



General Assembly

Seventy-fourth session

Official Records

Distr.: General
5 June 2020

Original: English

Third Committee

Summary record of the 36th meeting

Held at Headquarters, New York, on Tuesday, 29 October 2019, at 10 a.m.

Chair: Mr. Braun (Luxembourg)
later: Mr. Yaremenko (Vice-Chair) (Ukraine)

Contents

Agenda item 70: 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), 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>)

19-18661 (E)



Please recycle



The meeting was called to order at 10.05 a.m.

Agenda item 70: Promotion and protection of human rights (*continued*)

- (a) **Implementation of human rights instruments** (*continued*) ([A/74/40](#), [A/74/44](#), [A/74/48](#), [A/74/55](#), [A/74/56](#), [A/74/146](#), [A/74/148](#), [A/74/228](#), [A/74/233](#), [A/74/254](#) and [A/74/256](#))
- (b) **Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) ([A/74/147](#), [A/74/159](#), [A/74/160](#), [A/74/161](#), [A/74/163](#), [A/74/164](#), [A/74/165](#), [A/74/167](#), [A/74/174](#), [A/74/176](#), [A/74/178](#), [A/74/179](#), [A/74/181](#), [A/74/183](#), [A/74/185](#), [A/74/186](#), [A/74/189](#), [A/74/190](#), [A/74/191](#), [A/74/197](#), [A/74/198](#), [A/74/212](#), [A/74/213](#), [A/74/215](#), [A/74/226](#), [A/74/227](#), [A/74/229](#), [A/74/243](#), [A/74/245](#), [A/74/255](#), [A/74/261](#), [A/74/262](#), [A/74/270](#), [A/74/271](#), [A/74/277](#), [A/74/285](#), [A/74/314](#), [A/74/318](#), [A/74/335](#), [A/74/349](#), [A/74/351](#), [A/74/358](#), [A/74/460](#), [A/74/480](#) and [A/74/493](#))
- (c) **Human rights situations and reports of special rapporteurs and representatives** (*continued*) ([A/74/166](#), [A/74/188](#), [A/74/196](#), [A/74/268](#), [A/74/273](#), [A/74/275](#), [A/74/276](#), [A/74/278](#), [A/74/303](#), [A/74/311](#) and [A/74/342](#))
- (d) **Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action** (*continued*) ([A/74/36](#))

1. **Mr. Cannataci** (Special Rapporteur on the right to privacy), introducing his report on the right to privacy ([A/74/277](#)), said that it set out a recommendation on the protection and use of health-related data. It contained guiding principles for the processing of health-related data, which were intended to serve as an international baseline for minimum data protection standards. The sensitive nature and high commercial value of health-related data meant that the largely hidden industry of collecting, using, selling and securing health data, and also its impact on privacy, was of great concern.

2. The premise of his recommendation was that everyone had the right to the highest attainable standard of physical and mental health, and also to the highest attainable standard of protection for their health-related data, regardless of factors such as indigenous identity, disability, gender, age, and so on. The recommendation also set out strong protections for health data, with provision for its use for reasons of public interest, such as scientific research. The drafting and related

consultation had been extensive, and many individuals had provided input, including more than 900 suggested amendments. The Council of Europe had been a joint host of the consultation meeting in Strasbourg in June 2019.

3. The time allotted to Special Rapporteurs for addressing the General Assembly and the arbitrary word limit applied to their annual reports had made it impossible for him to provide the full recommendation or to discuss it in detail. His report contained only an abridged version of 25 pages, whereas the full text consisted of a recommendation of 45 pages and an explanatory memorandum of 48 pages. The full text was available online, and he would be happy to respond to any questions about it.

4. Other activities relating to his mandate included consultations with civil society, Governments, law enforcement, intelligence agencies, data protection authorities, intelligence oversight authorities, academics, corporations and other stakeholders on many dimensions of privacy. Following the presentation of his preliminary report on the right to privacy ([A/HRC/40/63](#)) to the Human Rights Council in March 2019, which focused on security and surveillance, gender and health-related data, he would be holding a consultation on the topic of gender and privacy later that week, with support from New York University. The findings and outputs of that process would serve as input for his report to the Human Rights Council in March 2020.

