Thank you Madame Chair.

We welcome the adoption of the resolution entitled "The Report of the Human Rights Council." However, with regard to Human Rights Council resolution 32/2 entitled, “protection against violence and discrimination based on sexual orientation and gender identity,” we would like to indicate our concern with the creation of the Independent Expert on sexual orientation and gender identity.

Due to the lack of international legal instruments on this topic and corresponding divergence of member state positions on this issue, it is the opinion of this government that the mandate of the Independent Expert lacks the necessary specificity to be carried out. Specifically, discrimination on the basis of sexual orientation or gender identity has never been defined by international law. So it is therefore unclear what basis the expert will use to determine which laws do or do not constitute discrimination in this regard. This lack of specificity is contrary to Human Rights Council resolution 5/1 which states that the new mandates should be as clear and specific as possible so as to avoid ambiguity.

As a consequence of the lack of definitional basis in international human rights law, we would like the record to reflect that we disassociate ourselves from HRC’s resolution 32/2 and do not recognize the Independent Expert created therein.

I thank you.

Thank you very much. Thank you very much Madame Chair. We wish to make an explanation of vote before the vote on the proposed amendment contained in document L.52.

I’d like to start by reaffirming Singapore’s strong commitment to and support for the Human Rights Council which has an important responsibility to promote and protect all human rights and fundamental freedoms. Madame Chair, we have studied carefully the explanatory note circulated by the African Group as well as by the group of Latin American countries which have proposed the amendment. I’ve also listened very carefully to the various general statements made this morning and have listened to them with great respect. So this is not a decision that we in Singapore have taken very lightly but we have only done so after very careful consideration.

From Singapore’s point of view, the decision facing us today is essentially a decision on the nature of the relationship between the General Assembly and the Human Rights Council. For Singapore, the issue boils down to a fundamental question: can the General Assembly pronounce itself on the work of the Human Rights Council? In our view, the answer is yes. The Human Rights Council is a subsidiary organ of the General Assembly as clearly stated in GA Resolution 62-51 and reaffirmed in GA Resolution 65-281. The UN Charter clearly affirms that the General Assembly may discuss any questions or any matters within the scope of the Charter or related to the power of any organs provided for in the Charter. Accordingly, we believe that the General Assembly has the right and the responsibility to pronounce itself on the work of the HRC, including on the work of the special procedure mandate holders. Furthermore, as the only United Nations body with universal membership, the General Assembly has an important role to play in promoting dialogue, bridging differences, and building consensus to find solutions that reflect the views of the wider UN membership.
As a country that has never served on the Human Rights Council, and given the increasing challenges faced by many small states in securing a seat in the Human Rights Council, we believe strongly that the General Assembly has the prerogative and the responsibility to discuss important issues related to the work of the Human Rights Council, particularly when there are questions and concerns raised by a large number of states.

Singapore opposes the amendment because we believe it is important to reaffirm the right of the General Assembly to express its views on the work of the Human Rights Council. The deletion of OP2 will also have the effect in our view, of preventing discussion among wider UN membership on an important issue. Additionally, from a legal and institutional point of view, the deletion of OP2 would imply that the General Assembly’s role as the overseeing body of the Human Rights Council is nothing more than symbolic.

We do not see OP2 as questioning the mandate and authority of the Human Rights Council to create special procedure mandate holders. Instead, we look at OP2 as a proposal that seeks further information and dialogue on an important issue: namely the issue of sexual orientation and gender identity. We do not see the inclusion of OP2 in L.46 as prejududging the outcome of consultation on these concerns. We believe that the integrity, credibility, and legitimacy of the human rights system will be strengthened, not weakened, if we allow for greater dialogue in order to widen the circle of consensus on difficult and challenging issues.

Madame Chair, for all the reasons I have explained, Singapore will vote against the amendment in L.52 which calls for the deletion of OP2 in L.46. Madame Chair, I wish to place on record the position of my government that we do not see the decision on whether to retain OP2 as relating to the substance of the issue of sexual orientation and gender identity. We do not condone the discrimination of any group, any individual, in any society. In Singapore, we respect the LGBTI community as an integral part of our society. In this regard, we wish to reiterate that Singapore strongly opposes violence and discrimination against LGBTI persons. In Singapore, we have laws to protect our citizens from such acts and we enforce these laws strictly and impartially. In our view, violence against any group in any form is not acceptable and the Singapore government will act decisively as it has always done if there is a threat of violence against any group. The issue of the rights of LGBTI persons is one upon which international opinion is clearly divided. We believe that bears left to each society to deal with in its own way taking into account its evolving social and cultural context.

