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Chair: Ms. Nilsson (Vice-Chair) (Sweden)
later: Ms. Mesquita Borges (Timor-Leste)

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In the absence of Ms. Mesquita Borges (Timor-Leste), Ms. Nilsson (Sweden), Vice-Chair, took the Chair.

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

Agenda item 68: Promotion and protection of human rights (*continued*) (A/69/383-S/2014/668)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/69/97, A/69/99,

A/69/121, A/69/214, A/69/259, A/69/261, A/69/263, A/69/265, A/69/266, A/69/267, A/69/268, A/69/269, A/69/272, A/69/273, A/69/274, A/69/275, A/69/276, A/69/277, A/69/286, A/69/287, A/69/288, A/69/293, A/69/294, A/69/295, A/69/297, A/69/299, A/69/302, A/69/333, A/69/335, A/69/336, A/69/365, A/69/366, A/69/397, A/69/402 and A/69/518)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

(A/69/301, A/69/307, A/69/306, A/69/356, A/69/362, A/69/398, A/69/548 and A/69/639; A/C.3/69/2, A/C.3/69/3, A/C.3/69/4, A/C.3/69/5, A/C.3/69/6 and A/C.3/69/7)

1. **Mr. Crépeau** (Special Rapporteur on the human rights of migrants), introducing his report on the human rights of migrants (A/69/302), said that migrants had to be included in the post-2015 sustainable development goals, but not only in their capacity to contribute to development or in the context of the reduction of the cost of labour or remittances. Development was broader than a purely economic concept and its subjects, including migrants, should enjoy their human rights. States were aware that some sectors of their economies relied on the exploitation of migrant workers who, owing to their residency status, lack of political capital or lack of access to justice, would not complain. Nevertheless, those States would often engage in migration governance discussions without tackling that exploitation directly.

2. His report included recommendations on how to mainstream migrants in the sustainable development goals and how to develop targets and indicators that could be used to help reduce the marginalization of groups such as migrants. The collection of reliable and comparable data on migrants was important to ensure

the meaningful development and implementation of plans, programmes and policies.

3. **Mr. Barkan** (Israel) said that the work of the Special Rapporteur helped to bring to the agenda subjects that were painful and a matter of concern for society in Israel. It was vital to protect the lives of migrant workers and prevent their exploitation, but he asked how the great quantity of migrants from developing countries could be protected and defended without creating a counterproductive attitude towards them in many developed countries.

4. **Ms. Al-Temimi** (Qatar) said that her Government welcomed the Special Rapporteur's objective report, which would help to strengthen all the measures that had been adopted to protect migrant workers in Qatar.

5. **Mr. de Bustamante** (European Union) said that the suggestions of the Special Rapporteur with regard to the protection of migrants' human rights in the context of the post-2015 development agenda were straightforward and thought-provoking. Migration had a complex impact on progress towards the sustainable development of countries of origin and destination and the European Union had positive experiences in ensuring coherence between migration and development objectives.

6. He asked how the international community could best assess progress towards sustainable development goals and targets and how Member States should draw conclusions from such assessment. In addition, he asked whether migration and its challenges should be addressed in the assessment of every goal.

7. The disaggregated information that the Special Rapporteur had recommended was difficult to gather and he therefore asked the Special Rapporteur to recommend how States should ensure adequate quantitative and qualitative data collection, especially with regard to migrants in irregular situations.

8. **Ms. Kiernan** (United States of America) said that migrants played an important role in the global economy and could contribute to innovation, economic development and poverty reduction. It was important to facilitate mobility, while promoting and protecting the human rights of migrants. Migrants were exploited in their countries of origin and destination and the United States had taken steps to address such exploitation, including by prohibiting federal contractors and subcontractors from using misleading

or fraudulent tactics to recruit employees. It looked forward to continuing to partner with foreign governments, international organizations and civil society in efforts to promote safe migration.

9. In the context of mainstreaming migration into the sustainable development goals, the United States urged stakeholders to narrow their discussions and focus on issues where there was reliable evidence and a common understanding. Her delegation agreed that data collection for informing policies and programmes to help migrants was important and she asked the Special Rapporteur to suggest strategies to increase the participation of hard-to-count migrant populations in data collection efforts.

10. **Ms. Diaz Gras** (Mexico) asked what the Special Rapporteur considered to be the main challenges to the inclusion of migration in the post-2015 development agenda and how Member States might overcome them.

11. **Ms. Schneider Calza** (Brazil) said that destination countries must be more active in monitoring migrants' labour rights and their access to housing and public services. Moreover, irregular migration must not be criminalized. Her delegation supported the findings of the report in respect of the need for a solution to the "pull factor" of irregular migration in destination countries. She asked the Special Rapporteur what he thought would be a durable way to strengthen the multilateral system on the subject.