5. In addition to his independent work on children and privacy, he was collaborating with the Committee on the Rights of the Child. The goal was to develop new guidelines for the protection of children's privacy, with a particular emphasis on online dangers and safeguards.

6. The Task Force on the Use of Personal Data by Corporations had convened twice in 2019, in Malta in March and in Brussels in September. The second event had benefited from the engagement of leading corporations, including Huawei, Microsoft, Facebook, Apple, Google, Deutsche Telekom and Telefonica, and partner civil society organizations. Those meetings had taken place in the context of continuing cooperation with corporations to examine the privacy impact of the growing use of personal data by the corporate sector. They included discussions and an exchange of best practices and common challenges on a number of topics including corporate transparency, artificial intelligence and the use of personal data, privacy and children, and others. The outcomes would be made public on the website of the Office of the United Nations High

Commissioner for Human Rights (OHCHR) or in thematic reports.

7. The fourth meeting of the International Intelligence Oversight Forum had taken place in the United Kingdom on 8 and 9 October 2019. Over 170 registered delegates from more than 40 countries had engaged in candid discussions of best practices for promoting and improving the protection of privacy through surveillance oversight. The annual event had brought together the heads and staff of independent oversight agencies, parliamentary committees and intelligence services. It had been an opportunity for invaluable exchanges to help identify common challenges. The Government of the United Kingdom had provided logistical support, including the venue at Lancaster House in London. All Member States should respond to the invitations extended through their permanent missions in Geneva and then participate in the next meeting of the Forum in October 2020. The outcomes would be published in summary form in the annual report to the Human Rights Council. The Special Rapporteur was also paying close attention to encryption and was working on a multi-stakeholder initiative for the development and reinforcement of encryption, which would be published in a few months.

8. Over the past year, his office had received 31 communications raising matters concerning practices that were inconsistent with the right to privacy. He was also receiving a growing number of requests from member States for assistance with the drafting of new privacy laws, including those dealing with both data protection and surveillance carried out by law enforcement and intelligence services. His office was pleased to provide such assistance.

9. Since his previous report to the General Assembly, he had visited Germany in November 2018. His preliminary reports on that visit, and on previous official country visits, could be found on the OHCHR website. He had undertaken study visits and attended many international events over the past year to promote privacy and obtain first-hand accounts of the right to privacy in different parts of the world. They included the African Region International Data Protection and Privacy Conference in Ghana in June and the International Conference of Data Protection and Privacy Commissioners, held in Tirana in the previous week.

10. **Mr. Edbrooke** (Liechtenstein) said that his country was actively engaged in the debate on the important topic of the right to privacy in the digital age. It was a duty to make the best possible use of new technologies, which included ensuring protection of the right to privacy and all other relevant human rights, as

large amounts of data were being collected, stored and processed and used by artificial intelligence algorithms. For that reason, human rights needed to be considered in the design, development and deployment of new technologies. He asked the Special Rapporteur about the impact of the use of artificial intelligence on the right to privacy in the digital age.

11. **Ms. Brito Maneira** (Observer for the European Union) said that the protection of personal data was a fundamental right in the European Union. The principles of such protection had been further strengthened with the implementation in May 2018 of the General Data Protection Regulation. Data processing should adhere to international human rights law and follow international principles of transparency. The highest aim must be to preserve human dignity, and any collection, use, holding, sharing or disclosure of personal health data should always be well defined, transparent and consensual, as required by European Union law or national implementing measures. In the case of a harmful data breach, the users should be informed without delay and have access to an effective remedy. Member States should work together to ensure the right to privacy and strengthen data protection, and also, in the European Union at least, to support the right to be forgotten.

12. She asked how Member States could better protect the health-related and genetic data of children. She was also interested to hear any recommendations for additional protection of data for individuals with disabilities, who were at high risk of stigmatization.