I thank you very much Madame Chair.

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Thank you Madame Chair. My delegation wishes to make an explanation of vote after the vote on resolution A/C.3/71/L.46.

We note that a majority of states have decided to vote in favour of the amendment proposing to delete OP2 from L.46. In our view, this is a missed opportunity to engage in consultations on an important issue that has been dividing the UN membership and to seek a way forward based on consensus. Nevertheless, Singapore has consistently supported and voted in favour of African Group’s annual resolution on the Report on the Human Rights Council. In view of the fact that the HRC is a subsidiary body of the General Assembly as stipulated by GA resolution 60/251 and 65/281, and is required to submit an annual report to the General
Assembly, it is only appropriate for the General Assembly to continue to take note of the Report of the HRC as it does every year. For this reason, Singapore voted in favour of resolution L.46 as amended.

I thank you Madame Chair.

**JAMAICA**

Thank you Madame Chair. My delegation takes the floor to explain Jamaica's vote on the amendment contained in L.52. In arriving at our decision, we have not questioned the substance of the HRC resolution on the reference, but have focused attention on the procedural nature and implications of the decision before us.

The issue before the committee is a complex matter which does not appear to have sufficient consensus for either the perspectives advanced proposed by the proponents of the amendment or of the original draft resolution L.46. Jamaica will therefore vote against the amendment in support of the view that additional time for broader consultation is required in order to allow for more in depth deliberation on the matter.

I thank you Madame Chair.

**EGYPT**

Thank you Madame Chair.

I'm taking the floor on behalf of the membership of the Organization Islamic Cooperation with one exception in support of the draft resolution put forth by the African Group on the Report of the Human Rights Council.

This statement is a continuation of the debate held in Geneva on HRC resolution 32/2 which did not enjoy consensus. The OIC has always upheld the principles and values of non-violence and non-discrimination on any grounds against any individual or group in accordance with the well established principles set forth in the international human rights law. We condemn violence and discrimination in all its forms and manifestations against individuals and we uphold the inherent dignity of all individuals. We believe that protection against violence should be granted to all individuals based on race, birth, color, sex, language, religion, political or other opinions, national or social origin, property or other status.

The OIC is disturbed with the introduction within the UN of concepts of new notions that have no legal foundation in any international human rights law, including the Universal Declaration of Human Rights and other human rights instruments. As such, we note that the introduction of such controversial norms are not universally agreed upon, and represent a very particular set of values and lifestyles that directly impinges on the social cultural and religious sensitivities of a large number of countries and promises to polarize and undermine the work of the United Nations in the field of human rights.

The OIC would like to echo the assertions made by the statement of the Africa Group regarding the subsidiary nature of the Human Rights Council vis a vis the United Nations General Assembly as stipulated in resolution 60/251. This resolution clearly established the Human Rights Council as a subsidiary body of UNGA where we need for the consult to report on the annual basis on the universal membership of the General Assembly.
we also found the statement that the General Assembly had never before challenged the HRC resolution of this nature to be factually incorrect. This does not, in no way or form set a dangerous precedent of picking and choosing as why highlighted in the African group statement.

We would like to further remind the esteemed committee, that the resolution of 32/2 was in fact adopted by a smaller majority than two years ago and that only 19 member states voted in favor of the retention of the creation this mandate. This reflects a strong and persistent objection to this initiative which will only remain and will grow.

Equally important, let us remember that the seven important principles were included as an integral part of text on the basis amendment proposed by the OIC which included:

1) Maintaining the joint ownership of international human rights agenda and to consider human rights issues on an objective and non-confrontational manner.

2) The importance of respecting regional culture and religious value systems as well as the particularities in considering human rights issues.

3) The fundamental importance of respecting the relevant domestic debates in national level on matters associated with historical cultural social and religious sensitivities

4) Deploring the use of external pressures and coercive measures against states, particularly developing countries, with the aim of influencing the relevant domestic debates in decision-making processes at the national level.

