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# GENERAL ASSEMBLY THIRD COMMITTEE

Third Committee holds the course on the death penalty, and makes historic gains on SOGI rights



Aotearoa

A hurricane that shut down UN headquarters for three days exacerbated an already packed Third Committee agenda at the 67<sup>th</sup> session of the General Assembly, as did UN developments outside the Third Committee such as the Human Rights Council elections<sup>1</sup> and the Palestinian bid for non-member observer status.<sup>2</sup> The Third Committee conducted its work in October and November 2012, during which time it held interactive dialogues<sup>3</sup> with a record 60 special procedure mandate holders, UN high-level officials, treaty body chairpersons,<sup>4</sup> and other experts. This led a number of States and civil society representatives to lament the lack of adequate time allotted to each and the consequent lack of substance in the exchanges between experts and States. Regrettably many opportunities for dialogue were also lost due to the hurricane, including the dialogue with the Special Rapporteur on Human Rights Defenders, whose report focused on the use of legislation to regulate the activities of human rights defenders.

The session saw the re-hashing of a number of, by now, predictable debates between States, including on religion, sexual orientation and gender identity (SOGI), sexual and reproductive health and rights, traditional values, and the death penalty. Fragile gains were consolidated and setbacks avoided, however, significant achievements were minimal.

Lesbian, gay, bisexual and transgender (LGBT) rights deeply divided States in the Committee's resolution on 'Extrajudicial, summary or arbitrary executions'.<sup>5</sup> However, the language in question was successfully extended from 'sexual orientation' to also include 'gender identity', and survived a challenge in the Third Committee with greater State support than in previous years. In addition, language on sexual and reproductive health and rights was included in resolutions on 'Violence against women'<sup>6</sup> and 'Supporting efforts to ending obstetric fistula'<sup>7</sup>, despite attempts to strike it.

The Third Committee also considered the human rights component of the UN's proposed strategic framework for the period 2014-2015<sup>8</sup> (Programme 20) this session. Fortunately expected moves by some States<sup>9</sup> to use the negotiating process to press for more oversight of the Office of the High Commissioner for Human Rights (OHCHR) by the Human Rights Council did not materialise.

Against the backdrop of the ongoing treaty body strengthening process,<sup>10</sup> States granted requests for additional funding from three Committees, but postponed the funding in two cases until the next regular budget cycle in 2014-2015.

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1 See <http://bit.ly/VksNLJ>.

2 See <http://bit.ly/S6ozL9>.

3 See <http://bit.ly/PLyTqm>.

4 The Committee rectified the long-standing issue of the lack of uniformity in reporting by treaty body chairpersons, inviting all chairpersons to present reports and engage in interactive dialogues at this session.

5 See <http://bit.ly/TOHHqx>.

6 See <http://bit.ly/XIAQgl>.

7 See <http://bit.ly/Vkt6WY>.

8 The strategic framework is the principal policy directive of the UN, which serves as the basis for programme planning, budgeting, monitoring and evaluation, effective in 2014-2015.

9 China, Cuba, Russia, among others.

10 Information on the treaty body strengthening process is available on ISHR's website at <http://bit.ly/RU1TqP> and on OHCHR's website at <http://bit.ly/RAFqAc>

In another welcome development, the worldwide trend towards the abolition of capital punishment was reconfirmed by an increased number of States voting in favour of a resolution calling for a moratorium on the death penalty.

Country resolutions saw interesting developments this session. This year marked the first time ever that the Third Committee adopted the resolution on the Democratic People's Republic of Korea (DPRK) without a vote, and the first time since 2006 that the Committee adopted the Myanmar resolution by consensus.

Two (Iran and Syria) of the four country resolutions continued to be voted, though each vote was won by a relatively large margin.<sup>11</sup> Voting shifted considerably on the resolution on Iran, which had fewer 'yes' votes than last year. Meanwhile, support for the resolution on Syria increased slightly, with more 'yes' votes compared to last year.