13. **Mr. Rohland** (Germany) said that the importance of data protection in a world increasingly driven by decisions based on data could not be stressed enough, as the mass collection of health-related and biometric data could have unintended consequences on the right to privacy and other human rights. The recent Human Rights Council resolution introduced by Brazil and Germany on the right to privacy had focused on artificial intelligence. While artificial intelligence could make a positive contribution to medical research and innovation, there could also be negative consequences, such as data breaches or the misuse of personal data, for example, to determine insurance rates through behavioural policy pricing. He asked the Special Rapporteur to share his views on artificial intelligence and privacy concerns in relation to the health system.

14. **Mr. de Souza Monteiro** (Brazil) said that since 2013 the General Assembly and the Human Rights Council had adopted resolutions on the right to privacy in the digital age by consensus. The establishment of the mandate of the Special Rapporteur on the right to

privacy had been an important milestone in ensuring the promotion and protection of that fundamental right.

15. The protection of health-related data had been a major concern in Brazil since the first discussions of his country's recently approved Data Protection Act, which stipulated that consent was indispensable when sharing personal health-related data. His delegation shared the Special Rapporteur's understanding that true consent could only be given when the relevant information was fully disclosed to the individuals concerned, so that they had complete knowledge of its implications. In Brazil, failure to comply with the relevant guidelines was punishable by law.

16. There were legitimate cases in which the sharing of health-related data was beneficial, such as the use of data by researchers to develop new treatments or by companies to design better services. However, the importance of progress could not outweigh the need to ensure data security and preserve individual rights. Such cases should be defined by law and their specificity and potential positive results should be made public.

17. He asked the Special Rapporteur to elaborate on how Governments could ensure that companies were complying with national regulations when the databases of many of those enterprises were located in other countries.

18. **Mr. Ustinov** (Russian Federation) said that privacy in the digital age was one of the most important issues on the human rights agenda. The ongoing revelations in that area and their impact were posing a multitude of new questions to the international community, and many of them had not yet been answered.

19. In recent years the international community had witnessed mass violations of the rights to privacy and to confidentiality of correspondence, and blatant infringements of the freedom and independence of the media. There were disturbing reports of technologies being used to gain access to virtually all Internet traffic, lists of telephone calls, electronic address books, databases and many other sources of previously unthinkable volumes of digital information. Digital spying had become commonplace.

20. His delegation was convinced that States should take strong legal protection measures to prevent violations of the right to privacy. Access to personal information was only acceptable when granted in accordance with national legislation and should not contradict international law. More broadly speaking, delegations were considering the preparation and adoption at the international level of universal rules for

responsible conduct of States in cyberspace, with a view to conflict prevention. Such rules should strengthen in the digital sphere the principles of the Charter of the United Nations – the non-use of force, respect for State sovereignty, non-interference in the internal affairs of other States and compliance with fundamental human rights and freedoms – and should guarantee that all States had equal rights to participate in Internet management. He hoped that the Special Rapporteur would give close attention to those issues.

21. **Ms. Kim** Jisoo (Republic of Korea) said that stronger protection of personal data was needed in view of the changing environment brought about by recent technology developments. The Government of Korea had been improving the relevant legislation and policies, in accordance with the national action plan on human rights. The third national action plan set out several targets, including an Act to improve personal information protection, to address the impact of the artificial intelligence of things, and the plan provided for the establishment of guidelines on the prevention of misuse of biometric data.

22. The Special Rapporteur had made an unofficial visit to Korea in July 2019 to hold consultations with national and local government authorities as well as civil society representatives. The Government fully supported his activities and believed that the visit had been a valuable opportunity for a constructive dialogue with relevant stakeholders to further raise public awareness of the right to privacy. She asked what the best practice would be for using artificial intelligence in processing health-related data while protecting the right to privacy.

23. **Mr. Cannataci** (Special Rapporteur on the right to privacy), responding to questions and comments, said that chapter XVIII of the recommendation focused on artificial intelligence, algorithmic transparency and big data. Medical algorithms should be regulated transparently, fairly and predictably to ensure a high standard of quality. All medical treatments should be monitored for the efficacy of outcomes and all use of algorithms and artificial intelligence should facilitate monitoring for adverse effects, with special attention given to characteristics protected under the relevant laws and United Nations conventions. In paragraph 34.4 he had referred to the need to address bias. Any decision taken on the basis of an algorithm, data or artificial intelligence should meet the decision-making standards under existing commitments to the rule of law and, in practice, should satisfy the rule-of-law checklist of the Venice Commission of the Council of Europe. Chapter XIII addressed health-related data and automated decision-making.