12. Migrants must be treated equally and have the same rights as the citizens of their destination country. Brazil supported initiatives that could strengthen international understanding on the matter, which would be more effective than unilateral solutions.

13. **Ms. Gandini** (Argentina) said that a paradigm shift was needed with regard to migration, and the focus should move from border security and control to a human rights perspective. Argentina had taken steps to reflect that approach in its policies and legislation on migration, given that migration was a human right and had benefits for destination countries.

14. Child migration was a priority area, and countries in the Southern Cone, including Argentina, had in 2011 made a request for an advisory opinion from the Inter-American Court of Human Rights on that matter because of concern about the violation of the rights of young people who had migrated within South America.

In its response in 2014, the Court had described appropriate protection methods for the rights of the child which had been very useful, since national obligations with regard to child migrants had not hitherto been established in a clear and systematic way in the region. She asked the Special Rapporteur whether such an initiative could be taken at the multilateral and global level.

15. **Ms. Klein Solomon** (International Organization for Migration (IOM)) said that there were many reasons to include migration in the post-2015 development agenda and to ensure the protection and promotion of migrants' human rights. For instance, human rights were not reserved only for citizens, but applied to all people without discrimination. The ambition of the post-2015 agenda to leave no one behind could only be met in full if it paid specific attention across goals to the development outcomes of marginalized groups, including migrants. In addition, IOM had long argued that, although migration was a significant driver and enabler of development, migrants and their families often bore exorbitant human, economic and social costs. The potential benefits created by migration could therefore be realized only through effective governance and policy to protect the human rights of migrants and to tackle the vulnerabilities that could prevent migrants from protecting their rights themselves.

16. She urged Member States to consider the Special Rapporteur's recommendations in their ongoing deliberations on the post-2015 development agenda and asked the Special Rapporteur what he considered to be the single most important way to ensure proper recognition of migration in the new development agenda.

17. **Mr. Crépeau** (Special Rapporteur on the human rights of migrants) said that a refugee regime should be properly applied to those persons who were refugees, and a much larger effort should be made by all destination States to welcome greater numbers of refugees. It was also important to recognize the presence of those who were not refugees but migrants who came because of employment opportunities and were often exploited in underground labour markets in destination countries. Should their exploitation by unscrupulous employers and recruiters not be penalized or their voices remain unheard, nothing would change and it would be difficult to gather public support. Although it was difficult, States must protect

the rights of people who usually lacked political representation. Their voices could be heard in many ways, from unions and associations to national human rights institutions and other tribunals, but migrants must be allowed to speak up for themselves.

18. Human rights were best defended by their holders, but in many cases migrants, especially those in irregular situations or with precarious work contracts, were silenced by fear of being detected, detained or deported or of losing their employment. They must be allowed to defend their rights for themselves, and the concept of firewalls could help in that regard. Immigration enforcement mechanisms must be competent, professional, well-trained and human-rights-sensitive. Migrants must be able to access public services without fear of being reported to immigration enforcement. For example, victims of family violence should be able to call the police without being asked for their immigration papers.

19. Most immigration policies were developed without input from migrants because they had not spoken up or been invited to do so. The migrant's voice must be included in the creation of immigration policies, the implementation of the sustainable development goals and in data collection. Firewalls meant that migrants communicate information without fear, and many countries had established such firewalls, often for cases involving children or censuses. States should consider that good practice when establishing migration policies or data collection mechanisms.

20. **Mr. Carrión Mena** (Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families) said that migration was a fundamentally human process that affected almost every country in the world. South-South migration had become as common as South-North migration, while North-South migration was currently estimated at from 3 to 6 per cent of all international migration. However, migrants all over the world continued to face violence and discrimination and were subjected to exploitation and abuse. Many migrants had lost their lives at sea or on land owing to insufficient migration channels. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provided a normative framework for defining national and international migration policy and he called on States that had not yet done so to ratify or accede to it.

He also called on the 19 States signatories to undertake the necessary domestic procedures to ratify the Convention expeditiously.

21. Since 2006, the Committee on Migrant Workers had considered the implementation of the Convention in 34 States parties. Initial reports had not yet been received from as many as 21 States parties and he asked States to submit their overdue reports or avail themselves of the simplified reporting procedure. The Committee welcomed the adoption of General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system and looked forward to working with other treaty bodies and the Office of the United Nations High Commissioner for Human Rights (OHCHR) on its implementation.

