69TH SESSION OF THE UNITED NATIONS
OF THE GENERAL ASSEMBLY

STATEMENT OF THE AFRICAN GROUP

ON THE PRESENTATION OF THE ANNUAL REPORT OF THE UNITED NATIONS
HUMAN RIGHTS COUNCIL

DELIVERED BY

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BEFORE THE GENERAL ASSEMBLY

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Prière de vérifier au Prononcé
Mr. Chairperson,

I have the honor to deliver this statement on behalf of the African Group.

The African Group welcomes the President of the Human Rights Council, H.E. Mr. Baudelaire Ndong Ella to the Third Committee and wishes to extend our appreciation for the opportunity to engage in an interactive dialogue with him on the activities of the Council presented in document A/69/53 and its addendum1. The Group commends the President for his leadership and commitment to the work of this august body during his mandate, as well as his professionalism, constructiveness and transparency with which he conducted the work of the Council. The Group wishes to express its continuous support to his endeavors.

Mr. Chairperson,

The African Group wishes to reaffirm the Council’s mandate as contained in UNGA resolution 60/251 in promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner and make recommendations thereon. It is on this basis that the Group has been consistently supportive of the work of the Council.

The Group views the principles on which the Council’s mandate is underpinned as extremely important, particularly with respect to the principle of cooperation and genuine dialogue aimed at strengthening the capacity of Member States to comply with their human rights obligations. It is therefore incumbent upon the Council in discharging its mandate to firmly ground its work on universality, objectivity and non-selectivity in the consideration of human rights issues.

The Group is of the view that the universal participation of all UN Member States in the work of the HRC is of a paramount importance. In this regard, the group warmly welcomes the establishment of the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the work of the HRC. The Group further welcomes the steps taken for the operationalization of this Fund, including the facilitation of the participation of experts from Capitals in the Council sessions. The Group would like to encourage the President to ensure that more African countries benefit from this Fund.
Mr. Chairperson,

The African Group is convinced that the Universal Periodic Review (UPR) remains the most distinct mechanism of universal application to assist States in fulfilling their human rights obligations. In our view, this mechanism remains relevant and key towards the promotion and protection of human rights. The Group would like to reaffirm the need to preserve the cooperative nature and principle of dialogue of this mechanism. The Group firmly believes that it is critical that the UN Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the UPR recommendations be properly resourced for the purpose of assisting States to develop national capacity and expertise for the implementation of the accepted recommendations.

While the African Group reiterates its support for the Mechanisms and Special Procedures of the Council and the important work they undertake in the promotion and protection of human rights and fundamental freedoms, the Group believes that there is a need for the rationalization of these Mechanisms and Special Procedures in order for them to be effective. The Group would also like to emphasize the need for the procedures to comply with the Institution-Building Package, the code of conduct of mandate holders and the terms of reference of their respective mandates.

Mr. Chairperson,

The Council has in recent times faced governance challenges, particularly with respect to the erosion of the provisions of the Institution-Building (IB) package, which is the solid foundation on which its mandate rests. The Group is concerned that this erosion could, in the long run, present credibility gaps in its work.

Whilst the Group has also noted the immense work that the Council engages in at each session, the challenges presented by shortage of funding remains unresolved. The African Group believes therefore, that these funding shortages will affect the implementation of the decisions and resolutions of the Council. We also wish to recognize the key role played by the Office of the High Commissioner for Human Rights as the Secretariat of the Council in ensuring that appropriate support is given to the Council in line with the framework UNGA resolution 48/141. The African Group took note of the High Commissioner’s appeal made during his interactive
dialogue with the Third Committee this session regarding the budgetary situation of his Office. The Group would therefore like to underline the necessity for activities mandated by the HRC to be funded from the regular budget.

Mr. Chairperson,

The Annual Report tabled before the Committee presents comprehensively the resolutions that were adopted by the Council during its yearly deliberations. The Group is also cognizant of the provisions of UNGA resolution 60/251 operational paragraph 5(i) which provides for recommendations to be made by the Council to the Third Committee of the General Assembly, hence its support for the universal membership of the UNGA to deliberate on these important matters.

Mr. Chairperson,

2014 was marked by the preparations for the 20th anniversary of the International Year of the Family which the General Assembly will celebrate this year on December 3rd. The preparations for its observance have centered on poverty, work-family and intergenerational solidarity themes as well as the various and multidimensional challenges facing the Family.