Religion was a prominent theme of discussion, influenced by the recent uproar and protests over the video 'The innocence of Muslims'. In addition, several Special Rapporteurs presented reports to the Third Committee touching on the issue of freedom of religion and religious intolerance.<sup>12</sup> In the end, States managed to preserve the hard-won consensus from last year, resisting attempts to return to divisive language on 'defamation of religions'.

A disturbing development relating to the rules around NGO participation in General Assembly processes occurred outside of Third Committee. In December, the General Assembly's Second Committee (Economic and Financial Committee)<sup>13</sup> adopted a resolution setting out the modalities for the 2013 High Level Dialogue on Migration and Development (HLD), which included provisions aimed at limiting civil society participation in the HLD. The 'no-objection' procedure - where States can anonymously object to an NGO without giving the rejected organization a reason for the denial or a chance to contest the decision - was included in the modalities despite concerns expressed about the issue by human rights defenders<sup>14</sup> and some States.<sup>15</sup> States' use of the no-objection procedure to arbitrarily and unfairly restrict civil society access has become prevalent in a range of meetings at UN headquarters

in recent years,<sup>16</sup> and is a practice that is seriously threatening the relevancy, accountability and legitimacy of global governance processes at the UN.

## THEMATIC DEVELOPMENTS

### Reference to sexual orientation and gender identity survives attempted deletion in extrajudicial executions resolution

This year's resolution on extrajudicial executions<sup>17</sup> (tabled by Sweden on behalf of Nordic States) added 'gender identity' to the list of vulnerable groups that States were specifically urged to protect from extrajudicial killings. Two attacks on the SOGI language were waged in negotiations. Some States<sup>18</sup> proposed deleting the entire list of vulnerable groups, to be replaced with generic language referring to all of them. Others<sup>19</sup> proposed to simply delete the SOGI language, suggesting some States opposed to the inclusion of SOGI do not favour a deletion of the paragraph since they are attached to the other language they have fought to include over the years, e.g. 'persons living under foreign occupation'. In the end, the United Arab Emirates (UAE) on behalf of the Organization of Islamic Cooperation (OIC) tabled an amendment to simply delete the SOGI language, which was overwhelmingly defeated.<sup>20</sup>

### Hard fought consensus prevails on violence against women resolution

As expected, negotiations on the violence against women resolution<sup>21</sup> were difficult again at this session, against the backdrop of debate on traditional values at the Human Rights Council (the Council).<sup>22</sup> A number of contentious issues were discussed during 20 informal Third Committee meetings, with language on sexual and reproductive health and rights, and custom, tradition and religion among the most intensely debated. While some States<sup>23</sup> vehemently opposed including language on these issues, others, mainly from the Western European and Others Group (WEOG), saw value in doing so.

New language on sexual and reproductive health, and reproductive rights was retained in the end. The compromise to

11 The margin of 'yes' to 'no' votes was 123 for Syria and 54 for Iran.

12 The Special Rapporteur on freedom of religion focused on conversion; the Special Rapporteur on freedom of expression focused on hate speech and incitement to hatred, including blasphemy laws and defamation of religions; and the Special Rapporteur on racism focused on the use of the Internet to disseminate racist ideas and incite hatred.

13 Information on the Second Committee is available at the UN website at <http://www.un.org/en/ga/second/index.shtml>

14 See <http://bit.ly/WQGOdu>.

15 As a result of disagreement about the provisions on NGO participation, the resolution was voted upon (the vote was called by the EU). It was adopted by a vote of 110 for, 2 against, 46 abstaining. Canada and the US voted against. The EU, along with Mexico, Japan, Korea and Cyprus abstained.

16 The 'no-objection' procedure was included in a resolution setting out modalities for a 2013 high-level meeting of the General Assembly on the realization of the MDGs for persons with disabilities (66<sup>th</sup> session of Third Committee). The procedure was also used to manage NGO participation in the General Assembly's treaty body strengthening process in 2012 (more information is available on ISHR's website at <http://bit.ly/RU1TqP>).