22. The Committee on Migrant Workers encouraged a range of partners, including civil society organizations, national human rights institutions, parliamentarians, United Nations entities and other international organizations, such as the International Labour Organization and the International Organization for Migration, to contribute to its work. Members of the Committee had met the Special Rapporteur on the human rights of migrants to discuss cooperation and also members of the steering committee of the Global Campaign for Ratification of the Convention on the Rights of Migrants to discuss ways to promote ratification of the Convention.

23. The Committee on Migrant Workers had elaborated two general comments to provide clarification and promote understanding of the substantive content of the Convention and, throughout its work, had strived to emphasize the need for the promotion and protection of the human rights of migrant workers. It had made progress, but enormous challenges remained. The potential of the Convention to bring about change had not been exploited to the fullest, largely owing to a lack of visibility, accessibility, comprehension and political will.

24. **Ms. Klein Solomon** (International Organization for Migration (IOM)) welcomed the adoption by the Committee on Migrant Workers of general comment No. 2 on the rights of migrant workers in an irregular situation and members of their families. She supported the aim of the Committee to promote decriminalization of irregular migration and to discourage the use of repressive measures and unnecessary detention by

State authorities. Any measure that restricted the right to liberty must be exceptional and be taken under individual circumstances. She supported the campaign to promote ratification of the Convention and saw the Convention as a tool that could be used to combat smuggling and trafficking in persons.

25. She asked Mr. Carrión Mena to what extent States that had ratified the Convention were implementing its requirements in national legislation and practice and what he considered to be the principal barrier to ratification of the Convention for States that had not yet done so.

26. **Ms. Diaz Gras** (Mexico) said that her country recognized the importance of the Convention and congratulated the Committee on its excellent work to strengthen the treaty bodies. The Convention was a fundamental human rights instrument and therefore all States should sign it. In that regard, she asked whether Mr. Carrión Mena was aware of any States that were interested in ratifying the Convention.

27. *Ms. Mesquita Borges (Timor-Leste) took the Chair.*

28. **Mr. Fiallo** (Ecuador) said that the rights enshrined in all treaties and conventions and, indeed, all human rights should be applied and respected by States, irrespective of an individual's migratory status. He asked Mr. Carrión Mena what the Committee on Migrant Workers thought about the application of the rights and obligations of other Conventions regarding migrants, how it could better promote universalization of the Convention and what specific challenges it faced in its duty to protect the rights of the families of migrant workers.

29. **Mr. Rahman** (Bangladesh) said that his country was predominantly a country of origin for migrants. They should be treated with dignity and the migration process should be safe, humane and orderly. Migration across borders had become an integral part of the social, economic and environmental landscape, and it was therefore logical that migration should be appropriately reflected in the post-2015 development agenda by including a set of interlinked targets and indicators. Progress had been made in the context of the Open Working Group on Sustainable Development Goals, but States had to remain vigilant and proactive to protect what had been achieved and to go further in the context of the negotiations.

30. Efforts to alleviate the plight of migrants must continue and, in that vein, the Convention needed to be ratified by as many States as possible. Incidents such as the one that had occurred off the coast of Lampedusa must not happen again. Close cooperation and coordination among countries of origin, transit, and destination was necessary, and legal and policy measures for the protection of migrants had to be strengthened so that regular migration could flourish where there was genuine demand.

31. **Ms. Mballa Eyenga** (Cameroon) said that one of the difficulties that the Committee on Migrant Workers faced was the low number of States that had acceded to the Convention, which limited the scope of the Committee's work. The Convention, however, was a universal normative framework and should be respected by all Member States. She asked what could be done so that the Committee on Migrant Workers could discuss the situation of States that hosted migrants but were not parties to the Convention and what Mr. Carrión-Mena would recommend regarding cooperation with other treaty bodies, including the Human Rights Council, to ensure that the situation of migrant workers in all countries could be taken into consideration.

32. **Mr. Carrión Mena** (Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families) said that 2015 would mark the twenty-fifth anniversary of the adoption of the Convention by the General Assembly, and he hoped that there would be 50 States parties to the Convention by that time. As there were few States parties to the Convention, the Committee on Migrant Workers was the poor relation of the treaty body system but, paradoxically, it had to address one of the most important topics on the international agenda.

33. Migration was being approached from the wrong political angle, which had diverted attention away from the most important goal of the Convention, namely, the defence of human rights. There was a trend, particularly among developed countries of destination, of viewing migrants exclusively as members of the workforce. However, they were individuals and human rights holders. The reason for the low number of ratifications of the Convention was that it was being seen in the wrong light. Some thought that the Convention addressed areas already covered by other universal, international or regional instruments, but that argument was not well-founded. Many countries

and regions had platforms of various types to discuss migration, but they were external to the United Nations. If there was the political will to do so, then the issue should be addressed within the United Nations system, through the Convention and the Committee.

