



General Assembly

Seventieth session

Official Records

Distr.: General
3 December 2015

Original: English

Third Committee

Summary record of the 31st meeting

Held at Headquarters, New York, on Wednesday, 28 October 2015, at 10 a.m.

Chair: Mr. Hilale (Morocco)
later: Ms. Kupradze (Vice-Chair) (Georgia)
later: Mr. Hilale (Chair) (Morocco)

Contents

Agenda item 72: Promotion and protection of human rights (*continued*)

- (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)
- (c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Control Unit (srcorrections@un.org), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org/>).

15-18792 (E)



Please recycle A small graphic of a recycling symbol consisting of three chasing arrows forming a triangle.



The meeting was called to order at 10.05 a.m.

Agenda item 72: Promotion and protection of human rights (*continued*) (A/70/40)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/70/56, A/70/111, A/70/154, A/70/166, A/70/167, A/70/203, A/70/212, A/70/213, A/70/216, A/70/217, A/70/255, A/70/257, A/70/258, A/70/259, A/70/260, A/70/261, A/70/263, A/70/266, A/70/270, A/70/271, A/70/274, A/70/275, A/70/279 and Corr.1, A/70/285, A/70/286, A/70/287, A/70/290, A/70/297, A/70/303, A/70/304, A/70/306, A/70/310, A/70/316, A/70/334, A/70/342, A/70/345, A/70/347, A/70/361, A/70/371, A/70/405, A/70/414, A/70/415 and A/70/438)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/70/313, A/70/332, A/70/352, A/70/362, A/70/392, A/70/393, A/70/411, A/70/412; A/C.3/70/2, A/C.3/70/4 and A/C.3/70/5)

1. **Mr. Beyani** (Special Rapporteur on the human rights of internally displaced persons), introducing his report (A/70/334), said that the report focused on governance structures and institutional arrangements for preventing and managing responses to internal displacement. National authorities bore the primary duty and responsibility to respond to internal displacement. However, internal displacement crises could quickly become overwhelming. Effective governance structures were essential to ensure systematic, coordinated and human-rights based responses.

2. In the face of almost unprecedented global displacement, the most important step that States could take was to prevent internal displacement from occurring. Yet even in cases where displacement could be predicted, prevention measures were often inadequate. Authorities at all levels must therefore be prepared, proactive and innovative and devote more resources to prevention, risk assessment, mitigation and adaptation, which were especially important as more countries had to confront the prospect of significant disaster-related internal displacement owing to climate change. A crucial role could be played by authorities at different levels and by national human rights institutions

in preventing internal displacement by employing early warning mechanisms.

3. Once displacement had occurred, States needed to ensure that crisis management and institutional arrangements were in place as quickly as possible. National instruments such as legal and policy frameworks, based on international standards, including the Guiding Principles on Internal Displacement, were essential tools in strengthening domestic responses to internal displacement and clearly defining the roles and responsibilities of Government ministries and other national bodies, as well as ensuring that adequate budgets were in place. Leadership must be assumed at the most senior level through the establishment of a specialized institutional focal point. Internally displaced persons must be able to access programmes on an equal basis with the non-displaced population. States should also ensure that all local authorities received adequate resources, support and training.

4. As displacement became protracted, the responses of national authorities must transition to addressing long-term needs and issues of resilience and recovery, until durable solutions had been achieved. The evolving internal displacement scenario must be fully assessed, including the possibility of return to original locations, local integration or resettlement elsewhere in the country, while fully taking into account the wishes of the internally displaced persons themselves. National authorities should also establish effective and accountable mechanisms, involving development as well as humanitarian partners, with responsibility for overseeing and supporting durable solutions and monitoring the results.

5. During the reporting period, he had visited the Central African Republic, Iraq, the Philippines, South Sudan, the Syrian Arab Republic, Ukraine and other countries afflicted by conflict and disaster. In many cases around the world, the lack of good governance in relation to massive internal displacement challenges must be urgently addressed. Without adequate governance and continuing humanitarian support from the international community, internal displacement could lead to refugee status and asylum. The conflict in the Syrian Arab Republic, currently in its fifth year, had caused 4 million people to flee the country. Those who remained internally displaced, nearly 9 million people, would also seek refuge outside the country if the lack of security, employment, dignity and respect for human rights continued. Greater attention must be given to

finding political solutions to conflicts and protecting affected civilian populations, including internally displaced persons, in their countries of origin. The international community must continue to act as a consistent humanitarian partner to support States and save lives on the ground, even when partnerships with States were challenging.

6. There was an alarming shortfall in humanitarian funding in Iraq and the Syrian Arab Republic that was hampering the essential work of humanitarian actors and costing lives. Even with the essential legal and policy frameworks and governance structures in place, responses to displacement crises would not be able to alleviate suffering without adequate resources. He urged donors to step up their funding to meet the unprecedented humanitarian needs. United Nations agencies and other national and international humanitarian and development organizations often conducted their work under perilous conditions and deserved the best possible support. Funding must extend beyond the short term and recognize that displacement situations were increasingly protracted and internally displaced persons required support far beyond the emergency phase.

7. The international community also had a vital role to play in providing technical assistance in such areas as registration, the development of national laws and policies and property restitution and compensation. It should also facilitate the transfer of knowledge, notably by identifying good practices and lessons learned from various displacement situations. He was pleased to see strong references to the necessity of addressing internal displacement and internally displaced persons within the 2030 Agenda for Sustainable Development, especially in the context of conflict and post-conflict situations. As the implementation phase of the Agenda began, the mistakes of the past must be avoided, and States must include internally displaced persons in national development programmes, both as partners in implementation and as beneficiaries. He urged States and development partners to ensure that national priorities, targets and indicators reflected the needs and human rights of internally displaced persons.

8. **Mr. Rabi** (Morocco) said that 24 million people were currently displaced within 50 countries. Their needs must therefore be addressed and incorporated in national development policies. States affected by displacement, donor States and the United Nations system played a vital role in implementing programmes

that provided opportunities and vocational training to give internally displaced persons the skills necessary to access the job market, and to restore their fundamental rights and their dignity. He asked the Special Rapporteur how the issue of internally displaced persons could be taken fully into account in the implementation of the 2030 Agenda for Sustainable Development.

9. **Ms. Kupradze** (Georgia) said the Special Rapporteur's visit to Georgia in 2013 had represented an important milestone in documenting the current situation of internally displaced persons in her country. In the course of his visit, he had assessed her Government's efforts to find durable solutions and had identified challenges concerning the right to return safely and with dignity. The occupying Power had forcibly expelled Georgia's internally displaced persons from their homes and denied them their fundamental right to a safe, dignified and voluntary return to their places of origin. She agreed with the Special Rapporteur that durable solutions should be approached from a humanitarian and development perspective, and not be dependent on a political settlement. That approach was further supported by the General Assembly resolutions on Georgia's internally displaced persons. Her Government invited the Special Rapporteur to conduct a follow-up visit to Georgia.