17 See <http://bit.ly/TOHHqx>.

18 Holy See, Swaziland, Namibia, and Zimbabwe.

19 Russia and Syria.

20 The vote count was 44:86:31 (for:against:abstentions).

21 See <http://bit.ly/XIAQgl>.

22 See <http://bit.ly/QGor5> for more information.

23 Egypt (on behalf of the Arab Group), Holy See, Iran, Pakistan, and the Russian Federation.

achieve this was the addition of a reference to the Programme of Action of the International Conference on Population and Development (ICPD), which, amongst other things, says abortion should not be promoted as family planning. Notably, Chile withdrew its co-sponsorship of the resolution this year, due to the language on sexual and reproductive health and reproductive rights. Similar language was also included in this year's Third Committee text on 'Supporting efforts to end obstetric fistula'.<sup>24</sup>

Efforts by the co-sponsors (France and the Netherlands) to further expand language on custom, tradition, and customary practices were not successful. In particular, Russia reiterated its concerns with the term 'harmful customary practices', noting a clear distinction between customs, traditions and religions on the one hand and prejudices and harmful practices on the other. The resolution retained a call for States to not invoke custom, tradition, or religious considerations to avoid obligations to eliminate violence against women.<sup>25</sup> However, a further paragraph under discussion, which called on States to take measures to modify social and cultural patterns, was dropped from the text in the end.

Overall, the Third Committee's negotiation on the resolution on violence against women was constructive. It is to be hoped that a similar atmosphere will prevail at the 57<sup>th</sup> session of the Commission on the Status of Women (CSW)<sup>26</sup> in March 2013, which will consider 'Elimination and prevention of all forms of violence against women and girls' as its priority theme.

### General Assembly adopts new resolution on female genital mutilation

Momentum towards a General Assembly resolution addressing female genital mutilation (FGM) built over the past year. In 2012, the Commission on the Status of Women (CSW) and the Economic and Social Council (ECOSOC) adopted African-group led decisions and resolutions recommending that the General Assembly take up the issue.<sup>27</sup>

The General Assembly resolution (tabled by Burkina Faso and Benin), which was passed by consensus, calls for a global ban on FGM and requests the Secretary-General to submit a report on the practice in two years, including action-oriented recommendations for eliminating the practice.

The resolution also urges States to pursue education and training on the issue that incorporates a social perspective and is based on human rights and gender-equality principles. Despite FGM being recognized internationally as violating women's and children's human rights, the resolution

falls short of categorising the practice as such. This outcome occurred despite pressure from WEOG States and human rights defenders to include such a reference.

Surprisingly, discussions on historically sensitive issues were relatively uncontroversial. The resolution refers to sexual and reproductive health and not the more divisive 'reproductive rights'. In addition, though previous UN resolutions have referred inconsistently to FGM as a harmful 'traditional' practice, the language on traditions was not included in the initial draft.<sup>28</sup> Furthermore, UN agencies contributing to the negotiations were clear that the notion of FGM as a 'traditional' practice was not helpful to their work and if anything, counterproductive as they try to focus on positive aspects of traditions.

### Global momentum for abolition of death penalty continues

The General Assembly adopted its fourth resolution on the moratorium on the use of the death penalty, reaffirming the UN's growing commitment towards the abolition of the death penalty. The text was adopted by vote, with a slightly larger margin than in 2010.<sup>29</sup>

New language at this session included additional safeguards for the application of the death penalty, including on offences committed by persons below eighteen years of age and for pregnant women. Agreed language that called for States to make available information on the death penalty was expanded; the text now asks States to provide specific numbers for executions, persons on death row, and persons sentenced to death. The inclusion of a contested provision expressing 'deep concern' about the continued application of the death penalty also contributed to a strengthening of the text compared to previous years.<sup>30</sup> Despite these positive developments, new language on extradition of persons to countries where they would face the death penalty and on restricting capital punishment of persons with 'intellectual' disabilities was dropped.

