



# General Assembly

Seventy-third session

Official Records

Distr.: General  
7 December 2018

Original: English

---

## Third Committee

### Summary record of the 20th meeting

Held at Headquarters, New York, on Tuesday, 16 October 2018, at 3 p.m.

*Chair:* Mr. Molina Linares (Vice-Chair) . . . . . (Guatemala)

## Contents

Agenda item 74: Promotion and protection of human rights (*continued*)

- (a) Implementation of human rights instruments (*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*)
- (d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*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 Management Section ([dms@un.org](mailto:dms@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/>).

18-17212 (E)



Please recycle



*In the absence of Mr. Saikal (Afghanistan), Mr. Molina Linares (Guatemala), Vice-Chair, took the Chair.*

*The meeting was called to order at 3.05 p.m.*

**Agenda item 74: Promotion and protection of human rights (continued)**

**(a) Implementation of human rights instruments (continued)** (A/73/40, A/73/44, A/73/48, A/73/56, A/73/140, A/73/207, A/73/264, A/73/281, A/73/282 and A/73/309)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued)** (A/73/138, A/73/139, A/73/139/Corr.1, A/73/152, A/73/153, A/73/158, A/73/161, A/73/162, A/73/163, A/73/164, A/73/165, A/73/171, A/73/172, A/73/173, A/73/175, A/73/178/Rev.1, A/73/179, A/73/181, A/73/188, A/73/205, A/73/206, A/73/210, A/73/215, A/73/216, A/73/227, A/73/230, A/73/260, A/73/262, A/73/271, A/73/279, A/73/310, A/73/310/Rev.1, A/73/314, A/73/336, A/73/347, A/73/348, A/73/361, A/73/362, A/73/365, A/73/385 and A/73/396)

**(c) Human rights situations and reports of special rapporteurs and representatives (continued)** (A/73/299, A/73/308, A/73/330, A/73/332, A/73/363, A/73/380, A/73/386, A/73/397, A/73/398 and A/73/404)

**(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued)** (A/73/36 and A/73/399)

1. **Mr. Pesce** (Chair, Working Group on the issue of human rights and transnational corporations and other business enterprises), introducing the note by the Secretary-General transmitting the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises (A/73/163), said that the report placed special emphasis on the role of corporate human rights due diligence as set out in the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework. It highlighted emerging good practices that should be scaled up to address gaps in current practice.

2. **Ms. Makwabe** (South Africa) said that considerable efforts were needed by different actors to make human rights due diligence a standard practice globally. Effective and meaningful action in that area by all stakeholders could only be achieved through

legislation that protected the rights of victims, provided access to legal remedies and put an end to impunity by human rights violators. That was especially true in the case of human rights violations by transnational corporations. It was not clear how human rights principles could be implemented in the absence of an international legally-binding instrument providing justice for victims of the grave human rights violations committed by transnational entities. While the report advocated that States require transnational corporations and other business entities to comply with human rights due diligence obligations, she wondered what recourse was available to victims in that absence of relevant national legislation.

3. **Ms. Cruz** (Spain) said that the report would a very useful tool for States as they worked to implement the Guiding Principles on Business and Human Rights and fulfil their obligation to protect human rights from the adverse impacts of business activity. The integration of corporate due diligence with human rights was one of the successes of the Guiding Principles. However, much remained to be done in terms of practical implementation, especially to address due diligence gaps among small- and medium-sized enterprises and weaknesses in government practice. The good practices identified would be useful in that regard. The report referred to a group of mostly large enterprises that were pioneers in the area of due diligence. She wondered to what extent they could be relied upon to lead the way in extending that practice.

4. **Mr. Forax** (Observer for the European Union), commending the Working Group for advancing the implementation of corporate human rights due diligence, said that while good practices were emerging with respect to meaningful reporting and transparency, the Working Group had noted a significant gap between leading practice and the large majority of businesses in the area of disclosure on human rights due diligence. He would be interested to know how businesses could bridge that gap and create incentives for human rights due diligence.

5. The European Union promoted corporate social responsibility as part of its broader efforts to achieve the Sustainable Development Goals. Recent initiatives included a directive on disclosure of non-financial information by certain large business enterprises in the European Union and regulations regarding conflict minerals and timber. Many European Union member States had already developed national action plans to implement the Guiding Principles on Business and Human Rights.

6. **Ms. Fréchin** (Switzerland) said that her Government, in the context of updates to its plan of action on businesses and human rights, was analysing possible gaps in the implementation of the Guiding Principles in Switzerland. It was also examining possible measures to strengthen support to businesses in order to facilitate the implementation of due diligence, including implementation of the Organization for Economic Cooperation and Development (OECD) Due Diligence Guidance for Responsible Business Conduct.

7. She asked the Chair of the Working Group how he planned to work with States to promote best practices and disseminate information on due diligence, including small and medium-sized enterprises. She also wondered whether rankings could encourage businesses to implement due diligence procedures, thereby creating an equal playing field internationally.

8. **Mr. Kent** (United Kingdom) said that his Government had implemented the Guiding Principles through its national action plan, which had been updated in 2016. The report of the Working Group referred to his country's Modern Slavery Act 2015; since its adoption, thousands of businesses had addressed the phenomenon of modern slavery in their supply chains. The United Kingdom was, however, committed to doing more and had therefore commissioned an independent review of the Act and its effectiveness. He asked how the Working Group could disseminate best practices in that area.

9. **Ms. Korac** (United States of America) said that United States businesses had long been at the forefront of promoting responsible investment and high standards of conduct. Her Government had played a pioneering role at the intersection of business and human rights, fighting bribery through its Foreign Corrupt Practices Act and providing information in its human rights country reports that businesses could use to assess political risks.