34. With regard to increasing the number of ratifications, civil society organizations had been making efforts to raise awareness among Governments about the need to ratify the Convention. There were enormous challenges ahead in working with the other treaty bodies to protect human rights, and States themselves must do all they could to accede to the Convention, so that they could address migrant workers' rights within the framework of the United Nations. The Committee on Migrant Workers worked jointly with other partners, for example, by producing a joint statement with the Committee on the Rights of the Child on the situation of child migrants on the border between Mexico and the United States.

35. **Ms. Giammarinaro** (Special Rapporteur on trafficking in persons, especially women and children), introducing the report (A/69/269) prepared by her predecessor, said that the report included details on the activities and achievements of the Special Rapporteur in five areas of concern, namely, the right of victims to assistance, protection and support; the right of victims to effective remedies; the human rights-based approach in the criminal justice response to trafficking in persons; the prevention of trafficking; and trafficking in persons for the removal of organs.

36. In her role as Special Rapporteur, her first priority would be the protection of the rights of trafficked persons, and in that regard she would explore unconditional assistance and access to justice and remedies. While criminal justice was crucial, reparation and compensation helped empower exploited people. A consistent human rights-based approach made the fight against trafficking stronger and more effective, but there was a huge gap between the declarations of principles and the real treatment of presumed, potential and actual victims of trafficking.

37. She would also focus on prevention as a strategic approach, taking into consideration the effects of different forms of labour market and migration regulations. To that end, she would explore the role of private sector organizations and their practices and how Governments could encourage companies to adopt

codes of conduct and improve their procurement procedures.

38. In addition, she would consider the role of gender inequality and the double burden of sexual and labour exploitation borne by women and girls. Particular attention would be given to women and girls who had fled conflict areas but then became victims of sexual slavery. She would explore how trafficking could be prevented by supporting the social inclusion of all vulnerable people, including migrants.

39. Throughout her work, the Special Rapporteur would adopt a collaborative approach with a wide range of stakeholders and would build on the firm partnerships that had developed over the previous decade. Victims, civil society and non-State actors such as victim support organizations would be consulted. Non-State actors should be considered strategic partners, rather than only service providers, and be included in the design and implementation of policies.

40. **Mr. Neelam** (Australia) said that his Government was working to combat trafficking in persons through a range of domestic, regional and international initiatives and asked what strategies, including self-regulatory action in the private sector, would be most effective in getting States to work together with civil society and business to ensure that supply chains were free from labour exploitation.

41. **Ms. Schmidt** (Switzerland) said that to combat human trafficking effectively, an interdisciplinary approach was required that involved all relevant stakeholders at national, regional and international levels. She therefore encouraged the Special Rapporteur to continue to cooperate with various regional bodies, the private sector and civil society.

42. Access to justice and effective remedies were important for victims but, in her country and elsewhere, it was far from guaranteed. Switzerland had therefore established a working group to address issues of victims' rights and was developing a guide on access to justice and the right to effective remedy. She asked how States could support the work of the Special Rapporteur and make the fight against trafficking more effective and what priority measures should be taken to ensure that victims had access to justice.

43. **Mr. Barkan** (Israel) said that many women had been smuggled into Israel by land and on tourist visas. The fence that his country had built along the border

with Egypt, with the agreement of the latter, and cooperation with Egyptian authorities had helped reduce that form of trafficking in persons. Clearer legislation was being implemented in Israel to prevent any exploitation of domestic workers and to protect their social rights. Legislation and its application would be strengthened to prevent any further abuse or exploitation of persons.

44. **Ms. Al-Temimi** (Qatar) said that it was a shame that, despite the progress made, challenges remained and women and children continued to face flagrant discrimination. Her country had adopted legislative measures on human trafficking and all steps must be taken to combat the phenomenon and to ensure the protection of victims so that criminals were brought to justice. The root causes of trafficking in persons, especially poverty, must be investigated. She asked how human trafficking could be fought in the post-2015 development agenda.

45. **Mr. Herold** (Germany) asked how the Special Rapporteur would describe the potential benefits of enhanced collaboration with other mandate holders, especially the special rapporteurs on contemporary forms of slavery, on the sale of children and on the human rights of migrants; which thematic and geographic areas she planned to focus on during her tenure; what the most urgent matters were; whether she was planning to convene further consultative meetings on strengthening partnerships with national rapporteurs on trafficking in persons and equivalent mechanisms; and which of the report's recommendations for future mandate holders she considered to be the most pressing for her work.

46. **Ms. Kunvatanagarn** (United States of America) said that human trafficking was a crime akin to murder, rape and kidnapping and that, when addressing that crime, her country strived to take a victim-centred approach. Important themes in the report of the Special Rapporteur included the primacy of victim identification in the fight against human trafficking, the importance of non-penalization of victims for unlawful acts committed as a result of being trafficked and the need to address human trafficking of men and boys.