24. The principles of the General Data Protection Regulation referred to by the representative of the European Union were all reflected in his recommendation, which had been drafted over a two-year period of research and consultation. Efforts had been made to ensure that it was compliant with the Regulation and also with the Council of Europe Recommendation CM/Rec(2019)2 of the Committee of Ministers to member States on the protection of health-related data. The Special Rapporteur had also addressed some additional areas in his recommendation. He agreed that Member States working together was the way forward.

25. With regard to genetic data, the recommendation did contain some provisions on that subject, which also applied to children, but work was continuing on a separate recommendation on privacy and children. On the subject of consent, which had an important place in the recommendation, there were also other grounds for the processing of medical data, as reflected in article 9 of the General Data Protection Regulation.

26. In response to the question about compliance by corporations with human rights and privacy principles, he asked States to consider moving forward with developing international law on that subject. If political will could be found to take action, he would be interested to hear about it, but it was impossible to make progress while States continued to disagree. The answer was not localization of data, as that would not lead to technological development that was conducive to economic prosperity or accessibility to services. He welcomed the initiative taken by the Russian Federation regarding the Open-ended Working Group on Developments in the Field of Information and Telecommunications in the Context of International Security, which was launched in 2019. He would support any discussion that was actively and genuinely focused on the protection of human rights rather than an attempt to instrumentalize human rights law to strengthen the power of the State over citizens. He was already holding discussions with many States involved in the working group and invited any other States to contact him directly. He hoped that the group would be able to address privacy and other fundamental human rights more effectively than in the past.

27. He commended the Republic of Korea for the constructive dialogue. If all States and all NGOs adopted the same attitude, good progress would be made. It was a positive step to accept mistakes made in the past and work out how not to repeat them in the future. Artificial intelligence and medical data was just one of many other areas.

28. *Mr. Yaremenko (Ukraine), Vice-Chair, took the Chair.*

29. **Mr. Pūras** (Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health) said that, in September 2019, the world had reaffirmed its commitment to universal health coverage at the first ever United Nations high-level meeting on the topic. The resulting political declaration reaffirmed the right of every human being to the enjoyment of the highest attainable standard of physical and mental health, without distinction of any kind. It also recognized primary care as the cornerstone of a sustainable health system and as the most inclusive, effective and efficient approach to enhance people's physical and mental health, as well as social well-being. However, the goals and commitments adopted therein by all Member States would only be achieved with substantive and strategic investment in the global health workforce with a rights-based approach.

30. His report ([A/74/174](#)) elaborated on the crucial matter of the health workforce, its education and how human rights could help redirect attention to primary health care and achieve better health outcomes for everyone.

31. **Ms. Al Abbasi** (Bahrain) said that her country paid special attention to the health sector and aimed to provide its citizens with health services on the basis of equality and non-discrimination. The education and training provided for health-care workers was in line with international standards and covered all specializations, including mental health. In 2009, Bahrain had established a service to oversee health-care services in the public and private sectors. It provided services and training in the different specializations; it also investigated errors and took action to prevent them. Bahrain had established a national human rights organization in 2014, which arranged unannounced visits to medical centres to check on the situation of patients and also visits to health-care workers and services. She asked how Member States could benefit from United Nations health-care training that took a human rights-based approach.

32. **Mr. Ahsan** (Bangladesh) said that the health-care workforce was the key to an efficient and responsive health system and a critical driver of progress towards achieving the health-related targets of the 2030 Agenda for Sustainable Development. Human rights-based approaches would support better and more sustainable outcomes by addressing inequalities, discriminatory practices and unjust power relations.

33. In response to the global shortage of health-care workers, his Government had recently recruited 10,000 nurses and midwives and 6,000 doctors. It was also looking at introducing a second year of rural placement for doctors to ensure their presence in hard-to-reach areas. Better use of mid-level workers could help mitigate the effects of health-care workforce shortages.