10. However, not all countries expected their business communities to set such high standards. When a company engaged in corrupt or abusive practices, that behaviour harmed recipient communities and reflected poorly on the company's home country. Such practices were particularly problematic when the perpetrator was a State-owned enterprise that undertook politically-motivated investments leading to the misallocation of scarce resources, the denial of local rights and infringement on the sovereignty of the recipient country. For State-owned enterprises operating outside of their home territory, the Guiding Principles could provide local communities with an important tool to assert and protect their rights. She asked how the Working Group was addressing the challenges posed by State-owned

corporations that engaged in human rights abuses in foreign countries.

11. **Ms. Chekrizova** (Russian Federation) said that, in May 2017, her Government had adopted a vision for public non-financial reporting that enabled businesses to provide meaningful, complete, timely, precise and objective information about their economic, environmental and social activities. On the basis of such information, any interested party could assess the impact of a given company on the environment and society. Negotiations were also under way on a federal law on public non-financial reporting that contained clear guidelines on the publication of information on corporate social responsibility for the impacts of business activities on the environment, society and the economy. The law would extend to State corporations as well as business entities. The Working Group should take note of those measures and include them in the list of good practices for States to promote corporate social responsibility.

12. **Ms. Solbraekke** (Norway) said that the report of the Working Group provided a good overview of business and government action to advance human rights due diligence as set out in the Guiding Principles, and her delegation particularly welcomed its references to the OECD Due Diligence Guidance. While corporate human rights due diligence had become expected conduct for all businesses, the report showed that gaps remained with respect to implementation. She asked whether particular sectors acted as drivers for change in the area of human rights and business, thereby setting an example for other sectors.

13. **Ms. Savitri** (Indonesia) said that her delegation appreciated the report's recognition of Ministerial Regulation No. 2/2017 of Indonesia, which had created a certification mechanism to ensure that the fishing industry was free from human rights violations. In addition, efforts had been taken at the national level to ensure that provisions on business and human rights were enshrined in existing laws. Her Government had been working to raise awareness of the need for the business community to respect human rights, including by assigning a national focal point on business and human rights and developing national guidance on the implementation of the Guiding Principles. It had also facilitated deliberations on that national guidance through seminars, symposiums and focus group discussions. She wished to know the best approach to ensure that businesses implemented due diligence policies.

14. **Mr. Cepero Aguilar** (Cuba) said that the Working Group should refocus its attention on remediation, since

access to justice was essential, and asked how national efforts could be strengthened and coordinated to build an international framework that protected people from violations and ensured remediation. The Working Group should also study the human rights impact of regional foreign direct investment treaties that protected foreign investors over States, including cases in which States had taken action to protect the human rights of their own populations. In that connection, he wondered how the growing phenomenon of dispute resolution mechanisms favouring investors over States could be addressed. The victims of human rights violations committed by transnational corporations were currently denied access to such mechanisms.

15. Lastly, while the discussion of remediation in paragraph 12 of the report was welcome, the Working Group should also examine the recourse available to Governments and peoples when transnational corporations attempted to evade their responsibilities not only to remedy human rights violations but also to comply with the polluter pays principle.

16. **Mr. Pesce** (Chair, Working Group on the issue of human rights and transnational corporations and other business enterprises) said that the report of the Working Group had been drafted in close consultation with practitioners as well as Governments and civil society. While the Working Group had done an effective job of soliciting the views of innovators, the largest remaining gap concerned how to disseminate their good practices to the mainstream business community. The Working Group welcomed efforts by OECD and the International Labour Organization to harmonize their due diligence standards with the Guiding Principles. The primary purpose of the due diligence process was to prevent abuses, and, in its report, the Working Group had reinforced that message.

17. The Working Group agreed with the need for strong legislative remedies to address malfeasance. The Office of the United Nations High Commissioner for Human Rights (OHCHR) had published two substantive reports on access to legal remedies showing that both sound legislation and effective enforcement were necessary. The Working Group did not oppose new legislation and favoured all efforts to reinforce the Guiding Principles. However, while the Working Group's 2017 report had emphasized remedies, the current report focused on prevention and the implementation of due diligence, highlighting innovative legislation in places such as the United Kingdom, which had passed its recent law on modern slavery, and France, which had legislated the duty of vigilance. The Working Group was currently

investigating the optimal regulatory frameworks for mitigating negative business impacts.

18. The Working Group welcomed the integration of human rights due diligence measures by OECD and the International Labour Organization and regretted the existence of gaps with respect to small and medium-sized enterprises. However, small and medium-sized enterprises had engaged in promising industry-wide and value chain-wide initiatives. For example, small and medium-sized fishery businesses in Indonesia had worked collaboratively under the leadership of their industry association. States also had a significant role to play in mainstreaming due diligence in view of the economic dominance of public procurement supply chains and State-owned enterprises. The behaviour of a country's State-owned enterprises was an important indicator of the political will to comply with human rights obligations.

19. The Working Group welcomed the recent regulations in the European Union on public procurement, human rights due diligence and transparency. The European Union should ensure that those regulations were implemented fully and should continue to use the combined leverage of its member States to encourage other countries to adopt the same standards. Europe had been proactive in tackling cases of conflict minerals and timber, providing a good example to other regions.

20. Forward-thinking countries had partnered with business communities and civil society, using their combined leverage to raise standards in other countries. Due diligence best practices were also disseminated through forums such as the Forum on Business and Human Rights, which provided opportunities for constructive engagement and peer learning among Governments, businesses and civil society. Discussions involving the Association of Southeast Asian Nations and the Economic and Social Commission for Asia and the Pacific were also conducive to the dissemination of best practices.

21. He agreed that corporate behaviour formed part of a Government's soft diplomacy and that many State-owned enterprises were not leading by example. Hence, Governments must ensure that such enterprises had a clear directive to fulfil their human rights obligations.

