



Explanation of Vote before the vote by Pakistan on the draft resolution on the situation of human rights in Iran at the 35th Special Session of HRC, 24 November 2022

Mr. President,

In the general debate earlier today, we referred to the nature of open questions concerning the special session and its outcome.

Let me restate them- the co-relation of foundational principles of the UN charter and IB package, the criteria to determine “gross and systematic violations,” the notion of accountability by this body vis-à-vis national measures, and the value addition of this resolution in the presence of an existing mechanism.

We also raised these questions and observations during the informal consultations.

Let me cite four reasons why this initiative remains at odds with the foundational principles of this body.

One, the UN Charter provisions, i.e., Article 1(3), which calls for international cooperation to promote human rights, and Article 2(7) stipulates non-interference in states' internal affairs.

Two, UNGA Res. 60/251, which established this Council, calls for promoting and protecting human rights through international cooperation and genuine dialogue.

Three, the deployment of the criteria to determine “gross and systematic violations” as a basis for this session and draft resolution before us, remains contentious. Its arbitrary and inconsistent application is obvious.

Four, this initiative seeks to upend the domestic process of the law taking its course and override national mechanisms of accountability.

Let me now turn to some of the flaws of the draft resolution. The draft begins by affirming the guidance of the UN charter and relevant UNGA



resolutions. It emphasizes the primary responsibility of states to protect human rights and underscores the respect for the sovereignty of Iran.

But then the draft resolution proceeds to undo all that by proposing *inter alia* a Fact-Finding Mission. Even in proposing this mechanism, it veers from establishing facts to the realm of investigations and preservation of evidence - concepts that are foreign to an FFM.

The draft resolution needed a balanced perspective. Instead, it sought to oversimplify a very complex situation by prescribing an instrument whose utility remains at best sub-optimal. The lack of the country concerned perspective in the draft text was also unhelpful. These considerations beg the question, why should we burden this Council's resources with yet another mechanism on top of dozens of others whose efficacy and chances of success are *ab initio* questionable?

Mr. President

We share the common desire, including that of the penholders, to uphold all human rights in all states and under all situations.

However, we are not convinced of the rationale, the approach, and the proposed instrument to seek improvement in the situation. For these reasons, we call the draft resolution, before the Council, to a vote and would vote against it.

I thank you.