10. **Mr. Jabbar** (Iraq) said that his country faced many challenges; falling oil prices had negatively impacted the economy and the ongoing war to eliminate the terrorist Islamic State of Iraq and the Levant (ISIL) organization had financial and humanitarian repercussions. ISIL destroyed the homes of displaced persons, planted mines in the areas it had taken over and attempted to infiltrate terrorists among internally displaced persons. Children, pregnant women, the sick and persons with disabilities comprised a high proportion of the internally displaced persons and required additional assistance. Many internally displaced persons had lost their official identity documents and could not provide proof of their identities; they were often deeply frustrated because they were separated from their families and home areas, which isolated them further, reduced their income and forced them to rely on assistance. His Government was making great efforts to eliminate terrorism, liberate the country and return internally displaced persons to their homes. The United Nations was slow to provide assistance to internally displaced

persons relative to the size of the challenge. He thanked all the donor countries for their assistance and urged them to continue their support. He also thanked the Special Rapporteur for his call to the international community to provide humanitarian assistance to internally displaced persons.

11. **Mr. Doujak** (Austria) said that the rising number of internally displaced persons highlighted the need for States to respond. He asked the Special Rapporteur what the most important precautionary measures were that Governments should implement, particularly Governments which had little experience in dealing with displacement crises. He also asked the Special Rapporteur to elaborate on his recommendation on the establishment of an institutional focal point responsible for coordinating responses to internal displacement, including the level at which the focal point should be established, and asked him to share best practices in that regard.

12. **Mr. de Bustamante** (Observer for the European Union) asked the Special Rapporteur to share best practices in the area of data and profiling. Since national authorities could quickly be overwhelmed in cases of sudden internal displacement, and given the complementary role of the international community, he asked the Special Rapporteur what role could be played by regional organizations in that regard.

13. *Ms. Kupradze (Georgia), Vice-Chair, took the Chair.*

14. **Ms. Byberg** (Liechtenstein) said that the number of internally displaced persons was rising and protracted displacement was more common. In that context, she asked the Special Rapporteur how States could better implement protection measures, address the needs of internally displaced persons and ensure that national institutions were better prepared to offer assistance. She also asked how the recent developments in the Syrian Arab Republic affected the situation of internally displaced persons, particularly with respect to access.

15. **Mr. Richter** (International Organization for Migration (IOM)) said that IOM echoed the Special Rapporteur's call for better data and profiling of internally displaced persons. The IOM Displacement Tracking Matrix continued to play an important role in assessing displacement situations around the world, whether brought about by conflict or natural disasters, and was capturing increasingly disaggregated data. He

asked the Special Rapporteur to identify any promising practices of data harmonization, either among agencies or between agencies and Governments, and what suggestions he might have for the Displacement Tracking Matrix in that context. IOM had drafted a framework on the progressive resolution of displacement situations, which applied a mobility perspective to durable solutions. The framework, which went beyond displaced populations to include affected migrant populations as well, fully incorporated the eight benchmarks laid out by the Inter-Agency Standing Committee to determine the extent to which a durable solution had been achieved. He asked the Special Rapporteur if he had encountered good examples of bodies or working groups that made full use of different operational guidelines and strategies, without duplicating pre-existing structures.

16. **Ms. Cantada** (Philippines) said that in his report, the Special Rapporteur had assessed her Government's response to the internal displacement caused by Typhoon Haiyan and the progress made in providing transitional and permanent homes and in restoring livelihood opportunities to affected persons. Her Government was committed to addressing the need for permanent, safe and decent homes for internally displaced persons and to ensuring their return to a normal life as soon as possible. Additional funds would be provided in the 2016 national budget to continue recovery, rehabilitation and reconstruction efforts in communities that had been affected by Typhoon Haiyan and those in conflict areas in Mindanao.

17. **Ms. Amadeo** (United States of America) said that her Government welcomed the Special Rapporteur's strong collaboration with regional, international and civil society organizations and his ongoing efforts to promote the implementation of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which should serve as a model for the development of similar regional normative frameworks. She asked the Special Rapporteur what steps he was taking to encourage more countries to adopt comprehensive national legal and policy frameworks on displacement; what challenges he was encountering in that regard; and, given the importance of proactively working to prevent displacement, whether he could provide additional examples of effective monitoring mechanisms and early warning systems that States had established. She also asked the Special Rapporteur to elaborate on the

unique role that non-governmental and international humanitarian organizations played in responding to displacement, and to expand on his recommendation to establish regional working groups or regional rapporteurs on displacement in order to address and monitor displacement situations and address how those regional mechanisms would fit into or complement the existing humanitarian architecture.

18. **Mr. Lyngroth** (Norway) said that the challenges faced by internally displaced persons were growing in scale and complexity. His Government hoped that the international community would devote more attention to strengthening its collective response. There was a clear need for all actors, including humanitarian and development agencies, to work together to find durable solutions to the challenges of long-term displacement. Displacement could often be prevented, if international humanitarian law was respected by all parties to armed conflict, and a more preventive approach to displacement should be encouraged. He asked the Special Rapporteur to highlight some examples of best practices where States and local governments had worked with the international community to find solutions for displaced persons, and what lessons could be built on in the future to find long-term solutions.

19. **Mr. Yaremenko** (Ukraine), speaking on behalf of the Organization for Democracy and Economic Development (GUAM), said that the GUAM member States were interested in conducting follow-up work after the Special Rapporteur's visits. Mass displacement in GUAM countries had led to many serious challenges. Over 60 million people had been affected by armed conflicts caused by foreign aggression and were in need of protection, assistance and support. National responses to the humanitarian crisis had taken a human rights-based approach, and Governments would continue to improve the security and protection of internally displaced persons and work toward finding durable solutions. Access to sustainable housing, social services and targeted financial assistance were among the challenges that needed to be addressed. GUAM member States firmly believed that the humanitarian concerns of the affected populations, including internally displaced persons, should be given high priority, despite the lack of progress in the conflict resolution process.

20. The GUAM Governments were striving to provide adequate protection and assistance by establishing mechanisms and developing and strengthening national

legislation. Resources and capacities were limited and needed to be complemented, especially since in some cases displacement was an ongoing crisis and in others it had become a generational problem. Ensuring the safe and dignified return of internally displaced persons and refugees was the principal way to achieve durable solutions and was a key challenge for the international community. While the GUAM States were determined to meet the security and development needs of affected populations, renewed and consistent attention from the international community to the root causes of forced displacement was also urgently needed. An end to the conflicts in the GUAM States on the basis of the Charter of the United Nations, especially the principles of the sovereignty and territorial integrity of all States within their internationally recognized borders, would contribute significantly to the issue of internally displaced persons and refugees and would be crucial to ensuring lasting peace, reconciliation and development. He urged the Special Rapporteur to remain focused on the displaced populations in GUAM member States and to call for increased international cooperation, solidarity and humanitarian action to support those in need.

21. **Ms. Ibrahimova** (Azerbaijan) said that her Government continued to protect and assist persons who had been displaced as a result of Armenia's aggression against Azerbaijan. The lack of progress in resolving the conflict and the continued illegal occupation had caused a generation of people to be displaced. Her Government had enacted legislation to safeguard the rights of internally displaced persons. They had been identified as a cross-cutting priority in all relevant State programmes and had been involved in the consultation process and the continued preparation of those programmes. It had successfully delivered on its commitment to eradicate temporary camps and had resettled residents in 36 new communities, with the necessary social and technical infrastructure. It had also been working to provide internally displaced persons with employment opportunities, and unemployed internally displaced persons continued to receive monthly assistance. Over the past 20 years, \$5.5 billion had been allocated to assist internally displaced persons and the portion of the State budget dedicated to that issue continued to increase.

22. The consequences of mass displacement had been burdensome for Azerbaijan, a significant portion of which was still illegally occupied by Armenia.