22. The Global Reporting Initiative had published a report on some 400 policy measures taken by 70 Governments around the world to promote transparency, which was a major driver of improved performance in the area of business and human rights. The Working Group would itself hold a session on

business respect for human rights from 26 to 28 November 2018 in Geneva, Switzerland.

23. Capital-intensive sectors and high-risk supply chains had made special efforts to incorporate human rights considerations into their business practices. Industries with extensive supply chains or operating in low-income environments where the rule of law was weak were more exposed to adverse human rights impacts and were under more scrutiny. It was therefore in their self-interest to carry out due diligence.

24. Lastly, it was not necessarily in the interest of investors to invest in countries with weak governance where the rule of law was poorly enforced. The Working Group had always advocated a rules-based level playing field for global governance, which could be achieved by strengthening the capacity of Governments to fulfil their human rights obligations and by encouraging them to implement the Guiding Principles.

25. **Mr. Voulé** (Special Rapporteur on the rights to freedom of peaceful assembly and of association), introducing his report (A/73/279), said that the report examined the linkages between the exercise of the rights to freedom of peaceful assembly and of association and the implementation of the 2030 Agenda for Sustainable Development. Civil society organizations could make vital contributions to fighting inequality, promoting good governance practices and ensuring that no one was left behind, provided they were free to assemble and associate peacefully.

26. The report outlined the following areas where the exercise of the rights to freedom of peaceful assembly and of association was crucial to the implementation of the 2030 Agenda: the creation of an enabling environment for civil society; participation and inclusiveness in the achievement of the Sustainable Development Goals; transparency and accountability; partnerships with civil society; and supporting labour rights. With regard to the latter, States must promote and protect workers' ability to form and join trade unions, engage in collective bargaining and utilize the right to strike, since those tools enabled workers to level an otherwise unequal relationship with employers. If workers were unable to influence their environment, achievement of the Goals relating to the world of work would be difficult. Protection of the environment was another area in which recourse to peaceful assembly, including through protests and demonstrations, was critical to implementation of the 2030 Agenda and the sustainable use of resources.

27. The ongoing restrictions placed on the space for civic engagement were increasingly a matter of concern. Governments that had recently banned the activities of

non-governmental organizations should lift those restrictions, since they would have a negative impact on development.

28. Civil society actors were key partners in the achievement of the Goals and many States had embraced that notion. He was encouraged by the many examples of good practice that States were sharing as part of their national voluntary reviews. He wished to see a wider group of States adopt some of those practices and looked forward to meaningful dialogue during the high-level political forum on sustainable development in 2019.

29. **Ms. Moutchou** (Morocco) said that the rights to freedom of expression, assembly and association were enshrined in the Constitution of Morocco. Several State organizations and civil society associations had been established to protect human rights and non-governmental organizations were exercising their rights to freedom of peaceful assembly and of association. They were also mobilizing for the creation of new associations.

30. Given the obstacles that existed to the enjoyment of the rights to freedom of peaceful assembly and of association, she wondered what the Special Rapporteur's priorities would be during his mandate, especially in terms of strengthening regular dialogue with Member States to bring about change on the ground. She would also be interested in hearing how he coordinated his work on the topic with other special procedures and with United Nations agencies.

31. **Ms. Eckels-Currie** (United States of America) said that the rights to freedom of peaceful assembly and of association were coming under increasing attack around the globe. The Assad regime had reportedly killed and tortured thousands of Syrians, while the Iranian regime had been cracking down on nationwide protests since 2017. The Russian Government had continued to use its law on "foreign agents" to justify raids, fines, harassment and legal proceedings that obstructed the work of legitimate non-governmental organizations. In Nicaragua, Venezuela and Cuba, autocratic authorities were silencing independent voices and maintaining a monopoly on power. Political prisoners were being held in Venezuela and Cuba, and hundreds of peaceful protestors had been killed in Nicaragua since April 2018. Chinese authorities had detained up to a million people in Xinjiang and were using surveillance technology to prevent people from assembling. She wondered how the international community and Member States could confront the threat posed by the growing use of surveillance technologies while also balancing legitimate security concerns.

32. **Mr. Forax** (Observer for the European Union) said that exercising the rights to freedom of peaceful assembly and of association contributed to an effective system of checks and balances and greater transparency, both of which were essential for democracy. Local actors should be given more consideration in the implementation of the 2030 Agenda and Governments should look for ways to ensure the truly inclusive participation of civil society in their efforts. He would be interested in hearing about ways to avoid restricting civil society space and abolish the criminalization of peaceful protest or other civil society activities.

33. **Ms. Wagner** (Switzerland) said that States must uphold the rights to freedom of peaceful assembly and of association in law and in practice to allow civil society to play its role in achieving the Sustainable Development Goals. Freedom of association and collective bargaining were necessary elements of social dialogue, which was vital for promoting social justice and equitable and peaceful working relationships and promoting decent work. She wondered whether there was a risk that the repression of civil society would compromise the fulfilment of the 2030 Agenda and how States could better work together to achieve the Sustainable Development Goals and support local civil society actors.

34. **Ms. Makwabe** (South Africa) said that civil society organizations could complement government efforts to implement the 2030 Agenda. Her Government was working with civil society to maximize synergies in the area of sustainable development and to identify any remaining gaps. For example, a government initiative entitled “Operation Phakisa” had been launched in South Africa to fast track the implementation of solutions to critical development issues highlighted in its national development plan, such as poverty, unemployment and inequality.

35. Reducing inequalities between nations remained an enormous challenge and access to financing and other means of implementing the 2030 Agenda were among the most pervasive inequalities. If adequate means of implementation were not made available to developing countries, many of the Sustainable Development Goals would not be achieved. Her delegation would appreciate any advice on alternate avenues that States could pursue to address those challenges.