The passage of the resolution was tense, though less acrimonious than in previous years. States desiring to retain the death penalty argued throughout the negotiations that there was no international consensus on abolition, that the

24 Operative paragraph (OP) 3.

25 From the 2008 and 2010 resolutions.

26 See <http://bit.ly/UKhpLQ>

27 See E/2012/27 E/CN.6/2012/16 at <http://bit.ly/JmeyTq>.

28 See <http://bit.ly/TZkUdu> for more information on the traditional values debate at the UN.

29 The vote count was 111:41:34 (for:against:abstentions). The Central African Republic (absent in 2010) voted 'yes' this year, as did South Sudan (which did not exist in 2010). (In Third Committee the vote was 110:39:36). The resolution is a biannual one, last seen in 2010 at the 65<sup>th</sup> session. In 2010, the resolution was adopted by a vote of 109:41:35 (in the plenary of the General Assembly). The vote in 2008 was 106:46:34.

30 This provision was removed by cosponsors in 2010, but featured in the 2007 resolution. China, Singapore, India, Vietnam, Brunei, Laos, and Egypt argued that it does not reflect the divergent views of member States.

death penalty was not prohibited under international law, and that its application was a matter for individual States to decide.<sup>31</sup> Some States<sup>32</sup> proposed unfriendly amendments along these lines in the Third Committee to dilute the text but these proposals were defeated.<sup>33</sup>

Both the Special Rapporteur on torture<sup>34</sup> and the Special Rapporteur on extrajudicial executions<sup>35</sup> also took up the issue of the death penalty in their reports to the General Assembly. These reports were welcomed by abolitionist States.<sup>36</sup> But their opponents in the discussion<sup>37</sup> argued the death penalty was beyond the scope of the Special Rapporteurs' mandates, and repeated familiar lines about the lack of international consensus around the issue.

Ultimately, the General Assembly's separate resolution on torture did not pick up on the issue of the death penalty. However, its resolution on extrajudicial executions included a preambular provision referring to capital punishment<sup>38</sup> and a paragraph referencing the Special Rapporteur's report, including his recommendation that States respect all safeguards and restrictions, including limiting such forms of punishment to the most serious crimes. An amendment<sup>39</sup> was raised to delete the preambular paragraph but was rejected by the Third Committee.<sup>40</sup> Of the States that abstained from voting on the resolution, many voiced concern over the inclusion of language on capital punishment.<sup>41</sup>

### Third Committee grapples with potential revival of defamation of religions

It was unclear this year whether States would find consensus on two texts related to religious intolerance following the release of an anti-islamic viral video prior to the session. An overriding concern for human rights defenders was that the OIC might bring back a 'defamation of religion' text, or try to insert language on 'defamation' in resolutions related to racism or religious freedom. This concern was magnified when

some heads of OIC States<sup>42</sup> called for limits on freedom of expression during their statements at the General Assembly's general debate, citing incitement to hatred, and when an initial draft of the OIC-led resolution on combating religious intolerance was littered with 'defamation' language.<sup>43</sup>

Despite these developments, the OIC remained committed to the cooperative approach that prevailed at the Human Rights Council in March 2011 and General Assembly in 2011.<sup>44</sup> At this session, the General Assembly adopted another consensus resolution on combating intolerance and incitement to violence against persons based on their religious beliefs<sup>45</sup> that omitted specific references to defamation of religion or blasphemy.

However, the consensus was fragile. Attempts by Egypt and Pakistan throughout informal negotiations led to battles over potentially regressive language, and the resolution retained only a partial reference<sup>46</sup> to freedom of expression from Article 19 of the *International Covenant on Civil and Political Rights*.<sup>47</sup> Despite its refusal to back down on some language, the OIC agreed to drop contentious references to 'peace and security' after the US argued that they could imply engagement by the Security Council.

As in previous years, the General Assembly adopted a European Union-sponsored resolution on freedom of religion and belief without a vote.<sup>48</sup> However, maintaining consensus came at a price; in exchange for the OIC dropping defamation language from its own resolution, the EU also had to make multiple concessions, including giving up new language on protection of religious minorities, and on the right to conversion.