Although Azerbaijan was thankful for the assistance and support provided to internally displaced persons, financial assistance was not enough; renewed attention was critical. Her Government's commitment to find durable solutions to displacement should not relieve those responsible for the root causes of displacement. Finding a solution to the conflict and guaranteeing the right to return continued to remain the most effective long-term solutions. In that regard, she called on the Special Rapporteur to continue his advocacy work within the United Nations system and the wider humanitarian and human rights communities. She reiterated her Government's invitation to him to visit Azerbaijan and looked forward to continued collaboration.

23. **Mr. Sargsyan** (Armenia) said that his country had experienced large-scale displacements as a result of deportations during the first genocide of the twentieth century; natural disasters, in particular the devastating earthquake of 1988; and, most recently, military aggression. Since the early 1990s, Armenia had implemented full-scale integration policies for displaced persons, including an action plan to provide increased access to social and health services, housing, education and employment for internally displaced persons and refugees. Rather than build camps or collective centres, his Government chose to concentrate efforts on finding sustainable solutions to fully integrate displaced persons into society and had never politicized the issue of internally displaced persons and refugees at the expense of their human rights or dignity. The human rights approach should be fully integrated into peacebuilding and finding a solution to the Nagorno-Karabakh conflict.

24. The section of the Special Rapporteur's report dedicated to his visit to Azerbaijan contained interpretations concerning the politically sensitive issue of the Nagorno-Karabakh conflict. His Government regretted the fabricated and inaccurate views in the report, which did not represent the position of the international community, were not supported by statistical data and facts and challenged the integrity of the Special Rapporteur's mandate. A peaceful resolution to the conflict would lead to durable solutions for all internally displaced persons. The modalities, principles and elements of such a resolution had been formulated by the co-chairs of the Organization for Security and Cooperation in Europe (OSCE) Minsk Group, which was the only internationally mandated forum for the peace

negotiations. Implementation of the peace process relied on the political will of all parties concerned, and Armenia fully supported the proposals made and was strongly committed to achieving progress in the peace negotiations. His Government encouraged the Special Rapporteur to inquire further into the reasons for the lack of progress in negotiations, as it would not wish to gain the impression that the Special Rapporteur held views that diverged from those of the international community in respect of a peaceful resolution of the Nagorno-Karabakh conflict.

25. Internally displaced persons should not face discrimination when seeking protection and assistance. The Special Rapporteur had estimated that 30,000 displaced Armenians were currently residing in the Republic of Nagorno-Karabakh. They were being denied access to services provided by the Office of the United Nations High Commissioner for Refugees, the United Nations special procedures and the Special Rapporteur. He asked the Special Rapporteur whether his office had taken steps toward gaining unimpeded access to internally displaced persons in Nagorno-Karabakh in order to enable them to realize their human rights.

26. His delegation strongly rejected the allegations made against his country by the representative of Azerbaijan, who had not said a single word about establishing a dialogue between all parties to the conflict to improve the human rights of internally displaced persons, regardless of their nationality or origin. The delegation of Azerbaijan should be reminded of that country's aggression in the war against the civilian population of Nagorno-Karabakh and Armenia, which had resulted in 100,000 Armenian refugees and internally displaced persons. Part of the territories of Nagorno-Karabakh and Armenia were still under occupation. The Azerbaijani authorities not only refused to cooperate on the issue of Armenian internationally displaced persons in Nagorno-Karabakh but were also impeding the access of international organizations, including the United Nations special procedures, and hindering the fulfilment of their mandate in regard to internally displaced persons in Nagorno-Karabakh.

27. **Ms. Smaila** (Nigeria) said that political instability, natural disasters, climate change, acts of terrorism and armed conflict had all contributed to the displacement of millions of people across the world, the vast majority of whom were women and children. The situation of

refugees, asylum-seekers and displaced persons, particularly women and girls, had drawn global attention to the need for improved refugee protection. Acts of terrorism, a major cause of displacement and deaths, both within nations and across borders, was a major threat to global peace and security and undermined States' capacities for sustainable development; such acts were an assault on collective security and required a collective response. Some of the world's most complex displacement crises were found in Africa. The African Union had therefore adopted the Convention for the Protection and Assistance of Internally Displaced Persons in Africa, also known as the Kampala Convention, which marked a significant step toward strengthening the national and regional legal and regulatory frameworks for offering protection and assistance to displaced persons in Africa.

28. On the previous day, her Government had launched the North-East Humanitarian Multi-Stakeholder Engagement programme for the victims of Boko Haram insurgencies to strengthen the capacity of existing civil society organizations, especially in the north-east regions, and aid in the development of other organizations. The stakeholders included the National Emergency Management Agency, the Presidential Initiative for the North-East, the Victims Support Fund and the Safe Schools Initiative.

29. **Ms. Kirianoff Crimmins** (Switzerland) said the increasing numbers of internally displaced persons and the average length of displacement gave cause for deep concern. The international community must focus its attention on seeking sustainable solutions to better respond to the specific needs of persons affected. It was untenable that the resources and capacities of the United Nations dedicated to internally displaced persons were being reduced while their numbers had reached a record high. The issue was not about creating new structures, but rather improving coordination and cooperation among the various actors, mobilizing the necessary funds and generating the political will to prevent forced displacements, protect and better assist affected persons and promote sustainable solutions, including political solutions. She asked the Special Rapporteur which measures were needed to strengthen the international architecture for internally displaced persons, and how the international community could contribute to ensuring that the unique needs of displaced persons were better taken into account in national development plans. She encouraged Member

States to collaborate actively with the Special Rapporteur for the sake of internally displaced persons in their own countries.

30. **Mr. Reed** (United Kingdom) said that internally displaced persons must be allowed to move to safe locations best suited to their protection needs, and their choices must be heard and respected. Host communities needed support to absorb and care for internally displaced persons, and humanitarian actors should be granted access in order to assess the needs of both internally displaced persons and host communities. The longer-term needs of internally displaced persons, including education, livelihoods and the restoration of dignity, must be taken into account from the beginning of displacement. Better compliance with international humanitarian law by parties to conflicts would in many cases prevent displacement occurring in the first place. He asked the Special Rapporteur how United Nations initiatives, such as the Rights Up Front Initiative and the World Humanitarian Summit in 2016, could be used as opportunities to address the issue of durable solutions for internally displaced persons, and how institutions such as the World Bank were engaging with humanitarian partners to develop durable solutions.

31. **Ms. Ibrahimova** (Azerbaijan), speaking in exercise of the right of reply, said that her delegation rejected all the allegations made by the delegation of Armenia, which was illegally occupying the territory of Azerbaijan in violation of Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993). During Armenia's ongoing aggression toward Azerbaijan, 1 million Azerbaijanis had been deprived of their basic rights. Armenia had committed numerous crimes against civilians: indiscriminate attacks, killings, hostage taking, detention, inhumane treatment, execution of war prisoners and hostages and ethnic cleansing of occupied territories. Armenia had no moral or legal ground to lecture anyone about respect for human rights and international law.