36. **Mr. Solomon** (United Kingdom) said that good governance and respect for human rights and democracy would be vital to achieving the Sustainable Development Goals and trends such as the use of legislation to restrict legitimate freedom of assembly and association were of grave concern. States must

create safe and open civic spaces both online and offline. Human rights defenders were more likely to be affected by restrictions on freedom of peaceful assembly and of association and his delegation encouraged all States to commit to protect human rights defenders who were using non-violent means to protect the human rights of others. He wondered how Member States could create a secure and lasting environment in which civil society could prosper.

37. **Ms. Příkrylová** (Czechia) said that the rights to freedom of peaceful assembly and of association were essential to implementing the 2030 Agenda, which went hand in hand with effective public participation. During the thirtieth regular session of the Human Rights Council, her country had been one of the sponsors of a draft resolution on equal participation in political and public affairs, which had been adopted by consensus. The resolution presented guidelines developed by OHCHR on the effective implementation of the right to participate in public affairs. The guidelines were a practical tool for States and made clear that effective exercise of the right to participation required an environment in which all human rights were fully respected and enjoyed by all individuals. She wondered how such tools might contribute to fulfilling the Special Rapporteur’s important mandate.

38. **Ms. Chekrizova** (Russian Federation) said that her delegation shared the view of the Special Rapporteur that the rights to peaceful assembly and of association were instrumental to achieve the full enjoyment of other human rights as they enabled the exercise of a number of civil, political, economic, social and cultural rights. Those rights also facilitated the achievement of the Sustainable Development Goals in every State.

39. Noting the Special Rapporteur’s suggestion that freedom of peaceful assembly and of association should be viewed as a tool for partnership between Governments, on the one hand, and civil society and the private sector, on the other, she said that her Government was willing to share its considerable experience of working with other interested parties. The preparation by the Special Rapporteur of a separate report on existing national practices in that area would be worthwhile.

40. The right to freedom of assembly was not absolute and could be subject to legal restrictions, including under international law. The recommendations of the Special Rapporteur to avoid any restriction to civic space and to abolish any criminalization of so-called peaceful protest contravened a number of provisions of international human rights law by creating a kind of

hierarchy of human rights. Her delegation could not support such an approach.

41. **Mr. Zhang Zhe** (China) said that the baseless claims just made by the representative of the United States were motivated by politics and were utter nonsense which his delegation flatly rejected. The Constitution of China provided the fundamental guarantee that all citizens enjoyed the right to peaceful assembly and freedom of association, and the relevant national laws stipulated that persons lawfully engaging in assembly, procession or demonstration should not be disturbed or disrupted by anyone. In exercising their rights, citizens must abide by the Constitution and national laws and must not harm State, public or collective interests or the lawful freedoms and rights of other citizens. Those principles were in line with the practices of other countries and with international human rights law.

42. China adhered to a people-centred development approach and its human rights successes were plain to see. The country implemented a system of regional ethnic autonomy, and ethnic minority regions such as Xinjiang had achieved remarkable progress; the rights of all peoples were fully protected. The situation in Xinjiang was currently stable overall, economic development was proceeding apace, and the various ethnic groups lived in harmony. Stability and long-term security were the collective desires of all ethnic groups there and were in line with their fundamental interests. Policies in the region were intended to promote stability, development, unity and livelihood while combating separatist, violent and terrorist criminal activities in accordance with the law, maintaining national security and protecting the lives and property of citizens.

43. The representative of the United States should take a closer look at the human rights problems in her own country and make an earnest effort to improve that situation before unscrupulously denouncing other countries.

44. **Mr. Cepero Aguilar** (Cuba) said that the trend identified by the Special Rapporteur of an increasing privatization of public spaces in many urban locations was alarming. Cuba wished to see the Special Rapporteur follow up on the violations of the right of workers, especially migrant workers, to freedom of association in the United States identified in the report on the previous Special Rapporteur's visit to that country in 2016 ([A/HRC/35/28/Add.2](#)). The Special Rapporteur should also urgently study the repression of people of African descent in the United States. As the report on the visit showed, policies such as police departments raising revenue through fines often had an

indirect and disproportionate effect on vulnerable groups. His delegation wished to know what the international community could do to ensure that the United States acknowledged and remedied its serious violations and ceased to manipulate human rights for political reasons.

45. **Ms. Ershadi** (Islamic Republic of Iran) said that tens of thousands of peaceful demonstrations had taken place across Iran since 2013, which was a sign of strength and a clear indication of a vibrant, open and democratic society. Her delegation challenged those who criticized Iran, including the United States, to guarantee their own citizens the same rights.

46. **Mr. Poggio Pádua** (Brazil) said that his delegation appreciated the efforts made by the Special Rapporteur to identify and systematize threats to the legitimate exercise of the rights to freedom of peaceful assembly and of association. Those rights should only be limited when necessary and when all other options had been exhausted. Civil society should be provided with an enabling environment in which it could thrive, given its essential role as an advocate for the full enjoyment of all rights. Moreover, civil society groups provided valuable inputs to political leaders on the population's most pressing needs and priorities. Criticism expressed in that context was not a threat to the rule of law, but rather a way to strengthen it. His delegation was concerned by restrictions targeting the most vulnerable groups in society and by the global escalation of bigotry and xenophobia, which often led to curbs on the human rights of minorities. He would be interested in hearing more about the interrelationship between the exercise of the rights to freedom of peaceful assembly and of association and the implementation of the 2030 Agenda.

47. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) said that the rights to freedom of peaceful assembly and of association were enshrined in his country's Constitution. The delegation of the United States had no moral authority to lecture others on the subject of human rights, given that their country was responsible for generating wars for economic and geopolitical ends, manufacturing and selling weapons and imposing unilateral coercive measures, which had extraterritorial implications, violated the Charter of the United Nations and international law and were a flagrant violation of the human rights of an entire population. Furthermore, that State's xenophobic, racist and supremacist policies discriminated against minorities. Children had been locked up in cages and separated them from their families purely on the basis of their migration status, which exemplified its rejection of international law and multilateralism and its ambitions



to subjugate those who were not politically or ideologically aligned with its interests. Such exclusivism and double standards were an affront to the spirit of the United Nations.

48. **Mr. Aldahhak** (Syrian Arab Republic) said that the United States, given its systematic violations of human rights and international law and its widespread killing and destruction, was hardly in a position to evaluate accusations or to offer advice on human rights to other Member States.

49. **Mr. Voulé** (Special Rapporteur on the rights to freedom of peaceful assembly and of association) said that providing States with financial support to implement the 2030 Agenda was vital. However, it was even more important for States to create conditions in which civil society, as a crucial stakeholder in development, could participate fully in efforts to combat inequality and poverty and support those left behind.

50. With regard to the priorities of his mandate, the aim of his first report had been to better understand the restrictions currently placed on civil society. The role of civil society was sometimes poorly understood, and his report had identified the trends through which civil society space was often limited. His mandate would focus on overcoming those restrictions and helping Governments to address challenges relating to legislation and online expression. He stood ready to support States in enabling civil society to be a true driver of change.

51. He was currently coordinating with United Nations agencies to ensure they were aware of the resources that were available to help civil society accelerate the implementation of the 2030 Agenda. States should create mechanisms to expand civil society space through dialogue. Best practices established by some States included a framework for regular consultation between civil society and the Government to discuss development progress and challenges. Owing to misunderstandings about the role of civil society, States often did not believe that civil society could help the Government with development; the creation of a framework would provide an opportunity to address such misunderstandings.

52. Upholding the right to peaceful assembly online in the digital age was also an extremely important way of supporting offline expression. He was developing a response in terms of norms and in response to the interest shown by States in protecting online freedom of peaceful assembly. He hoped to invite several States to a meeting at which they could give their views on freedom of peaceful assembly and of association online and was planning to hold consultations with Internet

providers on protecting online access and freedom of association and assembly online.

53. No country would be able to achieve the Sustainable Development Goals alone, whatever its human and financial resources. Civil society and community engagement were vital, and the views of those who would be most affected by development must be taken into consideration. Partnerships with civil society were therefore essential.

54. In order to create an environment in which civil society could prosper, all restrictions should first be eliminated. Limiting or prohibiting civil society action caused the greatest harm to the most vulnerable groups, since it was often the poorest who benefited most from the services offered by non-governmental organizations. Restrictions were of no benefit to the countries in question and ran counter to the commitments they had made to implement the 2030 Agenda.

55. He would do all he could to promote the guidelines on the effective implementation of the right to participate in public affairs, since they supported his position that the right to freedom of peaceful assembly was crucial and that communities must be able to participate in order to build a peaceful democracy and a just society.

56. In general, the rights to freedom of peaceful assembly and of association should be upheld and restrictions should only be imposed on an exceptional basis. He was unable to see how a peaceful protest could ever be at odds with international law, and therefore subject to restrictions, unless the protest was classified some other way. It was every State's responsibility to ensure its citizens were able to exercise their right to peaceful assembly. He agreed that States must do their best to lift such restrictions because they merely limited the activities of stakeholders who were crucial to development. His report was intended to help make clear that civil society actors were not working against development; in fact, they wanted nothing more than to participate in the development of their countries. His report should be used in consultation with civil society to understand what could be done to ensure that the right environment was in place for it to do its work.

57. He concluded by inviting all States to hold a dialogue with civil society at the national level. In countries where such dialogues had already been held, they had been very beneficial.

58. **Mr. Wenaweser** (Liechtenstein) said that, on the seventieth anniversary of the adoption of the Universal Declaration of Human Rights, there were more reasons to be concerned than to celebrate. Multilateral



achievements, in particular in the area of international law, were increasingly under attack. As a result, human rights standards had come under greater pressure, resulting in more blatant violations and contempt for common standards sometimes being openly displayed.

59. The Human Rights Council had transformed the overwhelming political support with which it had been established over a decade earlier into concrete results, such as the recently created international, impartial and independent mechanism for Myanmar. Liechtenstein would continue its political investment in the Human Rights Council, which meant honouring General Assembly resolution 60/251, which stipulated that members elected to the Council should uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council. However, the Council would be more vulnerable to attack if decision-making in the context of Council elections continued in a manner that was inconsistent with those provisions. During the recent Council elections, Liechtenstein had abstained from supporting various candidatures that, in its view, did not meet the agreed standards. It would continue its policy in the future.

60. Accountability for serious human rights violations required particular attention. Twenty years after the adoption of the Rome Statute of the International Criminal Court, the world was facing a complex situation. The most serious challenges to impunity invariably led to calls for the involvement of the Court, yet it did not enjoy universal reach. Moreover, those countries that could create universal jurisdiction were among the most ardent opponents of the Court and were blocking relevant action in the Security Council. Nevertheless, meaningful efforts to ensure accountability had been made outside of the Security Council, such as the decision by the General Assembly to create an accountability mechanism for Syria. The use of international, impartial and independent mechanisms in both Syria and Myanmar had gained overwhelming political acceptance and there was now a general understanding that such mechanisms should be funded from the regular budget of the United Nations.

61. **Mr. García Paz y Miño** (Ecuador) said that his country was fully committed to complying with all human rights mechanisms and special procedures. In that context, it had agreed to receive visits from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights of indigenous peoples, the United Nations High Commissioner for Refugees and the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights.