47. She congratulated Mr. Kailash Satyarthi on being awarded the Nobel Peace Prize that year. Bonded labour in South Asia was among the world's largest and most intractable human trafficking problems, and his efforts had had a lasting impact on policies and

programmes, and, most importantly, on individuals. She asked how Governments could adequately fight human trafficking and protect victims when corrupt government officials partnered with human traffickers.

48. **Mr. de Bustamante** (European Union) said that, to address human trafficking, the European Union had established a comprehensive legal and policy framework that was human rights-based, gender-specific, victim-centred and child-sensitive. It was clear that a multidisciplinary coherent policy against trafficking in human beings required the involvement of a more diverse group of actors than ever before. The human rights of trafficked persons had to be at the heart of all trafficking efforts.

49. He asked the Special Rapporteur which of the recommendations included in the report had the greatest potential impact and would be given priority in her mandate; how she would address the gender dimension of her mandate and ensure inclusive engagement with civil society; and how she intended to avoid duplication with regional actors and potential administrative overburdening of national administrations.

50. **Ms. Sameer** (Maldives) said that few victims of human trafficking obtained redress and even fewer traffickers were apprehended. No country was exempt from the effects of human trafficking and the enforcement of international instruments and strengthening of national legislation on anti-trafficking were crucial to the fight against it. Human trafficking had been identified as a concern in the Maldives and legislation had been enacted in that regard in 2013 with the creation of shelters for female victims of trafficking, legal protection and avenues for redress. Since human trafficking was an issue that could be either helped or hindered by regional factors, she asked how the Special Rapporteur saw the role of regional organizations in addressing human trafficking, what regional measures were especially important and what mechanism would most effectively aid cooperation.

51. **Ms. Velichko** (Belarus) said that her country was steadily increasing its efforts to tackle human trafficking and, in March 2014, the Council of Europe Convention on Action against Trafficking in Human Beings had entered into force in Belarus. She hoped that the Special Rapporteur would continue to provide expert support to States in the fight against human trafficking, particularly in its new forms such as trafficking in organs. On 30 October 2014, Belarus and

the Academic Council on the United Nations System, with the support of the United Nations Office on Drugs and Crime, would hold a side event on trafficking in organs, to which she hoped the Special Rapporteur would contribute in view of her recent experience of the topic in the framework of the Organization for Security and Co-operation in Europe.

52. **Ms. Dhanutirto** (Indonesia) said that the root causes of trafficking in persons should be addressed, including the social, economic and cultural conditions of the places where trafficked persons were recruited and where they were exploited. The prevention of trafficking must reflect a thorough and nuanced understanding of issues such as poverty, inequality, migration and discrimination.

53. She welcomed the intention of the Special Rapporteur to work closely with States and other stakeholders and asked whether the Special Rapporteur envisaged future cooperation with regional and subregional bodies such as the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.

54. **Ms. Klein Solomon** (International Organization for Migration (IOM)) said that criminal justice in regard to trafficking should not be achieved at the expense of the human rights, punishment or prosecution of victims, and a rights based-approach should be applied to its administration. Her organization appreciated the attention that the Special Rapporteur had given to strengthening labour laws and inspectorates.

55. The Inter-Agency Coordination Group against Trafficking in Persons (ICAT), which IOM was chairing, had released a policy paper on preventing trafficking in persons in the context of demand. The paper highlighted six strategies to address that aspect of the problem, including regulation of recruitment agencies and consumer-based action against products made from trafficked labour. Two further papers would focus on the right to an effective remedy for victims and the evaluation of anti-trafficking responses.

56. She supported the Special Rapporteur's call for the creation of safe channels for legal and non-exploitative migration and agreed that national authorities should not focus exclusively on a limited group of persons such as women and children in efforts to combat and prevent trafficking. The report of the Open Working Group on Sustainable Development

Goals included references to targets for the reduction of trafficking in persons for women and children. Her organization believed that they should be expanded to cover men and boys too and was interested to hear the views of the Special Rapporteur in that regard. She asked what kinds of indicators were needed, beyond those related to numbers of prosecutions in order to identify and prevent trafficking and offer better protection.

57. **Ms. Giammarinaro** (Special Rapporteur on trafficking in persons, especially women and children) said that to prevent trafficking for labour, there first of all had to be active engagement with businesses. States had a primary obligation to protect the rights of victims and potential victims, but the protection of the rights of people at risk should be considered a shared responsibility. To that end, Governments should show what they expected from businesses, for example, through plans that outlined the actions businesses should take when selecting subcontractors or on the detection in supply chains of cases of trafficking for labour or child labour. A public-private partnership in that area would be absolutely crucial. Governments themselves had to take action regarding their own subcontracting procedures and they should be the first to apply criteria consistently in public procurement contracts to prevent forced labour, trafficking for labour exploitation, child labour and slavery in the supply chain.