32. **Mr. Sargsyan** (Armenia) said that in the 1990s there had been hundreds of thousands of refugees in Armenia, Azerbaijan and Nagorno-Karabakh. Although Armenia had more displaced persons than Azerbaijan, Armenia had never politicized their plight and had used its limited resources to help them to fully integrate. Had the leadership of Azerbaijan been sincerely interested in finding sustainable solutions for its refugees and internally displaced persons, it would

have done so over the past two decades. Instead of using its budget, which was extensively fuelled by petrodollars, to find a durable solution, Azerbaijan had decided to exploit the issue and had used its petrodollars to purchase enormous quantities of arms and military hardware. The return of Armenian, Nagorno-Karabakh and Azerbaijani refugees and internally displaced persons was one of the basic principles of the peaceful settlement of the Nagorno-Karabakh conflict, which Azerbaijan effectively rejected. His delegation was open to discussing the issue and called upon the delegation of Azerbaijan to do the same.

33. **Mr. Beyani** (Special Rapporteur on the human rights of internally displaced persons) said that all the Sustainable Development Goals must be implemented through the lens of internally displaced persons in terms of programming, policies and indicators. The Sustainable Development Goals must be factored into national budgets, and planning and programming should be carried out with a combined humanitarian and development approach. National policy frameworks on internally displaced persons should also incorporate the Sustainable Development Goals, and long-term planning must be undertaken that incorporated durable solutions from the outset.

34. Iraq did not receive enough humanitarian assistance because it was classified as a middle-income country. Preparedness measures needed to be established in Iraq in order to receive persons displaced by counter-insurgency measures in places like Mosul and Anbar. Preparedness was the most important precautionary measure that States could take. Other measures included risk assessment, mitigation measures, the integration of humanitarian and development approaches from the outset, durable solutions and policy and legal frameworks.

35. It was vital to have coordination structures and focal points that responded to internal displacement, as it was a multisectoral issue. There were examples of best practices in terms of coordination mechanisms and durable structures in Côte d'Ivoire and in Haiti, and there were good examples of local governments working with the international community in Afghanistan and Kenya. There were also good examples of data profiling in Serbia and in Georgia, along with the Joint Internally Displaced Person Profiling Service, the IOM Displacement Tracking Matrix and the work done by the Internal Displacement

Monitoring Centre in Geneva (IDMC). Following his visit to Sri Lanka, a joint needs assessment had been carried out to find durable solutions. It was very difficult to identify best practices for data harmonization, since all agencies worked with their own data systems and many countries worked on different data systems as well. His mandate had repeatedly called for harmonizing data systems.

36. Regional organizations were able to take more concerted action to address internal displacement, for example, through the promotion of regional frameworks modelled on the Kampala Convention. The World Humanitarian Summits had stressed the role of regional organizations in promoting those frameworks. His mandate would be following up on those outcomes in Istanbul in May 2016. His mandate attempted to promote effective monitoring mechanisms at the national level through national human rights commissions. Some examples included the Philippines, where the national human rights commission was very active; Kenya, where the national human rights mission had been integrated into the national working group on internally displaced persons; and Georgia, where the ombudsperson had drafted a report on internally displaced persons. He had visited the Inter-American Commission on Human Rights in March 2015, and planned to attend a meeting in November in the Gambia between the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights. Complementarity and collegiality were important in establishing national monitoring mechanism. Compliance with international humanitarian law and other frameworks was essential. The goal of the Rights Up Front Initiative was to ensure that at the country level, the United Nations country teams and missions were integrating human rights, including those of internally displaced persons.

37. Access had always been a problem in the Syrian Arab Republic. During his recent visit he had been able to visit Damascus and Latakia, but all other areas had been inaccessible. Accessibility was an issue not only in areas controlled by the Government, but also in areas controlled by the rebels, insurgents and terrorists. He welcomed the measures being taken in the Philippines in the Mindanao area and in the context of disaster-related displacement. There was obviously a political problem at the root of the territorial dispute of Nagorno-Karabakh. His mandate was a humanitarian

mandate that focused on human rights and was based on independence and integrity. He had met with the Permanent Mission of Armenia following his visit to clear up the concerns surrounding his report. He would continue to work with both Armenia and Azerbaijan and follow the Minsk process in relation to the issue of internally displaced persons.

38. He had met with the World Bank to focus on integrating development in humanitarian activities, and had received a very positive response. The World Bank used data systems and incorporated language on refugees. Its approach was to be commended and other development actors should be encouraged to follow suit. Through discussions with the World Bank and the United Nations Development Programme (UNDP), the mandate was promoting a common roadmap to bring development and humanitarian activities together. The role of his mandate needed to be reassessed. There were currently more than 38 million internally displaced persons and a single, part-time, voluntary mandate on its own, even acting with partners, was clearly inadequate.

39. He would be conducting follow-up visits to the GUAM countries in 2016. He had also requested a visit to Nigeria in 2016 to assess the situation in northern Nigeria and look into displacement caused by Boko Haram.

40. **Ms. Izsák** (Special Rapporteur on minority issues), introducing her report on the effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (A/70/212), said that she had chosen to focus on the criminal justice process because she had received an alarming number of allegations of human rights violations committed against minorities in the administration of criminal justice. She thanked those States which had responded to her questionnaire and regretted that she had not received more responses. The report considered obstacles to access to justice by minority victims of crime and discussed how to ensure diversity, non-discrimination and participation of minorities in the administration of justice. It was not exhaustive, as it did not address violations by law enforcement officials outside the formal criminal justice process, or violations arising from substantive criminal law; those fields merited further research.

41. There was often difficulty in obtaining readily available data, and many States did not collect

disaggregated data regarding minorities in the criminal justice system. A lack of data precluded Governments from accurately assessing the existence and scale of violations against minorities in the criminal justice system, and therefore designing effective countermeasures. She encouraged States to collect comprehensive and disaggregated data on the basis of individual self-identification and consent, while respecting the need for personal data and privacy protection.

42. The eighth session of the Forum on Minority Issues would also focus on minorities in the criminal justice system and would take place in November 2015 in Geneva. Many governmental and non-governmental actors and experts in the field of criminal justice would be participating, and she invited all States to join the Forum and contribute to its valuable work.

43. **Mr. Al-Obaidi** (Iraq) said that Iraq was noted for its great variety of religions, sects and races, including Christians, Sabians, Shabak and Yazidis, who had lived in the area and contributed to society for thousands of years. Like all people, they had equal rights and responsibilities before the law. Minorities had suffered the worst and most bloody atrocities following the takeover by ISIL gangs of certain parts of Iraq, including the Governorate of Ninawa, where most of those minorities lived. ISIL terrorist groups had perpetrated the most brutal crimes against them and had forced them to leave their lands and confiscated their belongings and property; killed men, enslaved and sold women, and exploited children; blown up houses of worship and the tombs of prophets; and destroyed cultural and literary centres and cultural heritage sites. Following the liberation of certain areas by the security forces, mass graves had been discovered of Yazidi civilians who had been executed by the ISIL terrorist gangs. His Government had formed a high-level ministerial committee from the first day of the attacks of the terrorist ISIL gangs to monitor the situation of internally displaced persons, especially those belonging to minorities, and to meet their needs. The security forces had liberated many individuals; financial assistance had been given to internally displaced Yazidi women; centres had been established for minorities who wanted to join the security forces; and assistance was being provided in accessing the justice system. He renewed his call to the international community to increase the international

assistance provided to Iraq in all fields to help meet the needs of the victims of the terrorist ISIL gangs.

44. **Mr. de Bustamente** (Observer for the European Union) said that access to justice and a fair trial should be ensured for persons belonging to minorities at all stages of the legal process. Appropriate human rights training of law enforcement, justice system and prison personnel was an important element in promoting non-discrimination and cultural diversity. He asked the Special Rapporteur to share any examples of countries where the collection of disaggregated data had helped in designing effective measures for eliminating discrimination.