34. Community health-care workers had proven to be highly effective in delivering services, particularly in low- and middle-income settings. More than 185,000 community health-care workers were providing primary health care in Bangladesh. A few months previously, the Government had launched a national strategy for community health workers for 2019, which would assure timely care for vulnerable groups while delivering services anchored in gender equality. The strategy also focused on skills development. Bangladesh therefore supported the Special Rapporteur's recommendation that the training of nurses and community health-care workers should be professionally recognized.

35. He asked whether any existing joint mechanisms of the Human Rights Council and the World Health Organization (WHO) would help implement the *Global Strategy on Human Resources for Health: Workforce 2030*, and if so, how. In addition, the report mentioned that most health-care systems gave physicians decision-making power at all levels, including in national health policy. However, he wondered whether that was an overgeneralization, as it did not seem to be a widespread practice.

36. **Ms. Mohamed Didi** (Maldives), welcoming the report's emphasis on primary health care and preventive medicine, said that her Government was striving to ensure that every island had a dedicated community health-care system that approached health issues from a holistic perspective. For small island States, innovations such as telemedicine were an important way of closing health service gaps, and the Government's health policy and programmes placed strong emphasis on the use of such technologies. The establishment of the country's first medical school in 2019 represented an important milestone and offered an opportunity to take a more human rights-based approach to medical education. The challenges in the area of mental health were significant; some were tied to social stigma, while others were due to constraints in resources. There was a limited number of trained people in the country, especially in fields such as social work and counselling. The new administration had accorded the issue high priority and had opened a mental health centre at the main tertiary hospital in 2019.

37. She asked whether the Special Rapporteur could make any specific recommendations on widening the scope for taking a human rights-based approach to health care that would overcome the challenges faced by small island States.

38. **Ms. Brito Maneira** (Observer for the European Union) said that, since it was the last time the Special Rapporteur would report to the Third Committee, the European Union wished to thank him for his work. As a psychiatrist, he had raised awareness of mental health and of the need for a paradigm shift from a biomedical model to a people-centred, community and human rights-based model.

39. The European Union shared the concerns expressed regarding the predicted global health-care workforce shortage by the year 2030, which would significantly affect the achievement of universal health coverage and realization of the right to physical and mental health.

40. Primary health care was the cornerstone of all health-care systems and its efficient use was indispensable to public health and to realization of the right to physical and mental health. Sustainable health systems were needed to address emerging global and public health issues such as climate change and palliative care.

41. The report highlighted the importance of informed consent and shared decision-making between physicians and users, especially in the area of mental health, as well as the role of physicians as health advocates in influencing communities and improving patients' health. She asked what practical steps could be taken to facilitate that paradigm change.

42. **Mr. Mozaffarpour** (Islamic Republic of Iran) said that his country was committed to protecting the right to health and justice and guaranteeing universal access to health care. Implementation of the country's health system development plan had led to great achievements, including increased life expectancy and a reduction in mortality rates among infants, children and pregnant mothers, action on communicable diseases and improvements in mental health. However, the indiscriminate application of unilateral coercive measures by the United States against civilians in Iran in defiance of the provisional measures ordered by the International Court of Justice in October 2018 posed a threat to the country's achievements in the field of health. The United States was deliberately targeting transactions relating to medicine and medical equipment and was therefore violating the right to health of all Iranians, including the most vulnerable.

43. **Mr. Butkus** (Lithuania) said that his delegation shared the Special Rapporteur's conclusion that a human rights-based approach must be applied to medical education and health-care workforce strengthening. Health education must emphasize that realizing the right to health depended on more than the provision of quality health care to all. The determinants of health, such as inequality and discrimination, must also be addressed. The education of all health-care workers must fully embrace all elements of a human-rights based approach and States must be held to account for their obligations to ensure the full enjoyment of the right to health. His delegation would be interested in hearing more about how State accountability could be achieved.

44. **Ms. Bouchikhi** (Morocco) said that universal health coverage was a priority in her country's health plan 2025. Considerable progress had been made, since 64 per cent of the population were now covered either by compulsory health insurance for employees or by the medical assistance system for vulnerable social groups, migrants and students. The expansion of health insurance to non-wage workers, who represented 33 per cent of the population, was also a significant achievement. Morocco was committed to health system reform and universal coverage, which would protect citizens from the financial risks associated with access to health care. She asked how investment in health systems for developing countries was tied to achievement of the Sustainable Development Goals.