62. To strengthen the protection of human rights, his Government was implementing its national development plan for the period 2017–2021. The plan was aligned with the 2030 Agenda, constituted the main instrument for the implementation of domestic public policy and was aimed at guaranteeing a dignified life with equal opportunities for all Ecuadorians. In addition, the Government was implementing a plan to protect the rights of priority groups throughout their lives and was also promoting a draft legally binding international instrument governing the activities of transnational corporations and other companies.

63. **Ms. Chekrizova** (Russian Federation) said that certain States continued to employ human rights rhetoric to justify interference in the internal affairs of sovereign States, unilateral coercive measures and the use of force against countries that had fallen out of favour. Some States also continued to loosely interpret their international obligations and to put forward ideas to restructure the work of the United Nations and its agencies, undermining the intergovernmental nature of the Organization and the principle of the sovereign equality of States. As a result, the work of the Third Committee and the Human Rights Council was further politicized, and they were placed in opposition to one another. A group of countries continued to insist that political and civil rights took priority, while ignoring economic, social and cultural rights, which undermined the principles enshrined in the Vienna Declaration and Programme of Action and led to grave mistakes in the selection of mechanisms for the promotion and protection of human rights. The twenty-fifth anniversary of the Declaration was an opportunity to consider how the United Nations could regain authority and universal support in the area of human rights.

64. Human rights efforts should be underpinned by equal and constructive cooperation with respect for the civilizational, religious, cultural and historical circumstances of each country. The effectiveness of the work of treaty bodies, whose main purpose should be to provide assistance to States parties in fulfilling their obligations, could be guaranteed through their rigorous compliance with the mandates given to them by States parties and their readiness to hold open, constructive and mutually respectful dialogues with States parties. In their concluding observations on State party reports, however, committees frequently overstepped their authority, overlapped with other committees and were biased, often completely ignoring the detailed information provided by the State party under consideration. A large number of problems would need to be resolved to enhance the effective functioning of treaty bodies, including their frequent imposition of

general comments on States as though they were legally binding, their unjustified and wasteful follow-up procedures and their need to uphold the principle of multilingualism. Ignoring the concerns of countries would not help to improve the level of trust between States and treaty bodies.

65. States bore the primary responsibility for upholding human rights on their territories. The Russian Federation could not agree with those who sought to present human rights violations as the main prerequisite for the emergence of crisis situations and human rights activities as instrumental to preventing armed conflict. Human rights and democratic values could not be promoted in places where blood was spilled and innocent people died every day. It was the successful settlement of conflict that was the main prerequisite for the effective realization of human rights, not the other way around. The United Nations could work successfully as a system and address the challenges before it only by ensuring the effectiveness of its efforts and respect for the existing division of labour within the Organization.

66. Certain Member States, under the pretext of freedom of speech, were unwilling to unequivocally condemn international terrorism in all its forms and manifestations and counter the spread of neo-Nazi ideology and the activities of extreme right radical movements and groups. Despite efforts in many regions, racism and aggressive nationalism were on the rise, historical revisionism was gaining momentum and Nazi crimes and collaborators were being exonerated. It was surprising to see the silent complicity of the European Union, both in the “war” initiated in a number of European countries against monuments honouring those who had fought against Nazism during the Second World War and in the holding of neo-Nazi parades and gatherings in the Baltic countries and Ukraine.

67. The double standards of Western States were apparent in their lack of condemnation of Latvia, Lithuania and Ukraine for discriminating against ethnic minorities and violating their linguistic and educational rights, attacking freedom of expression, cracking down on dissent and exerting pressure on opposition media. Double standards were also evident in the approaches of a number of States to the protection of the freedom of expression. In some cases, famous upholders of free speech stirred up hysteria about the “shrinking space for critical voices”, while in others, a blind eye was turned to the blatant persecution of journalists and the media. Such hypocrisy undermined trust in the very idea of the protection of human rights and freedoms.

68. It was more important than ever to maintain international and interreligious harmony and create conditions for the peaceful coexistence of different cultures, religions and ethnicities. Not only in the Middle East but also in Europe, Christians experienced discrimination and persecution. The desecration and destruction of religious symbols often went unpunished. Intolerance towards Muslims had increased, as evidenced by the increase in attacks against them, including on the Internet, and anti-Semitism was on the rise. The unresolved migration crisis in Europe had contributed in no small part to the rise in xenophobia and nationalist sentiments among local populations. Such problems should be examined impartially in the human rights bodies of the United Nations system.

69. **Mr. Elizondo Belden** (Mexico) said that his country would continue to promote the signature and universal ratification of the main international human rights instruments and would participate actively in multilateral forums with a view to strengthening the international human rights system. It would also cooperate with the special rapporteurs and special mechanisms because the recommendations, general comments and follow-up actions emanating from them were fundamental to the design of national public policies. Universal and regional human rights systems contributed to raising standards for the protection and promotion of rights in all countries. Over the past five years, numerous advances had been made at the domestic level that were directly related to the participation of Mexico in international human rights dialogues and review processes, notably the universal periodic review mechanism.

70. **Mr. de Souza Monteiro** (Brazil) said that the promotion and protection of human rights was enshrined in the Constitution of Brazil and reflected in his country’s accession to the main international and regional human rights treaties. Brazil had extended a standing invitation to the United Nations special procedures mandate holders and had consistently been a stronger supporter of the Human Rights Council, which played a key role in helping all States to fulfil their human rights commitments.

71. His delegation emphasized the importance of strengthening the international community’s efforts in the context of the International Decade for People of African Descent and the implementation of its programme of activities, which would contribute to ensuring the full implementation of the Durban Declaration and Programme of Action. Other top priorities for Brazil included the promotion and protection of the rights of the child and responding to

the opportunities and challenges of an ageing population.