45. **Ms. Shlychkova** (Russian Federation) said that the report contained a number of examples of how belonging to a linguistic, cultural, ethnic or religious minority affected court verdicts and the attitudes of members of law enforcement bodies. She asked the Special Rapporteur whether in her research she had found any distinction in that respect between persons belonging to indigenous minorities who were citizens of their country of residence and those who had only permanent resident status.

46. **Mr. Ríos Sánchez** (Mexico) said that the legal recognition of minorities in Mexico had been advanced by the 1992 Constitution, which had recognized Mexico as a multicultural nation. In 2001, an explicit provision had been introduced in article 1 of the Constitution prohibiting all forms of discrimination including on the basis of ethnic origin, nationality or religion. The Code of Criminal Procedure, which had been issued in 2014, established the principle of equality before the law and stipulated that all persons involved in criminal proceedings should be treated equally and have the same legal rights. Mexico had established a national torture prevention mechanism under the National Human Rights Commission, which was an independent body empowered to conduct visits to detention centres across the country.

47. **Mr. Doujak** (Austria) said that the effective participation of minorities in all aspects of the criminal justice process and administration of justice must be ensured by removing barriers to justice for victims of crime, as well as by the recruitment, retention and promotion of members of minorities across the range of professions in the criminal justice system. The session of the Forum on Minority Issues to be held in November 2015 should provide a central platform

within the United Nations for promoting dialogue and cooperation on minority issues that could contribute greatly to the visibility of minority rights, draw attention to areas where action was needed and provide best practices and recommendations to policy-makers. He asked how the mandate could contribute to the effective prevention and addressing of violence against persons belonging to minorities.

48. **Ms. Probst-Lopez** (Switzerland) said that her delegation agreed that the effective participation of minorities in all aspects of the administration of justice was essential to eliminate discrimination. In particular, it supported the recommendation that States should ensure respect for the principles of proportionality and necessity in any use of force, whether or not directed against persons belonging to minorities; any abuses should be subjected to independent and impartial investigation. She stressed the importance of the right of all detainees to communicate with the outside world, receive visits and have access to religious representatives or cultural groups from outside. She asked how States could establish credible liaison officers who would inspire enough trust in minority groups to embolden them to request support in protecting their rights. She also asked the Special Rapporteur to elaborate further on a model for a national strategy to prevent discrimination against minorities in the administration of justice.

49. **Mr. Torbergson** (Norway) asked whether the Special Rapporteur had any examples of challenges in addressing the situation of religious minorities. He also asked how States could best address the challenge of violence against minorities perpetrated with impunity. Finally, he asked whether there was any information on how the 895 recommendations about national or ethnic, religious and linguistic minorities made through the universal periodic review had been followed up.

50. **Mr. Hetesy** (Hungary) said that the 2030 Agenda for Sustainable Development provided an excellent opportunity for all countries to check their status in the fight against discrimination. Hungary hoped that the indicators to be adopted for the Agenda would require the collection of disaggregated data to address discrimination. The fight against discrimination could become a real driver and enabler in reaching goals related to social inclusion, creating inclusive, resilient societies and covering all three pillars of sustainable development. Hungary encouraged the Special Rapporteur to continue to support the implementation

of the Agenda and looked forward to the eighth session of the Forum on Minority Issues, which was an important venue for identifying best practices.

51. **Ms. Schneider Calza** (Brazil) said that discrimination hampered the trust in the criminal justice system of people belonging to minorities and therefore their sense of belonging to the wider national community. Capacity-building, increased transparency, human rights education and special training were required to fully realize the ideal of eliminating racial profiling and other discriminatory practices in the administration of justice. She asked the Special Rapporteur to highlight further examples of good practices that had contributed to reducing tension and building confidence between police forces and persons belonging to minorities who suffered discrimination.

52. **Mr. Garcia** (United States of America) said that recent events in the United States, from Ferguson to Baltimore and beyond, had provided an important impetus for civil society and Government to engage in a much-needed dialogue about measures to address discriminatory policing and hold officers who had committed crimes accountable. Although there remained significant work to be done in protecting minorities within the United States criminal justice system, there had been progress. For example, the executive order establishing the President's task force on twenty-first century policing and its subsequent reports demonstrated the commitment of the United States to protect the rights of minorities in the criminal justice system through collaborative reform, the purpose of which was to build trust between agencies and the communities they served by providing a means to organizational transformation around specific issues. Good research promoted good results, and the Special Rapporteur had provided an excellent analytical tool in that regard. He asked the Special Rapporteur to elaborate on reasons favouring the collection of disaggregated data and how to address concerns that such data might be abused.

53. **Ms. Izsák** (Special Rapporteur on minority issues) said that many Governments were reluctant to collect disaggregated data, citing privacy concerns or a history of abuse of such information for the purpose of persecuting minorities. Many ethnic or racial minorities had expressed a desire to become visible through data if that would enable the authorities to create effective policies for addressing social inequalities; they had, however, expressed concern about data being used to

argue that there was a higher rate of crime among minorities or about police retaining their personal details even when no offence was detected. Such concerns should be addressed by making data anonymous and imposing time limits on the retention of personal information.

54. States should collect comprehensive disaggregated data on the involvement of persons belong to minorities in all aspects of the criminal justice system. Anonymous statistics should be accessible for analysis by Governments, academia, civil society and regional and international organizations to enable them to design measures for eliminating discrimination and increasing effective participation in the entire administration of justice. Data should be collected on the basis of individual self-identification and consent wherever possible and should respect personal data and privacy concerns. Police played a crucial role in the entire process. However, if a disproportionate number of individuals found themselves in contact with the police, they would automatically also be disproportionately represented in the entire process.

55. There were some good practices in the field of policing. In the United Kingdom, Canada and Spain, police were required to provide a record to anyone they stopped, questioned or searched, indicating the person's ethnic origin, name of the police officer, date, location and reason for the action, which was a practice that should be implemented by all law enforcement agencies. India had been implementing a 15-point programme for the welfare of minorities with a focus on special consideration for minorities in recruitment into State and central Government police forces, as well as on ensuring that the composition of selection committees was representative of disadvantaged minorities. In Hungary and the United Kingdom, police officers from minority backgrounds had formed support networks, which was of the utmost importance in terms of peer support and networking.

56. Minorities needed to be better represented within all branches of government and there should be a greater degree of consultation with relevant communities. Minorities should be involved in training processes, including developing and delivering training modules. Whenever possible training should be continuous and target senior staff first so as to ensure leadership. Appropriate educational programmes must be in place for law enforcement, justice system and

prison staff. It was important to promote interethnic and interreligious relations. An example of a good practice in that regard was in the Russian Federation, where the police had worked with representatives of ethnic minorities to develop police training modules covering the cultural and religious backgrounds of minority communities. In the United States of America, the National Center for State Courts had prepared training materials for judges on self-identification and avoiding implicit bias. Another good example was the data collection on hate crimes by the Federal Bureau of Investigation and its disaggregation of the different biases in crimes committed against various groups in society.