45. **Mr. Pūras** (Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health) said that the AIDS movement had shown that the global community, including the United Nations, could act effectively if it took a human rights-based and evidence-based approach. The movement had shown how to address serious discrimination against people in vulnerable situations and how to invest in both quantity and quality. While many challenges remained, the political will had been found.

46. His dream was for the international community to achieve the same level of political will in respect of non-communicable diseases and sexual and reproductive health and rights, regarding which there were many challenges, including a poor human rights situation globally. A selective approach to the promotion of human rights was detrimental to realization of the right to health, and doctors and other health-care workers needed a good understanding of human rights. They might be trained by medical schools to diagnose and fix disorders, which was of course very important, but it was not enough. Twenty years prior, WHO had come up

with the concept of the "five-star doctor": a care provider who was a communicator, a community leader, a manager, and an ethical and economic decision-maker. A good health-care workforce required investment in five-star doctors, rather than in training medical personnel who were able to fix disorders but who forgot the principle "first do no harm".

47. He had focused on mental health issues in some of his reports because mental health had come out of the shadows and was a global priority, but there was not complete agreement on how to proceed. The question was whether the international community would finally embrace human rights in mental health and avoid human rights violations or fail to learn from the painful lessons of the past. The United Nations could do a great deal to help health systems move in the direction recommended in his report.

48. The attempts made by the Human Rights Council and WHO to work together had been rather fragmented, and he hoped that a human rights-based approach would be fully embraced in WHO activities. Research was needed into the question of medical doctors having decision-making power at all levels. His intention had been to sound the alarm about trends; in many of the countries he had visited, he had encountered the idea that medical doctors were the most suitable candidates for positions as managers and hospital directors. There were different approaches to that issue. He did not wish to criticize medical doctors, but rather to protect them. Medical doctors could not possibly know everything, but because they had to pretend that they did, they tended to burn out. Globally, health-care workers, especially doctors, were a risk group for suicide. If their tasks could be shared with others, it would be a win-win situation.

49. Unfortunately, he had not addressed specific issues relating to small island States in his report. Those countries deserved special attention and the best way to proceed should be discussed.

50. States, together with academic institutions, should make changes to medical education to ensure that the message about the shift towards partnership was conveyed to future doctors and nurses. While that shift had already occurred in the general health-care system, it had not yet happened in mental health, which was still paralysed by paternalistic approaches. In many countries, he had observed an over-reliance on the principle of academic autonomy, which was not necessarily in the public interest. Governments should be able to suggest that universities change direction in response to emerging priorities or trends. That could help to empower other health-care professionals and

users of services. In modern universities, users of health-care services, including mental health services, played an active role; owing to their experience, they should be involved in all decision-making processes.

51. State accountability was a question of leadership. States should demonstrate a willingness to change their system from the status quo. Medical education systems were very rigid and conservative, so change needed to be initiated by political leaders.

52. Regarding the achievement of the Sustainable Development Goals, paradoxically, developing countries had an advantage over developed countries, because there were fewer traditions in health care and medical education. For instance, it might be easier to make important changes in the field of mental health in developing countries. Resources were an issue, but there was perhaps less resistance than in countries with a highly developed infrastructure.

53. He wished to thank the Governments of the 10 countries he had visited. The next country mission would be to Fiji. He was grateful to Member States for their understanding of the importance of his mandate and of the ambitious goals of realizing the right to physical and mental health and achieving universal coverage. The international community was heading in the right direction, but more concerted efforts and political will would be required; there was also a need to embrace the human rights-based and evidence-based approaches more fully. In combination, those two approaches would be highly effective.

54. **Mr. Pesce** (Member of the 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/74/198), said that the theme of the report was policy coherence in government action to protect against business-related human rights abuses.

55. In the report, the Working Group examined what policy coherence meant in practice under the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework. Achieving policy coherence was a task of considerable magnitude and would require action across all government ministries. The report also identified ways in which policy coherence could be improved. Governments in all regions were encouraged to develop a national action plan, as a practical step towards greater policy coherence. However, such plans must not become a pretext for inaction.