5) Concerned by any attempt to undermine the international human rights system by seeking to impose concepts or notions pertaining to social matters including private individual context which fall outside the internationally agreed upon human rights framework.

We urge all members today to vote against the amendment of draft resolution on reports of the Human Rights Council and to defer consideration of the action on Human Rights Council 32/2 of 30th of June 2016, in order to allow time for the further consultations to determine the legal basis upon which the mandate for the special procedure which established therein will be defined. Failing to do so means which the OIC will continue in its position to boycott the independent expert and affirms also that OIC will not be in the position to interact or cooperate with that expert.

I thank you Madame Chair.

**BOTSWANA**

Yes, Madame Chair I wish to make a statement on behalf of the African group in explanation of the vote on this amendment before the vote on the amendment on L/AC-- [interruption by Chair].

Thank you Madame Chair. We thought we could make a general statement before the vote at this stage.

[Chair response]
Thank you very much Madame Chair. A general statement on behalf of the Africa Group:

Madame Chair, as has been the practice since the establishment of the United Nations Human Rights Council, the Africa Group tables its annual resolution recommending that part of the Human Rights Council to the General Assembly for adoption on the third of November. In this resolution the Africa group call for the further consideration of the action of the Human Rights Council resolution 32/2 of 30 of June which is entitled “protection against discrimination based on sexual orientation and gender identity.” And we request that the deferment of this particular resolution to the 72nd session of the General Assembly, in order to allow time for consultations, and Madame Chair, we need to stress that we do not question the creation of independent mandates, but simply asking for more time for further consultation on this very important resolution.

On the basis on which the special mandate procedure was established as indicated by the distinguished delegate of Brazil, Madame Chair, in its decision to table this resolution, the group has been guided by the principle of international law, the purposes and the principles enshrined the Charter of the United Nations, and the universally accepted principles of respect for independence and sovereignty of member states.

Madame Chair, allow me to first of all to correct the often repeated refrain and reference that the Africa Group seeks to question the authority and mandate of the Human Rights Council, with regard to this appointment under these special procedures, or the appointment under the special mandate procedures. The Africa group is by no means attempting such action, by the tabling of this resolution, Madame Chair. Rather, the Group fully affirms that it is within the mandate of the Human Rights Council to establish special procedures. In affirming the authority granted by the Human Rights Council under its founding resolution, it is equally important to highlight the rights of the General Assembly enshrined in that very same resolution which marked the foundation of the Council: United Nations General Assembly resolution 60/251. This resolution clearly established that the Human Rights Council is a subsidiary body of the General Assembly. It has the need for the Council to report on an annual basis to the universal membership of the General Assembly. This designation of the Council’s status as a subsidiary body of the General Assembly was subsequently reaffirmed in OP3 of General Assembly resolution 65/281.

Further to this, Madame Chair, Article 10 of the Charter of the United Nations affirms that the General Assembly may discuss any questions or matters within the scope of the present charter or related to the powers and functions or organs provided for in the present charter. It is therefore [upset?] to claim that decisions of the General Assembly to review the decision of a subsidiary body is an attempt to question the mandate and authority of the Council.

Madame Chair, it has been argued that the General Assembly has never before challenged the Human Rights Council resolution of this nature and that a decision so to do will create a dangerous precedent of picking and choosing, and this is not the position Madame Chair.

I want to recall, Madame Chair, that in 2006 General Assembly resolution 61/178 decided to defer consideration of an action of the United Nations Declaration on the Rights of Indigenous Peoples, which had been adopted by the Human Rights Council in Geneva, and the resolution 1/2 of the 29th June 2006, in order to allow for further consultations, in the same manner that we are calling for deferment of this particular resolution, 32/2 in order to allow for further consultations.
Furthermore, Madame Chair, besides the precedent set by the resolution on the Rights of Indigenous Peoples, in 2013 General Assembly adopted resolutions 68/144 deferring the consideration of the Human Rights Council resolution 24/24 which was intended to create a focal point on their presence. While there are differences in the scopes of the resolutions 24/24 and the current resolution before us, what is significant here is that the General Assembly exercised this authority to guide the overall work of the organization as enshrined in the Charter of the United Nations.