72. His Government was committed to ensuring the promotion and protection of the right to privacy, enshrined in the International Covenant on Civil and Political Rights. However, the negative impact that mass surveillance and the interception of digital communications had on the exercise of the right to privacy remained a matter of concern. In that context, the principles of legality, necessity and proportionality must be safeguarded.

73. Brazil attached great importance to actions that contributed to the moratorium on the use of the death penalty. His delegation was therefore facilitating consultations on the relevant draft resolution to be considered by the Committee at the current session.

74. Multiple forms of human rights violations regrettably remained frequent throughout the world, and xenophobia and extreme forms of nationalism were once again on the rise. His delegation therefore warmly welcomed the successful negotiations of the Global Compact for Safe, Orderly and Regular Migration, a document that represented a landmark in the United Nations. Its adoption in Marrakech, Morocco, in December 2018 would bring about a paradigm shift on the issue of migration, addressing the phenomenon from a human rights and people centred perspective.

75. **Mr. Sukhee** (Mongolia) said that his country had been actively cooperating with the human rights treaty bodies and special procedures and, since 2004, had received visits from the Special Rapporteur on the right to food, the Special Rapporteur on torture and other cruel, inhuman or degrading punishment, the Special Rapporteur on the right to education and the Special Rapporteur on extreme poverty and human rights. Mongolia had also received recent visits from the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, and from the Special Rapporteur on the human rights to safe drinking water and sanitation. Requests had been granted for visits in 2019 from the Special Rapporteur on the situation of human rights defenders and from the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights.

76. Mongolia strongly supported the universal periodic review process, which served as an important instrument for achieving the universality of human rights and fostering the initiatives of countries to promote and protect human rights. In that regard, his

Government had been working in close cooperation with civil society to realize its national action plan on the implementation of the universal periodic review recommendations for 2016–2019, for which it had recently launched a project with the support of the Voluntary Fund for Financial and Technical Assistance. Within the framework of that project, it planned to launch mandatory training programmes on the e-learning platform of the National Human Rights Commission with the aim of enhancing effective implementation of international human rights instruments.

77. **Ms. Zhu Huilan** (China) said that the problem of the human rights treaty bodies overstepping their mandates was still relatively common. Some treaty body experts and OHCHR officials, for example, would circumvent normal procedures by conducting private, anonymous interviews with the media and non-governmental organizations in which they made irresponsible and groundless negative statements about State parties. News media reports of compliance by States parties would then inaccurately represented those individual comments as official views. The failure of the treaty bodies to promptly resolve such misunderstandings was detrimental to their impartiality and professionalism and unfair to the States parties involved. To avoid any reoccurrence of such problems in the future, the treaty bodies should formulate clear rules on the contact of their experts with the media.

78. More specifically, in the context of the consideration of the combined fourteenth to seventeenth reports of China on measures taken to implement the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination ([CERD/C/CHN/14–17](#)), illicit materials maliciously denying and attacking the sovereignty and territorial integrity of China had been published on the website of the Committee on the Elimination of Racial Discrimination. China strongly objected to such actions. The materials posted were completely irrelevant to the mandate of the treaty body and violated the fundamental principle of national sovereignty and territorial integrity as enshrined in the Charter of the United Nations. Treaty bodies and their secretariats were obligated to ensure that their websites were not used to undermine that principle, and to immediately delete materials that had already been inappropriately published. Terms such as “freedom of speech” and “disclaimer” were inapplicable to that type of material.

79. In the light of the above, the Committee on the Elimination of All Forms of Racial Discrimination and its secretariat should correct its mistake and prevent any reoccurrence in the future. Moreover, the Committee

should establish clear rules on the publication of content received from non-governmental organizations on its official website and reject any material that incited hatred, propagated terrorist ideology or contravened the principle of sovereignty and territorial integrity as contained in the Charter.

80. **Ms. Ajayi** (Nigeria) said that her country was deeply committed to promoting and protecting human rights for all. Notable steps taken by the Government in that regard included replacing the head of the country's lead anti-corruption agency and empowering it to investigate officials at all levels; enhancing military-to-military relations with a focus on professional training; strengthening human rights standards and establishing accountability for abuses; identifying ways to counter terrorism while protecting human rights; providing training to the police force on appropriate rules of engagement; and closing detention centres that failed to meet international human rights standards.

81. The establishment of a bilateral commission between the United States and Nigeria, which strengthened the African Growth and Opportunity Act, was aimed at improving transparency, accountability and democratic governance. In addition, the continuing support from Power Africa and possible membership in the Open Government Partnership were strategies by which Nigeria was working to achieve its goal of countering terrorism while preserving human rights values.

*Statements made in exercise of the right of reply*

82. **Mr. Chu** Guang (China) said that, at the 19th meeting of the Committee, the observer for the European Union had made groundless and politicized accusations regarding the human rights situation in China. His country adhered to a people-centred development approach and its human rights successes were very clear.

83. China implemented a system of regional ethnic autonomy, and ethnic minority regions such as Xinjiang had achieved remarkable progress; the rights of all peoples were fully protected. The situation in Xinjiang was currently stable overall, economic development was proceeding apace, and the various ethnic groups lived in harmony. Stability and long-term security were the collective desires of all ethnic groups there and were in line with their fundamental interests. Policies in the region were intended to promote stability, development, unity and livelihood while combating separatist, violent and terrorist criminal activities in accordance with the law, maintaining national security and protecting the lives and property of citizens.

84. China was governed by the rule of law, everyone was equal before the law and any violators of the law would be prosecuted irrespective of their status. The judicial authorities handled criminal offenders in accordance with the law, and external parties had no right to interfere with the sovereignty of China in that regard. The lawful rights of suspects and criminals were fully safeguarded.