58. Victims' access to justice and remedies was in reality very limited, and she would like to explore what the obstacles were in that respect. Some were immediately identifiable, such as the difficulty for people in irregular migration situations to access remedies or civil and labour law justice. Access to free-of-charge legal counselling and representation to give victims the opportunity to be represented in proceedings was another problem along with victims' access to remedies once they had left countries where they had been exploited.

59. Cooperation between the Special Rapporteur and regional and subregional mechanisms was absolutely crucial. The Special Rapporteur needed to liaise with national rapporteurs and equivalent mechanisms to have reliable information, and cooperation with regional mechanisms, such as the Bali Process and those of the European Union and of the Organization of American States, would be central to her work.

60. The most urgent matter to address was the fact that the number of people identified as victims of trafficking remained too modest compared to the estimated scale of trafficking. Member States should revise their own national policies and legislation as a matter of urgency and establish the reasons for the low levels of identification. In the vast majority of countries, migration authorities were responsible for identification and there was a reluctance to give broad and generous application to regulations on respect for the rights of trafficked persons. Expert consultations with national rapporteurs or equivalent mechanisms would continue and should also involve national human rights institutions because often the rights of trafficked persons were not fully considered by human rights mechanisms.

61. The response of Governments to trafficking should be evaluated not only in terms of the numbers of proceedings and convictions forming part of the criminal justice response, but also on how Governments had been effective in providing remedies to victims, including compensation, since that would be an indicator that took into account the human rights aspect of trafficking in persons.

62. **Ms. Izsák** (Special Rapporteur on minority issues), introducing her report on the effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (A/69/266), said that the violence and atrocity crimes perpetrated against minorities was a tragic reality that affected communities in every region. There were a number of reasons why minorities might experience violence, as their members were frequently both poorly equipped to defend themselves and poorly protected by Governments. The report discussed some of the most important factors that could heighten the vulnerability of minorities to violence.

63. A number of strategies could prevent problems and tensions emerging or violence breaking out. Governments must be conscious of minorities and of any threats against them and should involve them in dialogues, consultations and decision-making processes to help understand their situation. Disaggregated data helped to identify inequalities and to implement effective solutions. Furthermore, full compliance with international standards for equality, non-discrimination and minority rights, together with dedicated governmental bodies for minority, inter-ethnic and

interreligious issues were vital for the protection of minorities. Legal protection frameworks, civil society and regional and international organizations were also important.

64. In that connection, the principle of the responsibility to protect was applicable to disadvantaged minorities who faced violence. The international community must improve its ability to assist States in their efforts to prevent and resolve violence and, when such efforts failed, to intervene effectively to protect minorities.

65. The seventh session of the Forum on Minority Issues would take place in November 2014 and would focus on violence and atrocity crimes against minorities. It would be a unique opportunity for discussion and for the elaboration of recommendations to protect minorities from violence.

66. **Mr. Al-Obaidi** (Iraq) said that his delegation was concerned by the way in which the report referred to minorities in Iraq. Following terrorist attacks in some parts of Iraq in 2014, civilians in the affected regions, especially women and ethnic and religious minorities, had suffered numerous violations of their rights and thousands of people had been displaced. According to paragraph 30 of the report, minorities had been caught between fighting groups for many years. In fact, a terrorist attack had been committed by criminal gangs against the inhabitants, including minorities, of certain areas that were under their control in an attempt to destroy the very structure of Iraq and to attack its integrity. In future reports, care should be taken when describing terrorist groups and their targeting of minorities.

67. **Ms. Kunvatanagarn** (United States of America) said that preventing mass atrocities, including genocide, was a core national security interest and moral responsibility of the United States. Her country was concerned at the mounting pressure on the Muslim Tartar community in Crimea, whose members had been victims of extrajudicial killings, enforced disappearances and raids on mosques and madrasas, and at the violence and other forms of pressure against members of the Ukrainian Orthodox Church of the Kyivan Patriarchate, Ukrainian Greek Catholics, Jews and other religious minorities in Crimea. She asked the Special Rapporteur whether she had any updated information on the situation of members of minority groups in Crimea since her visit to Ukraine in April.

68. She asked what role the Special Rapporteur's mandate would play in the increased efforts of OHCHR to apply a preventive approach in its work, including through its commitment to developing tools and training for United Nations staff and through the implementation of the Rights Up Front framework of the United Nations.