Madame Chair, a few days ago, specifically on Friday, November 18, in this very hall during the consideration of resolution on the Right to Peace, we heard from some of our colleagues who today are cosponsors of this amendment, that there is no recognized international agreement on the Right to Peace, for which reason they refused to join the consensus on the adoption of that resolution. The Africa Group is therefore wondering which international legal instruments defines the concept of sexual orientation and gender identity, for which reason we have been told to support this amendment.

Madame Chair, the honest truth remains that these notions are not enshrined in any international human rights instrument. With no definitional basis in any international law instrument, the Africa Group is of the view that the mandate of the Independent Expert lacks the necessary specificity to be carried out fairly. This also runs contrary to the rights of Human Rights Council resolution 5/1 which states that “new mandates should be clear and as specific as possible, so as to avoid ambiguity”

I’m just about to conclude my general statement, Madame Chair.

To say that the Africa Group wishes to reiterate that if the international community wishes to garner the necessary solidarity and support in fulfillment of all human rights, then it must [inaudible] itself of such double standards as being exhibited in this very instance.

Let us respect the sovereign right of each and every member of this organization to be able to take decisions that they deem fit in their own circumstances. No nation or group of nations should pretend to hold monopoly over cultural norms and therefore seek to impose those values on others. The United Nations has come this far because it has always believed and upheld the principle of unity and diversity, let us not take decisions at this stage that will only divide our great organization. The Africa Group therefore, Madame Chair, merely proposes that further consultation be undertaken by member states on the issue in order to come in to a common understanding on the very controversial notion of sexual orientation and gender identity, given that international law is silent on the definition of this issue. Such an understanding would clear all ambiguities on the mandate of this office.

In conclusion, Madame Chair I wish to reaffirm that the members of the Africa Group do not subscribe to any form of violence or discrimination against any group of people. We subscribe to universally all human rights as enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights. In this regard Madame Chair, the group will vote against the amendment that has been put forward and we naturally urge all delegations to do the same in order to preserve for the principles of respect for international law and the Charter of the United Nations and the universally accepted principles of respect and sovereignty of all member states. I thank you for the opportunity, Madame Chair, for me to make this general statement before action on the proposed amendment.

Thank you very much Madame Chair.
JAPAN

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SOUTH KOREA

Thank you. Thank you Madame Chair. My delegation is delighted to express the support of the amendment L.52.

[inaudible] the resolution contains an unprecedented attempt at reopening and overturning what has been already adopted and implemented by the Human Rights Council, within the purview following extensive discussion, such an adoption of [inaudible] include [inaudible] will undermine the institutional basis of the Human Rights Council.

My delegation is also concerned about any similar attempt that can potentially follow this which will have negative ramifications across the entire UN system.

Fundamentally at the establishment of the Human Rights Council 10 years ago we all made collective commitment to strengthen the human rights machinery not wakening the enjoyment of all human rights for all. Let's not make a decision that will damage this precious mechanism we created together.

I hope the other delegations will support the amendment as well, thank you.

LAC STATEMENT (VIA BRAZIL)

Thank you Madame Chair. On behalf of Argentina, Chile, Colombia, Costa Rica, El Salvador, México, Uruguay and my own country of Brazil, I have the honour to introduce the amendment contained in document L52 to delete the paragraph 2 of the draft resolution L46 on the Human Rights Council report.

Madame chair operative paragraph 2.6 to defer consideration of an action on Human Rights Council resolution 32/2 by questioning the legal basis on the creation of an independent expert. This has been put forward despite the fact that the relevant mandate was established in accordance with the rules of procedure of the Human Rights Council. Madame Chair, this amendment was tabled because we believe that the adoption of the draft resolution in its current formulation would severely jeopardize the Human Rights Council’s ability to function. The role of the Council, as the main United Nations body for dealing with human rights issues is clearly articulated in its founding documents, General Assembly Resolution 6/251 and the Human Rights Council Resolution 5/1. They state that the Council is responsible for promoting universal protection of all human rights and fundamental freedoms for all without distinction of any kind and in a fair and equal manner. It is not within the Third Committee’s purview to reopen the Human Rights Council’s annual report, nor should interfere in which specific mandate should be confirmed or deferred. This would fundamentally undermine the authority granted to the Human Rights Council by the General Assembly and does have far reaching implications well beyond the specific resolution under consideration.