The African Union adopted the African Union Plan of Action on the Family in 2004 and in 2012 adopted the African Common Position on the Family on the 20th Anniversary of the International Year of the Family. The Group reaffirms that the family is the natural and fundamental group unit of society and it plays a critical role in the development and the mending of the social fabric therein. In this regard, the Group reaffirms its call to the UN Working Group on the Post-2015 Sustainable Development Goals, to include the important role of the family in the achievement of sustainable development goals.

We must continue directing our efforts toward strengthening and protecting the Family by relieving the plight of the members of every African family, particularly women and girls living in poverty.
In this regard, the African Group salutes the adoption of Human Rights Council Resolution 26/11 on the Protection of the Family on 26 June 2014 and looks forward to the summary report on the panel discussion held in September 2014 on the challenges and best practices on the protection of the family.

We urge Member States, the United Nations system and non-governmental organizations to continue to devote special attention and resources to protect the family as “the natural and fundamental group unit of society”, in accordance with Article 16 of the Universal Declaration of Human Rights.

Mr. Chairperson,

The African Group is strongly concerned by the attempts to impose new notions and concepts that are not referenced in international human rights law.

The principles of non-discrimination and equality are two faces of the same coin. They are indeed cross-cutting principles in the vast areas related to the full realization of all human rights and fundamental freedoms for all. Such principles are well entrenched in the Charter of the United Nations and internationally agreed human rights instruments, as they all reaffirm the faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, without distinction.

In this context, we are seriously concerned at the attempt to introduce to the United Nations some notions that have no legal foundations in any international human rights instrument. We are even more disturbed at the attempt to focus on certain persons on the grounds of their sexual interests and behaviours, while ignoring that intolerance and discrimination regrettably exist in various parts of the world, be it on the basis of colour, race, sex or religion, to mention only a few.

The adoption of the resolution 27/32 entitled: Human rights, sexual orientation and gender identity adopted 26 September 2014 is an illustration of this attempts. The group is therefore concerned that non-internationally agreed notions such as sexual orientation and gender identity are given attention, to the detriment of issue of paramount importance such as the right to development and the racism agenda. The Group particularly deplores the obstacles put to the advancement of the work of the Intergovernmental Working Group on the follow-up of the Durban Conference on racism as well as the Working Group on the right to development.
Our alarm does not merely stem from concerns about the lack of legal grounds, or that the said statement delves into matters which fall essentially within the domestic jurisdiction of States counter to the commitment in the United Nations Charter to respect the sovereignty of States and the principle of non-intervention. More importantly, it arises owing to the ominous usage of those two notions: sexual orientation and gender identity. We affirm that those two notions are not and should not be linked to existing international human rights instruments. We believe that people are not inherently vulnerable, but some individuals and groups find themselves in vulnerable situations due to a number of factors, including the socio-economic setting they live in. Such individuals and groups are for example women, children, the elderly, people with disabilities, peoples under foreign occupation, refugees, asylum-seekers and internally displaced persons.

**Mr. Chairperson,**

We strongly deplore all forms of stereotyping, exclusion, stigmatization, prejudice, intolerance, discrimination and violence directed against peoples, communities and individuals on any ground whatsoever, wherever they occur.

We also reaffirm Article 29 of the Universal Declaration of Human Rights and the right of Member States to enact laws that meet “just requirements of morality, public order and the general welfare in a democratic society”.

We recognize that the enumerated rights contained in the Universal Declaration of Human Rights were codified in subsequent international legal instruments. We note with concern the attempts to create “new rights” or “new standards,” by misinterpreting the Universal Declaration and international treaties to include such notions that were never articulated nor agreed by the general membership. These attempts undermine not only the intent of the drafters and signatories to these human rights instruments, but also seriously jeopardize the entire international human rights framework.

We also call upon all Member States to refrain from attempting to give priority to the rights of certain individuals, which could result in negative discrimination on the expense of other internationally agreed rights, and thus run in contradiction with the principles of non-discrimination and equality.
We call upon all Member States to continue and step up their efforts towards the total eliminating all forms of racism, racial discrimination, xenophobia and related intolerance.

We also urge all States and relevant international human rights mechanisms to intensify their efforts to consolidate the commitment to the promotion and protection of human rights of everyone on an equal footing, without exception.

Mr. Chairperson,

In conclusion, the African Group wishes to reassure you, Mr. President, our support in preparations of the 9th cycle year of the Human Right Council.

I thank you for your attention.