31 Singapore, Indonesia, Bangladesh, Japan, Botswana, China, and Egypt.

32 Egypt, Singapore, Antigua and Barbuda, Trinidad and Tobago, and Botswana.

33 The amendments attempted to either remove new language from the resolution (the call for States to provide specific death penalty statistics), reaffirm State sovereignty, or assert a State's right to choose its own legal justice system.

34 A/67/279 available at <http://bit.ly/VEkmKs>.

35 A/67/275 available at <http://bit.ly/VkVS9S>.

36 Including Liechtenstein, Norway, Switzerland, and EU States.

37 Including Singapore, Vietnam, and China.

38 Preambular provision 8 concerns instances where capital punishment is not carried out in conformity with international law.

39 Raised by Singapore on behalf of Botswana, Brunei Darussalam, China, Iran, Lao People's Democratic Republic, Malaysia, Uganda, and Vietnam.

40 78 against, 50 in favour, with 38 abstentions.

41 Singapore, Egypt, Grenada, India, Jamaica, Japan, USA, China, and Brunei.

42 Including Egypt <http://bit.ly/Qb5eDV>, and Pakistan <http://bit.ly/Qb6yGK>.

43 In particular, Iran wanted multiple references to defamation of religion included in the first draft.

44 A breakthrough occurred in the March 2011 session of the Human Rights Council when the OIC decided not to run its polarizing resolution on the defamation of religions. Instead the Council adopted by consensus an OIC-sponsored text (A/HRC/RES/16/18) on combating intolerance and incitement to violence against persons based on their religion or belief, which had no references to the defamation of religion. The 66<sup>th</sup> session of the General Assembly maintained positive gains made by the Human Rights Council and moved towards a consensus text on religious intolerance (A/66/167). The defamation of religions concept, which was introduced at the UN over a decade ago, was widely criticized by NGOs and a growing number of States in recent years. The OIC sought a normative approach to protect religions, which is inconsistent with international human rights law that protects individuals.

45 See <http://bit.ly/Uhcqne>.

46 It cited only the duties and responsibilities section.

47 Preambular paragraph 5.

48 The resolution text is available at <http://bit.ly/UIPafB>. The EU changed the name of the resolution this year from 'elimination of all forms of intolerance and of discrimination based on religion or belief' to 'freedom of religion and belief'. It was changed to better reflect the emphasis on the protection of the individual. It is also consistent with HRC resolutions by the EU on the same issue.

The right to convert was the focus of a report to the General Assembly by the Special Rapporteur on freedom of religion and belief,<sup>49</sup> and the EU had hoped to give the issue some prominence in the resolution. In the end, although the OIC obstructed a specific reference to the right to conversion, States agreed to generally support the Special Rapporteur's work in this area, by 'welcoming' his report.

As anticipated, the controversy over religion-related language also spilled into negotiations on the Durban Declaration and Programme of Action resolution<sup>50</sup> (tabled by Algeria on behalf of the Group of 77<sup>51</sup> and China).<sup>52</sup> Many States<sup>53</sup> wanted several new references to religious discrimination<sup>54</sup> removed, arguing the resolution should only focus on racism. Despite these discussions, the General Assembly adopted the resolution with 126 votes in favour, 6 against, and 47 abstentions, a vote tally similar to the previous year.<sup>55</sup>

## COUNTRY RESOLUTIONS

This session saw some fairly significant developments in the country resolutions. The Third Committee again took up four country-specific resolutions on human rights: Myanmar, Iran, the Democratic People's Republic of Korea (DPRK) and, Syria.<sup>56</sup> However, in a marked departure from previous years, the Third Committee adopted two of the four resolutions by consensus: Myanmar and the DPRK. This marks the first time since 2006 that the Third Committee adopted a country-specific resolution by consensus.