While we understand the concerns of other delegations and respect the difference of opinions among member states on different issues, we believe that paragraph 2 in its current form could set a precedent for other selective targeting of mandates or mechanisms in the future. This is not the first time a special
procedure mandate has been created by means of a resolution adopted by a vote in the Human Rights Council. Several mandates faced the position in the council prior their establishment. Moreover, an explicit treaty based on the definition on the issue to be considered is not a requirement for the mandate to be established by the Council. There are over a dozen current mandates that fall under such a category some of which were established by resolutions adopted by vote. Our delegations would also like to make it clear that the oral revision introduced by the African Group to OP2 does not modify the objective of the paragraph which is to put on hold the decision of the Human Rights Council.

Madame Chair, last but not least we are grateful to all 58 countries that have cosponsored the amendment to delete OP2 and for the support of a significant cross regional group of countries in favor of preserving the mandate of the Human Rights Council. We believe that it is in the common interest of all states to protect the integrity and effectiveness of the human rights system and for this reason we ask the delegations to vote in favor of the amendment by pressing the yes button. Thank you.

SOUTH AFRICA

Thank you Madame Chairman for giving the floor. Madame Chairperson I was really not intending to speak, and it is the first time you hear my voice in this committee. I will like to explain how South Africa will vote for this resolution before us. And Madame Chairperson, our position is not based on whether we are for or against. It’s a principle position because of our Constitution; it is our Constitutional prerogative that we have to vote either way, or this way.

Madame Chairperson this is a very difficult subject. And it’s a matter very close to our hearts in South Africa. It’s a matter that many people have laid their lives, who have died and imprisoned, the question of discrimination. Discrimination teared South Africa apart for over 350 years. And our people, both black and white, [pause] straight or not straight, came together after many many years of painful struggles, to bury discriminations once and for all. And that’s why the very first chapter of our Constitution, the Bill of Right, is very very clear on the type of South Africa we fought for, we imprisoned for, we exiled for. It is South Africa without discrimination. We do not want to see discrimination to anyone under whatever circumstances whatsoever. We will fight discrimination Madame Chair everywhere, everytime.

We cannot discriminate against people because of their own lifestyle or orientation, that we cannot do in South Africa. We cannot discriminate people because they are LGBTIs we cannot do that Madame Chair. South Africa will not do that. It is a position we sometimes don’t agree with most our friends in the continent. But it is a position we resolve and always take. It is not a question of the position of the majority of states in the continent, it is a question of our values and beliefs. It is something we have died for and will keep all the time. Even if we are alone on this one Madame Chair, we remain standing and fighting it.

Madame Chair I say this thing with a heavy heart, because with this one, we always disagree with most of our colleagues in the continent. And it is no secret, it is well known. South Africa is still healing the wounds, deep wounds caused by discrimination. Racial discrimination. We are not going to add fresh wounds to these wounds we are trying to heal in South Africa, Madame Chairperson. And I am sure all of you will understand this position. I’m sure my colleagues from Africa, from developing countries, from the West, from the East from the South, you will understand this position. We are not going to add more wounds when we are healing wounds in South Africa because of discrimination. And therefore Chair, Madame Chair, we will vote based on our Constitutional imperative.

Thank you.
THAILAND

Thank you very much.

I’m taking the floor to make an explanation of vote before the vote with regard to the amendment containing the document A/C.3/71/L.52.

As a matter of principle, Thailand respects the right of member states to discuss any matter within the scope of the present Charter of the General Assembly. At the same time, as a matter of principle, Thailand attaches the importance of the work of the Human Rights Council and respects all the mandates decided by it, including that of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

This third HRC mandate was established by the HRC resolution 32/2 in accordance with cultural rules and procedures. In this regard Thailand does not agree with deferring consideration of this mandate to a later day. Noting that the Independent Expert has already been formally endorsed by the Human Rights Council and [inaudible] his work. We will therefore be voting for the amendment to delete OP2.

Notwithstanding this, Thailand values constructive engagement and dialogue on human right issues. We are confident that VM will carry out his work within his mandate in an objective and non-confrontational manner as stated in the third HRC resolution.

Thank you.