69. Members of minority religious communities should be meaningfully involved in decisions that affected them. The Istanbul Process for implementing United Nations Human Rights Council resolution 16/18 had produced a body of best practice for combatting religious intolerance and violence and she asked whether that would be discussed during the Forum on Minority Issues in November.

70. **Mr. de Bustamante** (European Union) said that continuous acts of violence against persons belonging to minorities throughout the world were alarming. In view of political and social change and its impact on minority and community actors, including the Crimean Tartars, the United Nations human rights monitoring mission should be allowed into Crimea at the earliest opportunity in order to assess the current situation and to ensure that standards for human rights, including the rights of persons belonging to minorities, were being upheld in practice.

71. Special procedures and civil society had an important role in detecting the early signs of a potential crisis. He asked the Special Rapporteur to elaborate on her recommendation for consideration of strengthened channels of communication and information between special procedures and the General Assembly and the Security Council.

72. It was crucial to address impunity for violent crimes and to ensure that all perpetrators were brought to justice, and he therefore asked the Special Rapporteur what she thought were the most crucial practical steps to be taken in order to ensure accountability.

73. **Ms. Schneider Calza** (Brazil) asked whether the Special Rapporteur had any information on discrimination against religious minorities in their work environment.

74. **Mr. Hjelde** (Norway) asked how States could best work together to support each other in their efforts to end violence against minorities and asked the Special Rapporteur to elaborate on how civil society

could combat violence and discrimination against minorities.

75. **Mr. Hajnoczi** (Austria) said that, as the report indicated, States had the primary responsibility to protect the human rights and security of minorities and to prosecute anyone who committed or incited violence against them. All cases of intimidation, harassment and persecution, not only against minorities but also against their advocates, should be thoroughly and immediately investigated.

76. More attention should be paid to prevention, which was key to creating and maintaining a safe and enabling environment for minorities. The Special Rapporteur could be seen as an early warning mechanism whose findings should be used by the whole United Nations system and beyond. Austria would maintain its commitment to mechanisms that promoted and protected the rights of persons belonging to minorities, in particular through the Forum on Minority Issues, the seventh session of which would be an opportunity to identify and review positive practices relating to minority protection and diversity management.

77. He asked the Special Rapporteur what she considered to be the early warning signs of violence and genocide and whether she could provide examples of best practice relating to minority protection that had had a positive impact.

78. **Mr. Kőrösi** (Hungary) welcomed the decision to focus the report on violence against minorities and commended the introduction of the early warning system, which should serve to prevent and stop violence against minorities. In that connection and with regard to the statement made by the representative of Iraq concerning minorities in his country, he noted that the report and the Government of Iraq shared the same aim. He commended the Government of Iraq for standing firm against atrocities and violations committed by the Islamic State in Iraq and the Levant (ISIL), which amounted to war crimes and crimes against humanity. He commended both the Special Rapporteur and the Government of Iraq for doing everything possible to ensure that all perpetrators of war crimes were held to account.

79. **Ms. Velichko** (Belarus) thanked the Special Rapporteur for participating in a seminar on the prevention of racially motivated hate speech on the Internet, which her Government had held in Minsk in

September 2014 in partnership with OHCHR, and invited her to visit Belarus.

80. **Ms. Alsaleh** (Syrian Arab Republic) said that in numerous crises around the world, sectarian hate speech had become a source of gross and unprecedented violations of human rights and threatened international peace and security. Rather than being a platform for dialogue and the promotion of understanding among cultures and religions, mass and social media had become a means for targeting her country through hate speech, which sowed the seeds of violence and terrorism. With financial support, extremists had appeared in the guise of clerics on well-known satellite stations to hand down shameful fatwas and to promote sectarian speech that was rife with hatred and calls for jihad against Syria, its people and their Government.

81. In that regard, the Special Rapporteur had highlighted crimes committed by ISIL in Iraq and the Syrian delegation urged Ms. Izsák to not ignore crimes committed in Syria by the same terrorist group. She asked the Special Rapporteur what could be done to convince Governments to stop their support for satellite stations that incited terrorism and for clerics who fuelled sectarian sedition, and the media coverage thereof, and to fulfil their obligations under the Charter of the United Nations and under Security Council resolution 1624 (2005) and 2178 (2014).

82. **Ms. Vilde** (Latvia) said that her delegation appreciated the prompt engagement of the Special Rapporteur in addressing the situation in eastern and southern Ukraine and she looked forward to the Special Rapporteur's comprehensive report on her visit to that country. Latvia was particularly concerned about the numerous first-hand reports and reports from international human rights monitors regarding the situation of persons belonging to minorities in the illegitimately annexed territory of Crimea, especially Crimean Tatars. She asked what tools were available to the Special Rapporteur for assessing on the ground the situation of persons belonging to minorities, given the fact that neither the Special Rapporteur, during her visit to Ukraine, nor the United Nations human rights monitoring mission in that country, had been given access to the annexed territory of Crimea.