Agreement on the Myanmar resolution was expected, and the result of intense negotiations between the sponsors of the text (EU) and the country concerned. The resolution continues to call for reforms but also acknowledges positive steps taken by the State in the last year. The text also addresses the ongoing violence against the Rohingya minority in Rakhine State. This jeopardised the fragile consensus, as some OIC States (including Qatar and Iran) threatened to call a vote due to insufficient language addressing the

Rohingya issue. While human rights defenders were pushing for stronger wording,<sup>57</sup> many see the resolution as having proven its worth as an important tool for engaging with the Government of Myanmar, to encourage further reforms and improve the human rights situation in the country. Whether this will be the last such resolution, as stated by the representative of Myanmar at the adoption, remains to be seen. Notably, the usual language of the resolution referring to the continued consideration of the issue at the next session of the General Assembly has been replaced by a more vague formulation to 'remain seized of the matter'. Amongst other things, halting further resolutions on Myanmar would put at stake the mandate of the Secretary-General's Special Advisor on Myanmar— a post that is renewed each year through the resolution. The resolution also refers implicitly to the renewal of the mandate of the Special Rapporteur on the situation of human rights in Myanmar, to be debated at the March 2013 session of the Human Rights Council.

Although the Human Rights Council adopted a DPRK text by consensus for the first time earlier this year, agreement on the DPRK resolution at the Third Committee was unexpected. Some view this as a positive development, presuming that the DPRK did not call for a vote for fear of an embarrassing defeat in the face of a trend of increasing support for the resolution; votes in favour increased from 88 States in 2005 to 123 in 2011. Others are concerned that the DPRK's disassociation from the consensus after the adoption is simply indicative of a new form of rejection by the State of the resolution.

Though there were no significant changes to the text, this was the first time that the DPRK resolution was adopted by consensus since it was first introduced in 2005. The resolution on Myanmar was first adopted in 1991 and was passed by consensus until 2006 when the Human Rights Council was created. At that time, many States regarded the Human Rights Council as the proper venue for country specific resolutions. The move to consensus on these two resolutions in 2012 suggests States may be moving beyond the debate on whether it is appropriate for the General Assembly to consider country specific resolutions. Other indications of this could also be the spate of General Assembly resolutions in 2011 and 2012 on Syria, evidence of the General Assembly's relevance in addressing country specific human rights situations. The absence of no-action motions on resolutions could also suggest the General Assembly's role in considering country resolutions is less and less in question.<sup>58</sup>

Despite these developments, two (Iran and Syria) of the four country resolutions continued to be voted, though each vote was won by a relatively large margin.<sup>59</sup> The resolution

49 A/67/303 available at <http://bit.ly/VyCqWZ>

50 See <http://bit.ly/Uhcqne>.

51 The Group of 77 is a coalition of developing nations created to promote its members' collective economic interests, to enhance its joint negotiating capacity in the United Nations, and to promote South-South cooperation for development. There were 77 founding members of the organization, but the organization has since expanded to 132 member countries.

52 This followed a similar move by Egypt and the OIC at the Human Rights Council in September 2012. See <http://bit.ly/WkLVby> for more information.

53 EU, Norway, Switzerland, Mexico, and Japan.

54 Operative paragraphs 12,41 and 50.

55 All EU countries abstained, with the exception of Czech Republic, which voted against. Australia, Canada, Israel, Marshall Islands, and United States also abstained. The 2011 vote in the General Assembly was 138:6:46 (for: against: abstentions).

56 Resolution on Myanmar available at <http://bit.ly/UWyeOX>, Iran at <http://bit.ly/VmwUXR>, DPRK at <http://bit.ly/132XZED>, and Syria at <http://bit.ly/Z1KIYc>.

57 Particularly on freedom of expression, association and assembly; the situation of prisoners; and the National Human Rights Commission.

58 Human rights defenders have for a long time decried the use of no-action motions, which prevent the continuation of a debate and allow States to avoid taking a position on politically sensitive issues.

