand on **"Strengthening of the coordination of the United Nations system on child protection"**. [16] This initiative was widely viewed as a rebuke of the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy, for mentioning Thailand in the annual report of the Secretary-General on Children and Armed Conflict.[17] Framed by Thailand as an initiative to strengthen the UN child protection system, the resolution came across to many states and NGOs as a thinly veiled attempt to undermine the independence of UN mandate holders working on child protection[18] through a new evaluation mechanism and a focal role for UNICEF in coordination.

In the end, a much watered-down text was adopted by consensus. A number of states[19] expressed concern at the duplicitous intent of the resolution and clarified their interpretation that, where the resolution calls for mandate holders "to continue to exercise their functions in a fully independent manner and to act in full observation of their respective mandates", that the "continue to" applies to the second part of the sentence as well, i.e. that mandate holders have been and will continue to observe their mandates. This reading reinforces the notion that Ms Coomaraswamy's decision to include and scrutinize Thailand in her annual report is fully in line with her mandate.

The controversy also spilled over into the **rights of the child** resolution, in which the initial draft "took note with appreciation" of Coomaraswamy's work and extended her mandate for a further four years. However, the sponsors of the resolution succumbed to pressure from Thailand and other states that objected to the mandate being extended beyond the usual three years. The draft was later revised to merely "recognize" the work of her office and to recommend that her mandate be renewed for three years only. Despite these concessions, Pakistan proposed an amendment in Third Committee to "reiterate that it is incumbent upon all mandate holders to perform their functions in strict observance of their mandates upholding the principles of impartiality, objectivity and non-selectivity as well as avoiding politicization." The amendment was defeated by a vote of 78 against to 48 in favour, with 21 abstaining. The resolution was later adopted without a vote by the General Assembly plenary.

### **General Assembly maintains Council gains by dropping defamation of religion text**

The General Assembly did not adopt a text this year on the defamation of religions, in line with the breakthrough in the March 2011 session of the Council when the Organisation of Islamic Cooperation (OIC)

decided not to run its polarizing resolution on the topic. Instead, the General Assembly adopted by consensus an OIC-sponsored text[20] similar to the one put forth at the March 2011 Council session on combating intolerance and incitement to violence against persons based on their religion or belief, [21] which has no references to the defamation of religion.

The new OIC-sponsored General Assembly resolution requests the UN Secretary-General to submit a report at its sixty-seventh session on steps taken by States to combat intolerance. It also calls on States to consider reporting to the Office of the High Commissioner for Human Rights (OHCHR) on their efforts to combat religious intolerance, stereotyping and violence.

As in previous years, the General Assembly also adopted an EU-led resolution on religious intolerance.[22]

### Europeans soften positions on follow up to Durban

This year's resolution on the "**Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action**" prompted a significant change in the voting pattern among European states. The following states switched their votes from NO to Abstain: Bulgaria, Czech Republic, Denmark, Estonia, Germany, Italy, Latvia, Lithuania, Netherlands, Poland, Romania, Slovakia, Sweden, The Former Yugoslav Republic of Macedonia, and United Kingdom. Switzerland, Iceland, Liechtenstein and Norway changed from abstaining to voting in favour. The final vote in the General Assembly was 138 in favour to 6 against (Australia, Canada, Israel, Marshall Islands, Palau, and United States), with 46 abstentions. This was reportedly the result of concerted engagement by South Africa and Argentina (on behalf of the G77) to work with European states on the text. The G77 took on a number of their concerns, including explicitly mentioning the primary responsibility of States in the fight against racism. However, the EU did not ultimately support the text as several operative paragraphs -- related to incitement and to the media --included restrictions on the freedom of expression not in line with international law.

### Country-specific resolutions

Despite 'in principle' objections raised by the Non-Aligned Movement (NAM) and others (DPRK, China, Kazakhstan) to the consideration of any country specific resolutions by the Third Committee, the General Assembly this year adopted four country-specific texts. The vote in the General Assembly plenary on the Democratic Peoples' Republic of Korea (**DPRK**) resolution was 123 in favour, 16 against with 51 abstaining; on **Iran** was 89 in favour, 30 against with 64 abstaining; and on **Syria** was 133 in favour, 11 against, with 43 abstaining. The text on **Myanmar**, which was adopted by vote in the Third Committee, was deferred pending review of its programme budget implications by the Fifth Committee. The resolution has costs associated with political missions and good offices. In all cases, the votes in favour of the resolutions increased from Third Committee.[23] ISHR published an [earlier article](#) analysing the voting patterns of the resolutions in Third Committee.[24]

Comparing this year's General Assembly Plenary votes to last year's, the resolution on Iran gained 11 additional YES votes and the resolution on the DPRK gained an additional 17. The margins also increased significantly for both Iran (from 33 to 59) and the DPRK (86 to 107).

NO votes continued to decrease in the Non-Aligned Movement (NAM) in all cases, despite continued statements on its principled position against country-specific resolutions in the Third Committee. More than half (62) supported the resolution on Syria.

Only the resolution on **Syria** faced a no-action motion in the Third Committee, which was defeated by an overwhelming majority of 118 to 20, with 29 abstentions. Only the resolution on **Iran** faced a no-action motion in the General Assembly Plenary, which was defeated 100 to 35 with 42 abstaining.

The resolution on **Syria** passed with the largest margin of YES to NO votes (122) compared to **DPRK** (107), and **Iran** (59). The vote on **Syria** was marked by strong regional support with Bahrain, Jordan, Kuwait, Morocco, Qatar and Saudi Arabia cosponsoring. No Arab country voted against the resolution. Russia and China, who vetoed the earlier Security Council resolution on Syria, abstained from the vote despite voting against all other country-specific resolutions. Between the Third Committee and the General Assembly

Plenary, Bolivia and Vietnam changed their votes from NO to Abstain and six countries changed their votes from Abstain to YES.[25] No country changed their votes from YES/Abstain to NO but Chad and Mauritania changed their votes from YES to Abstain.