57. Some disaggregated data had been collected by academia and non-governmental organizations. She had visited Brazil where she had been granted access to all the places she sought to visit. The Government of Brazil estimated that 75 per cent of the Brazilian prison population was black. Of the 50,000 homicide victims in 2014, 30,000 were 15-29 years of age, and 77 per cent were black. According to the National Justice Council, less than 16 per cent of judges were black despite the fact that 52 per cent of the population was considered to be of African descent. Although the United States of America was making progress in tackling its challenges, black people were three times more likely to be killed by the police than white people and less than one third of the black people who had been killed by the police had been suspected of a violent crime and armed with a gun. In the United Kingdom, a study by the Inspectorate of Prisons for England and Wales showed that 5 per cent of inmates were of gypsy, Roma or traveller origin, whereas only 0.1 per cent of the population was estimated to be of such background. In some secure training centres, the percentage of Roma, travellers and gypsies was even as high as 12 per cent.

58. Although it was difficult to prove that an individual had been arrested or stopped by the police, or had received a life sentence, because of his or her minority status, patterns could be discerned and must be taken seriously and addressed.

59. She was available for discussions with the Government of Iraq on a potential country visit about how to seek increased assistance with regard to the issue of torture and violence committed by non-State actors against minorities.

60. In terms of appointing liaison officers, it was worthwhile to work with non-governmental organizations that were linked to minority groups. Liaison officers and community representatives could help build trust between police and minorities. The Recommendations on Policing in Multi-Ethnic Societies were a very good guide to community policing practices. Although there were some good practices, she had not come across a specific strategy that she would recommend as a good initiative.

61. She had examined all 895 recommendations relevant to the situation of minorities from the first cycle of the universal periodic review and was looking forward to doing so in the second cycle, as well as to follow up on the first round of recommendations and how they had been implemented. With regard to the prevention of violence, she referred to the recommendations in her 2014 report (A/69/266).

62. There had been an initiative under the former Working Group on Minorities to adopt guidelines on integration with diversity in policing, which should be reconsidered in future. She encouraged human rights institutions to establish a specific mechanism dedicated to addressing the rights of minorities, including within the criminal justice system, which would help to prevent and tackle the concerns arising from their underrepresentation throughout the process.

63. **Mr. Heller** (Special Rapporteur on the human right to safe drinking water and sanitation), introducing his report (A/70/203), said that in his report he assessed to what extent different types of water, sanitation and hygiene services (connections to a piped network, communal and shared facilities, and individual on-site solutions) in combination with different management models (utilities, small-scale service providers and self-supply) complied with the human rights to water and sanitation, and highlighted the potential benefits and limitations of each type of service and the resulting human rights concerns. The realization of the human rights to water and sanitation was influenced by the way those different types of services were delivered and the extent to which the State oversaw the services provided, as well as by geophysical, political and economic contexts and socio-cultural preferences. The analysis showed that there was no one-size-fits-all solution that met human rights criteria under all circumstances.

64. The requirement for States to progressively realize the human rights to water and sanitation had two components: progressively providing universal access by reaching more people, while progressively improving services for all persons in order to meet human rights standards. States must determine how to set priorities for the realization of human rights, taking into account each particular context; the human rights framework provided important parameters for that process. Improvements in services were all too often provided to those who already enjoyed an essential level of service, while the immediate needs of those who lacked access to even basic services were neglected. The human rights framework demanded that States put greater emphasis on achieving essential levels of service for everyone as a minimum. The ultimate goal was to achieve an adequate standard of living for everyone, with each State using the maximum amount of available resources, and ensuring their efficient use. States must address those challenges through adequate planning, both for the short and the long term.

65. He recommended that States use the human rights framework for water, sanitation and hygiene to identify appropriate types of services and ensure that services were available, safe, acceptable, accessible and affordable to all; take into account the social, economic, political, cultural and environmental context in assessing the compliance of a type of service with human rights; and focus on the unserved and underserved as a matter of priority.

66. **Mr. Soemantri** (Indonesia) said that the right of all Indonesians to water was enshrined in the Constitution of Indonesia, which stated that land, water and natural resources were to be controlled by the State and exploited to the greatest benefit of the people. His Government, in constructive cooperation with partners, continued to implement policies such as community-based sanitation and a drinking water supply programme. The proportion of households that had access to improved sanitation facilities had increased from 53 per cent in 2010 to 69 per cent in 2013. There was a regulation guaranteeing the accessibility and affordability of safe drinking water and sanitation; in some areas, water and sanitation were provided free of charge. Nonetheless, as a populous and archipelagic country, Indonesia still faced challenges in ensuring affordability for all persons, at all times and in all places. He asked the Special Rapporteur to share his

views on the best possible ways to meet the needs of accessibility, affordability and quality of water and sanitation in an effective manner, and on how to ensure the availability and sustainability of management of water and sanitation for all, in line with Goal 6 of the Sustainable Development Goals.

67. *Mr. Hilale (Morocco) resumed the Chair.*

68. **Mr. Liu** Shaoxuan (China) said that having a clean, safe water supply and building sanitation facilities in rural areas were priorities for his Government. In 2005, China had launched a safe drinking water project in rural areas which had benefited 410 million rural residents and 32 million rural school teachers and pupils. In 2015, China would establish a nationwide monitoring network to track the quality of supply across the country. The joint United Nations Children's Fund (UNICEF) and World Health Organization (WHO) report entitled "Progress on Sanitation and Drinking Water: 2015 Update and MDG Assessment" showed that 95 per cent of the Chinese population had access to safe drinking water and 87 per cent to good sanitation facilities. China had already achieved the Millennium Development Goals related to safe drinking water and sanitation. His Government would continue to focus on further improving people's health and infrastructure in both urban centres and rural areas to ensure equitable access to public services in order to advance social and economic development. According to the report of the Special Rapporteur, 2.4 billion people globally still did not have access to necessary sanitation facilities and 946 million people, mostly from developing countries, did not have access to latrines; he asked what suggestions the Special Rapporteur would make in response to those challenges.

69. **Ms. Tschampa** (Observer for the European Union) said that the European Union saw the report of the Special Rapporteur as a reference point for political and administrative policymaking. She asked the Special Rapporteur to elaborate on his proposal for a possible model for future review and follow-up of the Sustainable Development Goals and to outline the main challenges he foresaw in the implementation of the 2030 Agenda for Sustainable Development. She also asked him to share some good practices or recommendations on how to attain an adequate level of informed and relevant participation of women and girls in decision-making processes.

70. **Ms. Tagicakibau** (Fiji) said that Fiji had been reviewing reports produced by a number of technical agencies on the basis of technical and scientific information on the availability of water and distribution mechanisms. With the right to adequate and clean water and sanitation enshrined in the 2013 Indonesian Constitution, reports such as the Special Rapporteur's would assist in enabling policymakers and service providers to consider a human rights approach in the provision of their services. With rural communities and outer islands relying mostly on groundwater and rainwater, contamination owing to lack of sanitation and awareness, compounded by disruptions to the supply of water, particularly in the aftermath of cyclones and other disasters, caused additional challenges in ensuring access to clean, safe, accessible and adequate water at all times. Frequent bursts, background leakage and outdated equipment in the physical supply lines in the main islands also posed challenges. Pressures on infrastructure were further exacerbated in times of droughts, floods and other extreme hydrometeorological events. Fiji had partnered with UN-Women for the provision of toilets at local markets where primarily female vendors from rural areas had to spend the night and thus needed safe and accessible sanitation. Given that certain human rights obligations related to hygiene could be inferred from the rights to water and sanitation, health, food, privacy and human dignity, Fiji was prioritizing policy and action on such rights. It looked forward to working with the Special Rapporteur closely through a country visit to Fiji and encouraged him to consider the effects of climate change on the ability to progressively realize the right to water and sanitation as a thematic focus.