56. Other critical elements for improving policy coherence were high-level political commitment, leadership and support; meaningful and early participation from State institutions and relevant stakeholders in policy development; adequate funding; training and awareness-raising across State actors; information and knowledge management; and monitoring and reporting.

57. Achieving greater policy coherence was a crucial measure to strengthen the prevention of business-related human rights abuses, and the Working Group reiterated its call for Governments to scale up their efforts. Reflecting the unanimous conclusion of all stakeholders at the 2018 Forum on Business and Human Rights regarding the lack of State leadership across the regions and related need for Governments to step up action and to lead by example, the Working Group had decided that the central theme of the 2019 Forum, to be held from 25 to 27 November, would be “Time to act: Governments as catalysts for business respect for human rights”. He encouraged all Governments to participate.

58. **Mr. Lavalle Merchán** (Spain) said that his country was committed to the promotion and protection of human rights and was concerned about any negative impact that business activity might have on them. Policy coherence was especially important in the case of complex cross-cutting issues. Spain had adopted a national action plan on business and human rights in 2017 that addressed many of the issues mentioned in the report. Among the measures taken under the plan, a monitoring committee composed of the ministries directly involved in implementing the plan was responsible for evaluating the achievement of its objectives on an annual basis and formulating proposals; and annual meetings would be convened with representatives of civil society. He asked how, beyond providing training, Governments could ensure that everyone was speaking the same language and that other actors used that language.

59. **Ms. Brito Maneira** (Observer for the European Union), commending the Working Group for its all-encompassing approach towards all stakeholders when taking stock of business and government action, said that the European Union continued to promote the Guiding Principles as the first globally agreed standard for preventing and addressing the risk of human rights abuses linked to business activities. In October 2011, the European Union had become the first region to call on its Governments to develop national action plans to implement the Guiding Principles. Several of its member States had adopted national action plans, while others were in the process of drafting them. Over the past year, the European Union had enhanced its work,

using all available tools, including policy dialogues, engagement in multilateral forums, trade policy and development cooperation. Its long-standing commitment to the Guiding Principles was reflected in its Action Plan on Human Rights and Democracy 2015–2019.

60. Lack of national policy coherence and leadership regarding human rights remained a concern and was widespread in all regions. The European Union concurred that much remained to be done to fulfil the potential of the Guiding Principles; in particular, human rights defenders must be protected. Policy coherence must include the development of holistic policies, especially in areas where the roles of Governments and businesses intersected, including emerging global issues such as climate change. She asked how countries could be more effective in translating policy commitments on global issues into practice while assuring a better protection of human rights on the ground.

61. **Mr. Giordano** (United States of America) said that the Guiding Principles represented an important global consensus regarding the State's duty to protect and the corporate responsibility to respect human rights. The United States supported efforts to improve implementation of the Guiding Principles by States and businesses including by focusing on access to remedy. His country looked forward to the Working Group's report on action that States and businesses could take to safeguard human rights defenders in line with the Guiding Principles. That work was more relevant than ever given the restrictions on civic space at the national level and limitations on civil society's participation in international forums.

62. National action plans on business and human rights were an important tool for Governments to strengthen the rule of law and policy coherence regarding business and human rights-related issues. An increasing number of Governments were developing such plans, including several in Southeast Asia and Africa. The United States looked forward to continuing to work with others to enhance implementation of the Guiding Principles across sectors and regions. He asked what steps countries could take to increase coordination with business on the protection of human rights defenders working on business and human rights-related issues.

63. **Mr. Bjordal** (Norway) said that the report provided an excellent overview of the status of and challenges facing efforts to provide policy coherence on business and human rights under the Guiding Principles. Substantial progress had been made, but much remained to be done in order to translate policy commitments into

better protection of human rights on the ground. Proposals on practical ways to improve policy coherence across all ministries and agencies were always useful. They underpinned the ability to convey a coherent message to the business community on a range of issues, including public procurement, economic and trade policy tools and the protection of individuals and groups at risk. One important point raised by the report was the intersection between the commitments under the Guiding Principles and the Sustainable Development Goals. Connecting those commitments could yield high returns in terms of promoting responsible business conduct and achieving the Goals. His delegation was pleased to see that that connection appeared to be one of the new items in the second phase of national action plans aimed at renewing efforts to implement Guiding Principles. He asked what concrete measures States should take to ensure a more efficient implementation of the Guiding Principles.