83. **Ms. Sukacheva** (Russian Federation) said that the Special Rapporteur was right to note that political change could lead to an increase in aggression towards

minorities and that, in many cases, the Arab Spring had led to violence against minorities, including Muslims and Christians. Any democratic change should evolve in its own way, avoiding political upheaval that could result in crises. It was clear that actions such as nationalist vandalism and xenophobia against minorities only polarized society, stimulating radicalism that often resulted in violent acts against certain categories of persons.

84. Her delegation did not understand why the Special Rapporteur had limited the geographical scope of her report. It would be interesting to know why she had ignored the violation of rights of national minorities in certain European States. In that regard, her delegation would be grateful for an objective review of the situation concerning the observation of rights of Russian-speaking populations in the Baltic States and in Ukraine.

85. There was no reason to discuss the preliminary version of the Special Rapporteur's report on her visit to Ukraine at the present meeting, since substantive discussion on that issue was planned for the twenty-eighth session of the Human Rights Council in March 2015.

86. **Mr. Tituaña Matango** (Ecuador) asked the Special Rapporteur what should be done to promote the representation in public spheres of minorities such as indigenous peoples and how minorities could be better protected against exploitation and violence by transnational businesses.

87. **Ms. Izsák** (Special Rapporteur on minority issues) said that early warning should come with early action and therefore national responses and mechanisms, and those of the United Nations, had to be strengthened. People who had lived together in peace for centuries did not suddenly get up one day and start noticing the differences in the way they looked or prayed; violence was instigated and incited by others. Hate speech by community, religious or government leaders could very quickly deteriorate into a complete lack of trust within communities. It was important to emphasize that often people noticed differences when politicians gave preference to one group over another, when corruption was involved or when there were deficits in good governance and the rule of law. All reports of the incitement of hatred by religious or political leaders must be taken seriously and individuals must be held to account. With

accountability and strong courts that prosecuted people promptly, it was possible to eliminate danger and lack of trust and to rebuild societies. Governments could work with religious leaders by bringing them together for discussion. Such consultations could be very good prevention tools because they gave government officials early signs of communities being hurt and harassed. The importance of civil society and of activities carried out by non-governmental organizations such as peace marches, for example, could not be underestimated.

88. Many regional bodies did not have a department that looked explicitly at minority issues. That situation should be addressed because such international bodies were very important in preventing the failure of nations and Governments and the suffering of their populations.

89. With regard to her visit in April 2014 to Ukraine and the strengthening of the United Nations response mechanism, she said that her report on the visit had been timely in April, but it might not be so by the time of submission to the Human Rights Council in March 2015. A similar delay had occurred with the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on his country visit to Rwanda in 1993. Such technical barriers had to be overcome so that discussions on reports and their findings remained relevant.

90. She had held preliminary discussions concerning country visits with Brazil, the Russian Federation and Botswana, and she thanked the delegation from Belarus for its invitation. Whenever access to particular countries or areas was not possible, social media, although not the same as first-hand country visits, did provide a lot of reliable information.

91. Minority rights protection was an obligatory component of United Nations staff training. The United Nations system, including its field offices, had to consider its diversity and how representative it was of the people it served. For specific issues on countries that she had visited or had discussed in her report, she would be happy to hold bilateral talks with the delegations concerned.

92. **Mr. Lynn** (Myanmar) said that, with regard to the reference to his country in the Special Rapporteur's report, in particular, Rakhine State, the description of events was very far from the truth. His Government was in fact trying to restore harmony between the

communities in question and achieve reconciliation. He therefore encouraged the Special Rapporteur to go the extra mile and see the situation on the ground for herself.

93. **Mr. Al-Obaidi** (Iraq) said that his delegation was grateful that the Special Rapporteur had highlighted the crimes perpetrated by terrorist gangs, but it would have been preferable to state clearly those gangs had specifically targeted minorities.

94. **Ms. Izsák** (Special Rapporteur on minority issues) said that she would be very happy to visit Myanmar, as nothing could replace the first-hand gathering of information. As for the situation of displaced minorities in Iraq, those minorities had the right to reside in the territories in which they had lived historically and where they had access to material resources necessary for their survival. She hoped that the Iraqi Government would be willing to introduce stronger criminal justice measures and courts that could bring perpetrators to justice. She was ready to discuss with the Government how that could work and the ways in which an inclusive government could ensure peace and security and restore trust within communities.

The meeting rose at 12.50 p.m.