This year's resolution on **Iran** includes additional language on the continuing and systemic targeting of human rights defenders and calls on Iran to allow access to the newly appointed Special Rapporteur on human rights in Iran. In addition, this year's resolution calls on the Government to release all those arbitrarily arrested and detained for exercising their right to peaceful assembly and participating in peaceful protests. The resolution also strongly urges the Government to ensure free, fair, transparent and inclusive parliamentary elections in 2012 and calls on the Government to allow independent observers, but stops short of calling for international observation.

The resolution on **Myanmar** was softened this year, reflecting recent developments such as talks between the Government and Daw Aung San Suu Kyi and the release of prisoners of conscience. The resolution welcomed a number of positive steps by the Government, acknowledged commitments made by the President to implement reform, and encouraged the continued cooperation of the Government with the international community. However, NGOs remained concerned that the text fell short of calling for an independent, international investigation into grave crimes that would determine the facts and hold perpetrators accountable.[26]

Mirroring the themes focused on by the Special Rapporteur on the situation of human rights in the DPRK in his report and statement to the Third Committee, this year's text on the **DPRK** places greater emphasis on the issues of food security, the reuniting of families, and the protection of asylum seekers. The resolution also reiterates serious concern at the refusal of the Government to articulate its position on which recommendations included in the outcome report of its universal periodic review in March 2010 enjoy its support, and regrets the continuing lack of action to implement the recommendations contained in the report.

See further analysis of the voting patterns for the DPRK, Iran and Syria.

### Other developments

The General Assembly also adopted numerous other resolutions recommended by its Third Committee, including on the girl child, people with disabilities, indigenous issues, national human rights institutions, counter terrorism and human rights, and the interdependence of human rights.

An analytical article covering this year's General Assembly Third Committee session will be available in the January 2012 edition of the [Human Rights Monitor Quarterly](#).

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[1] The last time the Third Committee considered a new country situation was in 2007 when it passed a resolution on the situation of human rights in Belarus [A/RES/62/169](#). Since then, the Committee has only considered resolutions on Iran, Myanmar and the Democratic Peoples' Republic of Korea.

A/C.3/66/L.44/Rev.1 The draft resolution is available at <http://bit.ly/sSch32>.

[3] China, Russia, Iran.

A/C.3/66/L.28/Rev.1 The draft resolution is available at <http://bit.ly/sSch32>.

A/C.3/66/L.20/Rev.1 The draft resolution is available at <http://bit.ly/sSch32>.

A/RES/58/142 available at <http://bit.ly/rv75hv>.

[7] Syria, Russia, China, Cuba, Yemen, Venezuela, Pakistan, Iran, Nicaragua, Belarus, Vietnam.

A/C.3/66/L.43/Rev.1 The draft resolution is available at <http://bit.ly/sScH32>.

[9] [A/66/53\(Supp.\)](#) This year's annual report before the General Assembly covers the 16<sup>th</sup> and 17<sup>th</sup> regular sessions as well as the 14<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup> special sessions. The addendum ([A/66/53/Add.1](#)) to the report covers the 18<sup>th</sup> regular session. The Council's annual reporting cycle was previously 1 July to 30 June. During the Review of the Human Rights Council, concluded in June 2011, States decided that the new reporting cycle would run from 1 October to 30 September, thus ensuring that the September session is included in the report to the General Assembly.

A/C.3/66/L.65 The draft resolution is available at <http://bit.ly/sScH32>.

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[12] Belarus was the subject of a country-specific resolution at the Human Rights Council in June 2011.

[13] DRC and Iraq changed their respective NO and YES votes to Abstain after the vote. Last year the report was adopted by a vote of 123 in favour, to 1 against (Israel), with 55 abstentions. The report was adopted by consensus in 2009.

[14] Exceptions include Honduras and Panama, who abstained.

[15] In the General Assembly, the voting patterns across regions were similar though more states voted in favour of the resolution, and less abstained (122 in favour, to 3 against, with 59 abstentions).

A/C.3/66/L.22/Rev.1 The draft resolution is available at <http://bit.ly/sScH32>

A/65/820-S/2011/250 available at <http://bit.ly/vAlvvc>

[18] The resolution cited specifically "[t]he Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the right to education, the Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on the sale of children, child prostitution and child pornography and other relevant actors".

[19] The US, Norway on behalf of Lichtenstein and Switzerland, Poland on behalf of the EU, Costa Rica and Chile.

[20] A/C.3/65/L.32/Rev.1, available at <http://bit.ly/j0f4SA>.

A/HRC/RES/16/18 available at <http://bit.ly/uD5dYQ>.

A/C.3/66/L.48/Rev.1 The draft resolution is available at <http://bit.ly/sScH32>.

[23] The vote on Syria went from 122YES:13NO:41Abst in Third Committee to 133 YES:11NO:43Abst in General Assembly Plenary; The vote on Iran went from 86 YES:32NO:59Abst in Third Committee to 89YES:30NO:64Abst in General Assembly Plenary; The vote on the DPRK went from 112YES:16NO:55Abst in Third Committee to 123YES:16NO:51Abst in General Assembly Plenary.

All country-specific draft resolutions are available at <http://bit.ly/sScH32>.

[25] Antigua & Barbuda, Comoros, Congo, Dominican Republic, Grenada, Thailand.

<http://bit.ly/sZTUy6>.

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