59 The margin of 'yes' to 'no' votes was 123 for Syria and 54 for Iran.

on Iran was passed by 86 'yes' votes, 32 'no' votes and 65 abstentions.<sup>60</sup> The resolution on Syria passed with 135 'yes' votes, 12 'no' votes and 36 abstentions.<sup>61</sup>

The resolution on Syria was led by Morocco, Qatar and Saudi Arabia, with strong regional co-sponsorship.<sup>62</sup> As has been the case with previous General Assembly resolutions on Syria, no Arab country voted against it. However, in contrast to last year's Third Committee resolution, Russia and China moved from abstentions to opposition votes.

The General Assembly has adopted a number of resolutions on Syria since the last Third Committee, with the number of 'yes' votes staying fairly constant (132 in December 2011, 133 in August 2012, with a small spike to 138 in February 2012, and 132 in the Third Committee in 2012.) The 135 votes in favour in the plenary of the General Assembly at this session therefore represent a small increase since the last resolution in August 2012. Several States who voted for the resolution expressed unease about the resolution's one-sidedness insofar as it inadequately condemns human rights violations by the opposition.<sup>63</sup>

The resolution on Syria in the Third Committee has been an interesting case study for country resolutions, as many States allegedly opposed in principle to country resolutions at the Third Committee have voted for or abstained from the resolution.<sup>64</sup> It remains to be seen whether this indicates a sustainable shift in positions on country resolutions generally or if Syria remains exceptional.

The number of votes in favour of the resolution on Iran (86) did not change from those at the Third Committee in 2011, but unfortunately decreased compared to the General Assembly plenary (89) last year. However, the vote counts reflect a large number of shifts in position. In terms of backsliding, changes of note include: the shifting back from abstentions to opposition by Egypt, Cambodia, and Kuwait; and from support to abstention by the Central African Republic, Tunisia, Tanzania, the Gambia, Tanzania, and Saint Lucia. There is some speculation that the backsliding is due, at least in part, to the fact that Iran is now chairing the non-aligned movement (NAM), an organisation that maintains a principled position against country specific resolutions at the General Assembly. More positive developments include

60 The vote in the Third Committee was 83 for, 31 against, with 68 abstentions.

61 <http://bit.ly/Uk55Bj>. The vote in the Third Committee was 132 for, 12 against, with 35 abstentions.

62 By Bahrain, Jordan, Kuwait, Egypt, Libya, Morocco, Qatar, Saudi Arabia, Tunisia, Yemen, and the United Arab Emirates.

63 Switzerland, Liechtenstein, Brazil, and Jamaica. As a result of the resolution's perceived one-sidedness, Nigeria moved from supporting the text to abstaining, and Ecuador continued to vote against the resolution.

64 Egypt, Malaysia, Oman, and Sudan voted in favour of the resolution and Kyrgyzstan and Vietnam. Algeria and Myanmar were absent from the vote.

the shift from abstention to 'yes' votes by Serbia, Guatemala, Paraguay, Saint Kitts and Nevis, and Bahrain; and from 'no' to abstention by Algeria, and from 'no' to being absent by Myanmar.

## INSTITUTIONAL DEVELOPMENTS

### Treaty body resources

Three treaty bodies made requests for, and were granted, additional funding this year: the Committee on the Rights of Persons with Disabilities,<sup>65</sup> the Committee Against Torture, and the Committee on the Rights of the Child.<sup>66</sup>

The Committee Against Torture<sup>67</sup> again received an additional week per session in 2013 and 2014, for a total of four additional weeks.<sup>68</sup> This will allow the Committee to reduce its backlog of pending reports, consider additional individual communications and proceed with its optional reporting procedure.

The Committee on the Rights of Persons with Disabilities was granted two pre-session weeks plus two additional regular session weeks bringing the total number of weeks to five,<sup>69</sup> however the implementation of the decision was delayed for a year so it could be funded through the ordinary 2014-15 budget cycle. Disability rights advocates are concerned that budget for additional weeks unfairly include the additional costs necessary to accommodate committee members with disabilities. They argue these should not be confused with the regular costs of the Committee and should be funded separately.