71. **Ms. Mouflih** (Morocco) said that Morocco was pursuing a policy for the management of water resources that had enabled conventional resources to be efficiently mobilized. The strategy for the establishment of nine water basin agencies involved integrated, decentralized management of water resources, which had led to access to drinking water for 94 per cent of the rural population at the end of 2014 and the launch of a programme for total urban coverage. Under the National Sanitation Programme, five water treatment plants had been built and 12 new ones had been started in 2014. In 2015, 16 new stations and a programme for liquid sanitation in rural areas had been launched. She asked the Special Rapporteur what the next steps should be to ensure that the right to

safe drinking water and sanitation was taken into consideration while implementing the goals of the 2030 Agenda for Sustainable Development.

72. **Mr. Ríos Sánchez** (Mexico) said that the Mexican Constitution recognized the right of all persons to have access to sanitation and water for personal and domestic use in a sufficient, safe, acceptable and affordable way. The management of water resources through a water use approach based on equality and social inclusion provided a common basis for eradicating extreme poverty and hunger. Investments in water infrastructure were key to unlocking potential for economic growth. Different aspects of integrated water management should be taken into account in order to design cross-cutting public policies in all sectors, from Government to private enterprises, under the three pillars of sustainable development. His Government had proposed establishing an intergovernmental water panel to develop new adaptation strategies in order to be better prepared for the impact of increasingly intense weather phenomena and to identify possible solutions for the governance and sustainable management of water until the year 2100, based on a review and evaluation of the latest scientific, technical and socioeconomic information on water. It had made a firm commitment to address water security, ensure the human right to water and basic sanitation, and provide objective and sustained support for the population through comprehensive improvements in the area of water, including the provision of services. However, for such strategies to be successful, far-reaching actions must be taken that responded effectively to modernization processes, observed human rights at all times and tackled challenges in the provision of services and financial implications.

73. He asked the Special Rapporteur what the best way was, beyond the minimum standards that States should follow to guarantee the human right to drinking water and sanitation, to ensure a type of service and adequate management model that took into account different national contexts. He also asked what basic criteria States should take into account in order to develop a monitoring system that effectively measured their progress in achieving universal access to water, sanitation and hygiene. Finally, he asked the Special Rapporteur to share examples of good practices in terms of legislation or programmes launched by a State that complied with the key guidelines for ensuring access to drinking water and sanitation on an equitable basis.

74. **Mr. Osbouei** (Islamic Republic of Iran) said that Iran had enshrined the right to water in its Constitution and framed it within its national legislation. Local and regional water use could not be managed in isolation and Iran was depending on international cooperation in that regard. Iran welcomed the call of the Office of the High Commissioner for Human Rights for a questionnaire on the right to water and sanitation, which would ask States what policies and practices they had put in place to ensure the supply of potable water and sanitation. States could thus learn from one another through multilateral experience sharing.

75. **Ms. Schneider Calza** (Brazil) said that the guidelines and strategies set by the Brazilian National Basic Sanitation Plan, which had been drafted with the participation of civil society groups, non-governmental organizations, unions and business and academic institutions and launched in December 2013, reflected many of the issues mentioned in the report of the Special Rapporteur. Her Government was fully committed to the eradication of poverty and the reduction of inequalities. Public policies should give due priority to the most vulnerable, most discriminated against, most stigmatized and poorest sectors of the population, including people living in informal settlements. Ensuring adequate provision of safe drinking water and sanitation had a positive impact on gender equality and helped combat violence and abuse against women and girls. She asked for the Special Rapporteur's views on the impact of the 2030 Agenda for Sustainable Development in promoting the right to water and sanitation and the role that international corporations could play in that regard.

76. **Ms. Hullman** (Germany) asked the Special Rapporteur to elaborate on how States could best monitor Goal 6 of the Sustainable Development Goals and the corresponding targets 6.1, 6.2 and 6.3, as well as the reduction of inequalities. She also asked what role international programmes, such as the WHO/UNICEF Joint Monitoring Programme on Water Supply and Sanitation, should play in that regard. Finally, with regard to the slower progress on improving sanitation compared to providing access to safe drinking water, she asked what the differences were in achieving adequate sanitation and adequate water services.

77. **Ms. Zahir** (Maldives) said that providing basic public services for safe drinking water and sanitation were key priorities of the Maldives that were explicitly stated in the Constitution. Owing to the geographical nature of the Maldives and the shallow natural water

table, the thin freshwater lens was easily contaminated and depleted as a result of excessive demand and was vulnerable to increased salinity because of over extraction and saltwater intrusion as a result of sea level rise. Provision of services to the widely dispersed population, while also meeting the equally challenging needs of the densely populated capital island of Malé, had not been easy but was achievable. In Malé, owing to the lack of space for rainwater storage, the entire population was provided with desalinated salt water. Safe water was provided in many other islands through desalination and harvested rainwater. Ensuring the sustainability of services had been rather difficult owing to the vulnerability of the country, which had been evidenced during the 2004 tsunami when freshwater lenses and affected islands had been heavily contaminated and approximately 50 per cent of all rainwater tanks had been destroyed. During the Malé water crisis in December 2014, 100,000 residents had lost access to clean water supplies for more than a week after a fire in the desalination water plant. She asked the Special Rapporteur how sustainability could effectively be strengthened given such unique challenges in individual countries and national disasters. Echoing the comments of the representative of Fiji, she said there was a need to consider the effect of climate change on the right to safe water.

78. **Ms. Probst-Lopez** (Switzerland) said that human rights principles must prevail in all aspects of the realization of the right to safe drinking water and sanitation. Her Government shared the view that where there was a conflict between expanding access or improving quality, the principle of equality required a focus on disadvantaged individuals and groups. Special consideration should be accorded to the needs of women and girls.

79. Switzerland was committed to the effective and human rights-based implementation of Goal 6 of the 2030 Agenda for Sustainable Development and encouraged all States to contribute actively to the definition of meaningful indicators and the development of an effective monitoring mechanism. She asked the Special Rapporteur what indicators should be included for the monitoring of Goal 6 that could ensure the implementation of the human right to water and sanitation and support the political aim contained in that Goal.

80. **Ms. Rasheed** (Observer for the State of Palestine) said that there was an acute human rights

crisis taking place as a result of Israel's 50-year occupation of the State of Palestine. Israel was severely restricting the access of Palestinians to water in the West Bank by diverting water sources from Palestinian towns and villages to illegal Israeli settlements. Palestinians were forbidden from digging wells without permits, which were rarely granted. Pumping from permitted wells was limited to shallow water, resulting in high rates of contamination. Furthermore, Israeli settlers, of whom there were currently 550,000 living in illegal Israeli settlements in the West Bank, including East Jerusalem, had destroyed and stolen Palestinian water springs. Illegal Israeli settlers consumed approximately six times the amount of water used by the 2.6 million Palestinians living in the West Bank, and the discrepancy grew even greater when water for agriculture was taken into account. The limited water resources to which the Palestinian people did have access continued to be contaminated by the dumping of raw sewage from Israeli settlements.