85. The comment made by the observer for the European Union that the European Union and its member States were "not flawless" with regard to the respect of human rights was merely a smattering of superficial self-reflection and led one to question its sincerity. Many countries in the European Union were shirking their responsibilities to host refugees, with racial discrimination and xenophobia growing more serious by the day. The rate of hate crimes against migrants, refugees and religious minorities was increasing and the racist rhetoric of some political figures had not been reined in. Many national parliaments of European Union countries had parties holding radical views on immigrants, Muslims and other minority groups. The European Union should take a closer look at its own human rights problems and make an earnest effort to improve that situation before summarily criticizing other countries.

86. **Mr. Aldahhak** (Syrian Arab Republic) said that his delegation had listened to the earlier demands made by the European Union on a number of other Member States, including the Syrian Arab Republic. In a similar spirit, it had some demands of its own for the European Union.

87. First, the European Union must uphold human rights by withdrawing from the illegitimate international coalition and dissociating itself from that coalition's killing of Syrian civilians and its destruction of infrastructure, which had been carried out on the pretext of combating terrorism.

88. Second, the European Union must stop covering up the violations of human rights and international law by terrorist organizations and their State backers. It must put an end to all support for those organizations, which was provided for political reasons or for reasons of financial or economic gain.

89. Third, the European Union must stop dealing with human rights issues in a politicized, selective and hypocritical manner and stop selling human rights to the highest bidder.

90. Fourth, the European Union must refrain from politicizing humanitarian and development aid and stop

linking such aid to political preconditions, a practice which contravened human rights principles.

91. Fifth, the European Union must stop imposing unilateral coercive measures, which the United Nations had repeatedly affirmed were illegitimate and a violation of international law, and which rendered the enjoyment of human rights impossible.

92. Sixth, the European Union must put an end to acts of hate, racism and discrimination directed against refugees and migrants in European countries and eradicate populist discourses that promoted hatred and violence against them on religious or racial grounds.

93. The promotion of human rights would not be realized by claiming one thing and doing another, or by turning a blind eye to human rights violations in exchange for investment or financial gain.

94. **Mr. Ali** (Pakistan), responding to the statement made by the European Union, said that Pakistan considered human rights to be the bedrock for peace and democracy at home and abroad. It remained determined to ensure that every Pakistani lived in equality, dignity and freedom with complete protection of fundamental human rights and without discrimination. There had been a growing number of cases of xenophobia and Islamophobia, especially against migrants in some European Union member States, as well as cases of misuse of the right to freedom of speech aimed at achieving counterproductive, negative and harmful objectives. There was a need to work together to promote genuine dialogue, cooperation and understanding among all cultures and faiths to further the human rights agenda. Pakistan remained committed to the promotion of human rights and looked forward to constructively engaging with the European Union and the international community.

95. **Ms. Chekrizova** (Russian Federation) said that the assertions and allegations made by the observer for the European Union regarding restrictions placed on civil society in the Russian Federation were biased and clearly based on outdated sources. The more than 200,000 non-governmental organizations involved in human rights and humanitarian activities in the Russian Federation were not subject to any restrictions or pressure. With regard to the Russian entities of the Republic of Crimea and the city of Sevastopol, the citizens of the peninsula had made their own informed choice to accede to the Russian Federation by freely and democratically expressing their will in accordance with the Charter of the United Nations. All the international human rights obligations of the Russian Federation applied in all its territories, including Crimea and Sevastopol. The States that were so concerned about the

human rights situation in the Russian Federation should focus on improving the situation in their own countries, where the problems were just as big, if not bigger, as demonstrated in reports of international human rights mechanisms.

96. **Mr. Yaremenko** (Ukraine), responding to the statement made by the Russian Federation, said that the Autonomous Republic of Crimea and the city of Sevastopol had been under temporary occupation since February 2014, as recognized by the General Assembly. His delegation wondered why, when the Russian Federation had underlined the need to respect the sovereign rights of its own territory, its Government had felt entitled to interfere with the affairs of another country, namely Ukraine, by conducting foreign military aggression against it and thus violating the bilateral friendship agreement that had been established between the two States.

97. **Mr. Ri Song Chol** (Democratic People's Republic of Korea), responding to the statement made by the European Union, said that it was ridiculous to hear the observer for the European Union make accusations of human rights violations, which did not correspond with the reality of the enjoyment of human rights by the people of his country. The European Union should focus on addressing its own cases of crimes against humanity.

98. **Ms. Chekrizova** (Russian Federation) said that she had been forced to respond to the unfounded assertions made by the representative of Ukraine, which should respect the choice made by the citizens of the peninsula to accede to the Russian Federation. Such a choice would not have been conceivable were it not for the human rights situation in Ukraine, which, as indicated in a number of reports of international human rights mechanisms, was cause for serious concern. Journalists and opposition figures there continued to be persecuted, political parties had been banned, lawyers were under a significant amount of pressure and radical nationalist groups were gathering momentum. Rather than countering such groups, the official authorities in Ukraine were cooperating with them and fostering the violence. She called upon Ukraine to accelerate the implementation of its human rights obligations under international agreements.

99. **Mr. Yaremenko** (Ukraine) said that his country was committed to fulfilling its obligations in accordance with international law, including international humanitarian law, and was fully open to cooperation with human rights mechanisms. Moreover, it had extended open invitations to all mandate holders to visit the country and had a long-standing history of respect for human rights. At the State level, it had reported to

and fully supported the Human Rights Council and other human rights institutions. The Russian Federation did not share the same approach as it had used its military forces to occupy the territory of Crimea and conduct a so-called referendum without the consent of the Government of Ukraine or its people.

*The meeting rose at 6.05 p.m.*