The Committee on the Rights of the Child was also granted the additional meeting time it requested,<sup>70</sup> but the necessary funds were also rolled into the regular budget for 2014-2015, delaying action on the request.<sup>71</sup>

Though consensus was achieved on all three requests, they were not well received by some of the traditionally fiscally conservative States. The United States disassociated from the consensus on all three resolutions, while the UK singled out

65 See <http://bit.ly/TAG5Fu>.

66 See <http://bit.ly/RwgIKD>.

67 This resolution was run by Denmark.

68 See <http://bit.ly/ZZvJEe>. The Committee Against Torture was previously granted an additional week per session in 2010, for 2011 and 2012.

69 See <http://bit.ly/UmxokT>. The resolution was run by New Zealand, Mexico and Sweden.

70 See <http://bit.ly/Wq3yGR>. The resolution was run by Slovenia and Costa Rica. The request was to work in two chambers at one pre-session working group meeting in 2013 and at one regular session to be held in 2014.

71 At issue with the Committee's request was the fact that the budget division at the UN had included the cost of 10 common core documents in the budget implication document (see <http://bit.ly/UEJ8zi>), while the Committee is not the only one that would benefit from those documents.

the Committee on the Rights of the Child's request for disassociation. While Japan did not disassociate from consensus, it made statements after each adoption expressing its concern about the budgetary implications.

### Smooth negotiations on OHCHR strategic framework

The human rights component of the UN's proposed strategic framework for the period 2014-2015 (Programme 20) was taken up by the Third Committee this year.<sup>72</sup> In previous years, several States<sup>73</sup> have used the process to press for more oversight of the Office of the High Commissioner for Human Rights (OHCHR) by the Human Rights Council, while others have vigorously defended the High Commissioner and her Office's independence. Though it was anticipated that Programme 20 negotiations might centre on this divisive issue, fortunately no standoff occurred.<sup>74</sup> Positively, a number of attempts by Russia, Cuba, and China to significantly weaken language relating to OHCHR's role and mandate were roundly rejected by OHCHR and supportive States.<sup>75</sup> One such defeated attempt was a Russian proposal to remove all references to OHCHR's cooperation with civil society or NGOs.

However, some minor changes were made to the text relating to OHCHR's engagement with member States, OHCHR's relationship with civil society, the treaty-body strengthening process, and legislative mandates.<sup>76</sup> Despite consensus on these fairly predictable changes, the resolution containing Programme 20 was adopted by vote, because Israel, the US and Australia disagreed with the text's emphasis on the Durban Declaration and Programme for Action (DDPA).<sup>77</sup> ■

72 The Committee for Programme and Coordination (CPC) of the General Assembly reviewed the Strategic Framework in June 2012. However, negotiations in the CPC broke down, and consideration of the report was deferred to the GA's Third Committee. A summary of some of the developments that led to this breakdown is available in ISHR's reporting, at <http://bit.ly/V8V6yZ> (see p.11).

73 China, Cuba, Russia, among others.

74 Egypt and Mexico co-facilitated the negotiations.

75 EU, Australia, US, Switzerland, *Liechtenstein*, and Norway.

76 These changes included adding limiting language throughout the text such as 'where appropriate', 'as mutually agreed', or 'consistent with mandates' (these were proposals by Cuba and the Russian Federation). Similarly, 'countries from all regions' was inserted where relevant to ensure that OHCHR engages with all countries, not just developing ones (a modification proposed by Cuba). Several modifications in the treaty body section included deleting the word 'substantive' relating to OHCHR's support to the treaty bodies and their experts. An item on 'more streamlined and harmonized reporting procedures' was also removed in this section so as not to prejudge the outcome of the intergovernmental treaty body strengthening process (driven by the Russian Federation). In the legislative mandates section, a random selection of Human Rights Council presidential statements was added to the list of mandates. This was despite opposition by the African Group and the EU that such statements do not have the same weight as resolutions.

77 161 countries voted in favour of the resolution, 3 voted against (US, Israel, and Canada) and 7 abstained.