



Permanent Mission of Pakistan to the UN

Geneva

Draft Resolution A/HRC/45/L.32 as orally revised on “The Contribution of the Human Rights Council to the prevention of human rights violations” at the 45th session of Human Rights Council

Explanation of Vote before the Vote by Pakistan

(07 October 2020)

Madam President,

Discussions on operationalization of the Council’s prevention mandate, as laid out in para-5(f) of UNGA 60/251, continue to elicit a wide-range of diverse and conflicting perspectives as well as interpretations.

The two inter-sessional seminars, mandated by HRC resolution 38/18, were aimed to flesh out, based on States’ feedback, ways and means on how the Council can contribute towards prevention of human rights violations. Regrettably, the report of these two seminars does not reflect the diversity of views expressed by delegations.

On the other hand, the proponents of prevention mandate have chosen to overlook the relevance and applicability of this mandate to situations of foreign occupation and alien domination, which are rife with pressing human rights emergencies.

These situations so recognized by UN Security Council resolutions are a clear case meeting the objective criteria, articulated by those championing the cause of Council’s prevention mandate.

Yet, we continue to witness with great disappointment that human rights merits, on the basis of which the Council should take action in situations of foreign occupation, remain subservient to political and economic interests of the occupation powers.

This gaping hole between assertions of applying objective criteria and eerie silence in the face of systematic human rights abuses by friendly states has fostered a culture of impunity for the occupation regimes.

Lack of international scrutiny and accountability of documented human rights violations in situations of foreign occupation undercuts the fundamental premise of a preventive mandate resolution. There are two examples of such obvious double standards where bilateral relations are prioritized over professed adherence to preventing human rights violations.



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One, Jammu and Kashmir is a classical example, where the occupier's illegal measures to alter demography of the disputed territory under a military and digital siege and wide ranging abuses and violations has led to a full-fledged human rights emergency, documented by two UN Kashmir reports, SPMHs, several international Human Rights organizations and independent media.

Two, questions raised on this Council's agenda item-7 and non-participation by several Council Members in the debate under this item is another example of clear double standards to block this Council's preventive mandate for the sake of political expediency.

We, therefore, call upon the core group and countries supporting the initiative with zeal to demonstrate impartiality and for the sake of credibility, come forward in activating Council's preventive actions on human rights merits and objective criteria.

Madam President,

Against this backdrop, we believe that the draft text suffers from serious shortcomings, in terms of its intent, approach and substance.

In terms of intent, the document advocates an upstream preventive approach, while completely ignoring the well documented abuses of rights and freedoms of people living under foreign occupation. This is despite the fact that the initiative underscores the mutually reinforcing relationship between the Council's preventive mandate and systemic efforts by other UN's organs, most notably the Security Council to maintaining international peace and security.

On approach, the document embodies selectivity in applying the Council's preventive mandate based on political preferences. Sadly, the document does not elaborate checks-and-balances against politicization of the Council's prevention mandate and selective approaches. Similarly, the document does not embed any firewall against distortions caused by donor-driven agenda when calling for strengthening of OHCHR's capacities to detect, verify and analyze early warning signs.

On substance, the document narrows down the scope of the Council's prevention mandate by focusing exclusively on country-specific situations. The COVID pandemic has enhanced our understanding of the triggers behind human rights crises and our long-term prevention strategy against such catastrophes. The initiative does not cater to these contemporary realities and falls short of expectations of rights-holders from the Council in such situations.

In view of these deficiencies, Pakistan will abstain on the draft resolution.

I thank you.