64. **Mr. Ustinov** (Russian Federation) said that the Russian Federation traditionally attached great importance to respecting human rights in relation to business activity. His country promoted the Guiding Principles within the Russian business community. Implementation of the Guiding Principles could vary according to each country's legal basis, traditions and development specificities.

65. In terms of moving forward with the Guiding Principles, both in the Russian Federation and worldwide, much remained to be done. One of the key thrusts in that regard was the development of national action plans on business and human rights. While the Russian Federation had not yet developed such a plan, Russian legislation and various developments in relation to Russian business associations formed an excellent foundation. His delegation wished to invite the Working Group to conduct an official visit to the Russian Federation in 2020 to familiarize itself with the experience the country had acquired on the subject.

66. **Mr. Pesce** (Member of the Working Group on the issue of human rights and transnational corporations and other business enterprises) said that he was pleased to see that Member States were responding positively to the findings of the Working Group's report. Owing to a lack of or insufficient government action, there was considerable room for improvement, but the first step was to recognize the gaps and the obstacles.

67. One way to strengthen the implementation of national action plans was to set targets, identify indicators, and develop them through a participatory process that included the expectations of civil society and business stakeholders. Both businesses and civil

society frequently reported that their perspective was not fully taken into account when their Governments were preparing action plans or policy frameworks. In terms of expectations linked to indicators and monitoring, there was considerable room for improvement.

68. The European Union and some of its member States were organizing regular peer learning exercises with a view to learning from one another and accelerating progress. Regional “races to the top” were happening in Asia and Latin America, thanks to funding from the European Union and other donors. At the most recent one in Latin America in September 2019, high-level officials in charge of the business and human rights agenda from eight Governments and all kinds of stakeholders had engaged in an open and constructive dialogue.

69. The main learning platform was the annual Forum on Business and Human Rights. At the next Forum in November 2019, over 60 multi-stakeholder sessions would be held, all of which would focus on policy coherence and the State duty to protect. They would all be attended by government representatives, not only the people responsible for the action plan, but also those working in specific areas such as public procurement. The Forum would offer a great opportunity to learn collectively and would include special sessions for regional peer learning exercises. Countries from Latin America, Asia, the Middle East, Africa, Eastern Europe and the Western European and Other Group would attend multi-stakeholder sessions to examine what was happening on the ground, try to identify the main obstacles and challenges and find solutions. The respective regional platforms were being built to carry out monitoring and facilitate the peer learning.

70. The Working Group would also like to see greater use of all available tools and thanked the European Union for its financial support of the agenda in different parts of the world. The Working Group was targeting a group of approximately 30 countries, in addition to around 20 countries that already had action plans, but it also wanted to reach out to another 100 countries, to offer support and capacity-building and engage with them in a practical and constructive manner. Regarding peer learning, collective action tended to work better and was more useful on an issue-by-issue basis, for example when public procurement agencies worked together to share experiences and benefit from innovation. The Working Group was taking steps to increase collaboration between Governments, civil society and business. All regional “races to the top” were multi-stakeholder in nature, as was the Forum; 28 per cent of attendees were representatives of

business, industry and the private sector. It was crucial to keep all stakeholders on board in order to develop solutions based on a common understanding of challenges.

71. With regard to the Sustainable Development Goals, there was considerable room for improvement. The Working Group welcomed the platform developed by the Danish Institute for Human Rights that linked human rights obligations and commitments made by Governments to the 169 targets of the Goals. In the second and third phase of the national action plans, a much clearer connection with the agenda of the Goals was evident, and there was an understanding that it was the umbrella that should drive everyone to action.

72. The Working Group had indeed received the invitation from the Russian Federation. The Working Group had in fact received a number of standing invitations, which was a positive indication of increased political will on the part of Governments to receive a visit from the Working Group with a view to identifying gaps and potential solutions.

The meeting rose at 11.50 a.m.