81. The situation in Gaza was even more dire as a result of Israel's destruction of water infrastructure during its wars against Gaza and of its illegal and immoral blockade of Gaza. The United Nations had indicated that 90 to 95 per cent of Gaza's water was unfit for human consumption, while the previous Special Rapporteur on safe drinking water and sanitation had said that the situation in Gaza was a grave threat to the health and dignity of the Palestinian people living there and called for immediate measures to be taken to ensure full enjoyment of the right of Palestinians to water and sanitation. In light of such calls, and given that the United Nations Conference on Trade and Development had estimated that by 2016 the ruinous effects of contamination would make aquifers unusable in Gaza and that by 2020 Gaza would be uninhabitable, she asked the Special Rapporteur what measures or steps he had taken to address the water crisis resulting from Israel's occupation throughout the occupied State of Palestine. She also asked what the international community could do to bring Israel into compliance with its legal obligations as an occupying Power and to halt all its policies and practices of using water as a weapon against the occupied people. Finally, she asked if the Special Rapporteur had any plans to visit the Occupied Palestinian Territory to bring urgent attention to the water crisis there.

82. **Ms. Al-Rumaihi** (Qatar) said that Qatar had made safe drinking water and sanitation a priority in accordance with its Qatar National Vision 2030, which stressed the importance of achieving a balance between development needs, protecting natural resources, supporting international efforts to mitigate the negative effects of climate change and striving to improve water infrastructure and ensure that it was ready to meet future needs. Qatar was a member of the Group of Friends of Water and accorded priority to water in the context of the Sustainable Development Goals as an important means of achieving food security, combating poverty and achieving development. His country reaffirmed its commitment to human rights standards on access to water and sanitation services for all citizens on an equitable basis and to ensuring that those services were available, secure and accessible.

83. **Ms. Smila** (Nigeria) said that Nigeria welcomed the African Water Vision 2025, which was aimed at the development of more equitable and sustainable use and management of Africa's water resources for poverty alleviation, socioeconomic development, regional cooperation and the environment, and called on the international community to support that initiative. Her country remained steadfast in its commitment to improving national capacity in the operation and management of a safe drinking water supply by funding projects that would accelerate the development of the water sector through public-private partnership. While considerable challenges still existed in providing safe drinking water and sanitation, her Government remained committed to addressing those issues as part of efforts to improve the quality of life of Nigerians and uphold their right to clean drinking water and adequate sanitation.

84. **Mr. Torbergson** (Norway) said that all use of water, including for domestic purposes, must be based on an assessment of the sustainability of available water resources; he asked the Special Rapporteur to elaborate further on that challenge. The report could have focused more on the role that the State must play in the development of regulatory mechanisms for different management models with the aim of achieving the progressive realization of human rights principles. The Special Rapporteur had not assessed systems owned and operated by for-profit or not-for-profit public or private entities; he asked whether the Special Rapporteur agreed that proper regulations for the different management models, including for-profit or not-for-profit models, were of the utmost

importance for the realization of the human rights to safe drinking water, sanitation and hygiene for the disadvantaged, underserved and unserved.

85. **Ms. Ortega Gutiérrez** (Spain) said that while her delegation agreed in general with the Special Rapporteur's view that the provision of services should be adapted to different cultures and regions, there was a risk of violating the principle of the universality of rights and the rejection of cultural relativism. She asked the Special Rapporteur how those two principles could be balanced. She asked the Special Rapporteur whether he intended to continue to focus on accessibility for persons with disabilities, a matter about which her Government was deeply concerned. Hygiene had received less attention than it deserved in the 2030 Agenda for Sustainable Development; she asked the Special Rapporteur how it could be ensured that hygiene received attention under the right to safe drinking water and sanitation and how other Sustainable Development Goals relating to other rights could also play a role in promoting hygiene, taking into account the political, cultural and financial environment in which decisions were made.

86. **Mr. Barkan** (Israel) said that the regional cooperation called for by the representative of the Islamic Republic of Iran in order to solve water problems already existed between Israel and Jordan, to great success. Israel also coordinated with several other Arab countries in that regard. The water problem in Israel had been exacerbated by population growth but had essentially been solved through desalinization. By failing to mention desalinization and misrepresenting a problem that no longer existed, the Observer for the State of Palestine had attempted to mislead the international community. It was the right of both Israelis and Palestinians to use as much water as they wished and there was no limit on the amount of water that residents of the West Bank and Gaza could have. Water was provided through the Israeli water system from the desalinization plants established on the Mediterranean coast. Unfortunately, Palestinians avoided treating wastewater in the West Bank, which was leading to further destruction of the aquifer. Over pumping by the people of Gaza had caused the salinization of all water wells and the entire aquifer. As a result, Gaza was currently fully supplied with desalinized water from Israel, which it would not have had if Israel had not found such a solution and if the price of desalinization had not gone down dramatically. Instead of spreading rumours and non-truths, the

Palestinians should cooperate with Israel in building a healthy water system for everyone.

87. **Mr. Heller** (Special Rapporteur on the human right to safe drinking water and sanitation) said that, compared to the Millennium Development Goals, the 2030 Agenda for Sustainable Development marked a very important advance in terms of the goals and targets related to water, sanitation and hygiene, and the inclusion of hygiene in target 6.2 was particularly welcome. Efforts to achieve those targets should involve the firm participation, commitment and engagement of States, which were expected to have strong policies, plans and institutions devoted to water, sanitation and hygiene. Without such efforts, developing countries in particular would face significant difficulties in reaching those targets. Some States would need stronger international support in that regard.

88. Targets related to water, sanitation and hygiene should be looked at from a cross-cutting perspective. If good progress was made on those targets, there would be an important impact on other goals and targets, such as ending poverty, improving health and eliminating inequality. Ensuring access to water for the most disadvantaged parts of the population was the best way for the water and sanitation sector to contribute to other goals and targets.

89. There was a need for a stronger monitoring framework. The WHO/UNICEF Joint Monitoring Programme on Water Supply and Sanitation provided a very good initial platform in that regard, but additional data must be collected to establish methodologies in order to address some of the new aspects of the targets and goals. For example, there needed to be a strong monitoring process to assess water quality and the affordability of access in order to gauge whether the gaps between different sectors of society were decreasing. Disaggregated data on indigenous groups, rural populations, women and informal settlements in urban areas was needed in order to compare the most disadvantaged groups with the general population and to monitor how that gap was overcome over the next 15 years.

90. Climate change posed a significant challenge to access to water and sanitation. His mandate was receiving information in relation to droughts and flooding that clearly showed how human rights could be compromised in those situations. Contingency plans should be made in order to anticipate the effects of climate change.

91. There were important differences between the right to water and the right to sanitation. He thus fully supported the recommendation to highlight the right to sanitation as a distinct right, because the profile of the right to sanitation needed to be raised.

92. He suggested having a bilateral dialogue to address the issues raised by the representative of Mexico. He intended to visit Mexico in 2016 and was aware of the discussions that were taking place in the country about the national water law. He was also open to engaging in bilateral dialogue with Israel and the State of Palestine to consider how to improve the situation in that region.

93. **Ms. Rasheed** (Observer for the State of Palestine) asked the Special Rapporteur to respond briefly to the questions her delegation had posed, in light of the comments made by the representative of Israel about the spreading of rumours by the State of Palestine, given that the situation was very urgent, as had been reported by the Economic and Social Commission for Western Asia and the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.

94. **Mr. Heller** (Special Rapporteur on the human right to safe drinking water and sanitation) said that he needed to have a deeper understanding of the situation before expressing a definitive view about the situation in the West Bank and Gaza. He was, however, very open to engaging in dialogue with States, receiving additional and more concrete information, and visiting the region.

The meeting rose at 1.10 p.m.