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Chair: Mr. Braun (Luxembourg)

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*)

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The meeting was called to order at 3.05 p.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](#), [A/74/342](#) and [A/74/507](#))

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) ([A/74/36](#))

1. **Mr. Kaye** (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression), introducing his report ([A/74/486](#)), said that, year after year, there had been a continuing trend of deterioration of the rights to freedom of expression. At the same time, there were places where years of repression were giving way to new and open forms of governance, and there were places where freedom of expression was expanding and strengthening.

2. The subject of his report was online hate speech, a short-hand phrase that conventional international law did not define. Because of its vagueness, the phrase could be abused to enable infringements on a wide range of lawful forms of expression. Many Governments used the term in the same way they used the term “fake news”, namely, to attack political enemies, non-believers, dissenters and critics. The phrase’s weakness also seemed to inhibit Governments and companies from addressing genuine harms such as

incitement to violence. The situation frustrated a public that often perceived rampant online abuse.

3. Online hate speech had thus justifiably become a global concern. Freedom of expression must be part of the solution to hateful online content. Freedom of expression was not the problem; failure to adjust institutions and frame laws according to the problem was. He was concerned that national laws applying to hate speech, online and offline, often failed to meet the standards of legality, necessity and legitimacy. They were often vague and left government authorities excessive discretion to punish forms of expression. Few States had involved their courts in the process of evaluating online hate speech inconsistent with local law.

4. Governments had been increasing the pressure on companies operating online platforms to serve as the adjudicators of hate speech, thereby enhancing the power of those companies while ensuring very little, if any, oversight or opportunity for redress. What States should be doing instead, was enacting laws and pursuing policies that induced companies to protect the freedom of expression and counter lawfully restricted forms of hate speech using a combination of tools: transparency requirements that ensured public oversight; adjudication by independent judicial authorities; and other social and educational efforts along the lines proposed in the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and Human Rights Council resolution [16/18](#).

5. The spread of hateful online content was seemingly being spurred on by a business model that valued attention and the potential to “go viral”. In addition, Internet companies operated across jurisdictions, and the same content could have different impacts in different places. Online hate speech was often produced by unknown speakers and was characterized by coordinated bot threats, disinformation, so-called deep fakes, and mob attacks.

6. Yet companies managed hate speech on their platforms almost entirely without reference to the human rights implications. That was a mistake, as it deprived them of a framework for making human rights-compliant decisions and articulating their enforcement to Governments and individuals, while hobbling the public’s capacity to make claims using the globally understood vocabulary of human rights. In his report, he reiterated the call for companies to institute human rights policies, in particular mechanisms to conduct periodic reviews of the impact of their platforms on human rights; mechanisms to avoid adverse human

rights impacts and prevent or mitigate those that did arise; and mechanisms to implement due diligence processes aimed at identifying, preventing and mitigating human rights impacts, accounting for how they addressed those impacts and remediating harm.

7. Turning to the conclusions and recommendations in his report, he said that States and companies should address the problems of hate speech with a determination to protect those at risk of being silenced and to promote open and rigorous debate on even the most sensitive issues in the public interest.

8. Government approaches to online hate speech should start from two premises. First, as the General Assembly and the Human Rights Council had noted repeatedly, offline human rights protections must also apply to online speech. Online hate speech should not be a special category subject to higher penalties than offline hate speech. Second, Governments should not demand action from social media companies and other intermediaries that they themselves were barred from taking under international human rights law.

9. In keeping with those foundations, States should, as a minimum, do the following. First, they should strictly define the terms in their laws that constituted prohibited content under the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, and resist criminalizing such speech except in the gravest situations. Second, States should review existing laws or develop legislation to counter hate speech in a way that met the requirements of legality, necessity and legitimacy, and subject such rulemaking to robust public participation. Third, to tackle hate speech, States should employ measures of good governance, including those recommended in Human Rights Council resolution 16/18 and the Rabat Plan of Action, and thus reduce the perceived need for bans on expression. Fourth, States should review existing intermediary liability rules or adopt new ones that adhered strictly to human rights standards. Such rules should not require companies to restrict expression in ways that were not permissible for the State itself. Fifth, States should establish or strengthen independent judicial mechanisms to ensure that individuals had access to justice and remedies. Sixth, States should adopt laws requiring companies to make public in detail their definitions of hate speech and their methods of countering it, and maintain databases in which they recorded the actions they took in that regard, and should encourage companies to respect human rights standards in their rules. Seventh, States should actively engage in international processes designed as learning forums for addressing hate speech, such as the Istanbul Process for

Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief.

10. Meanwhile, companies had for too long avoided human rights law as a guide to their rules and rulemaking, notwithstanding the extensive impacts that they were having on the human rights of their users. In his report, he had encouraged companies to take a range of steps based on the Guiding Principles on Business and Human Rights. First, companies were encouraged to evaluate how their products and services affected the human rights of their users and the public; second, to adopt content policies that tied their hate speech rules directly to international human rights law; third, to define the category of content that they considered to be hate speech with reasoned explanations for users and the public; fourth, to ensure that any enforcement of hate speech rules involved an evaluation of context and the harm that the content imposed on users and the public; fifth, to ensure that contextual analysis involved the communities most affected by the platform content identified as hate speech and that those communities were involved in identifying the most effective tools to address the harms caused; and, sixth, as part of their overall effort to address hate speech, to develop tools that promoted individual autonomy, security and free expression, and involved de-amplification, demonetization, education, counter-speech, reporting, and training as alternatives, when appropriate, to the banning of accounts and the removal of content.

11. **Mr. van Oosterom** (Netherlands) said that, in 2020, his country would host the next meeting to be held under the Istanbul Process, as well as World Press Freedom Day. He was concerned about the deepening crisis around the world with regard to freedom of expression, in particular the shrinking of the civic space, both online and offline. He was also concerned about the surveillance of journalists, activists, opposition figures, critics and others who exercised their freedom of expression in the digital space. Internet surveillance sometimes led to arbitrary detention, torture and even extrajudicial killings. Cyberspace had its dark corners; measures were needed to address those. At the same time, the Internet was an incubator for brilliant ideas, life-changing innovations and social change. The Internet had changed life for the better and contributed to the enjoyment of human rights around the world.

12. It was a matter of striking a balance between the dark corners of the Internet and the freedom of expression. For the Netherlands, human rights applied in the same way online as they did offline. All States must ensure that their legislation was in full compliance with international human rights standards. Everybody

had the right to hold and express opinions without interference from the State. The Netherlands therefore fully supported a human rights approach to the regulation of online content.

13. He asked how the regulation of online content could address the dark corners of the Internet while at the same time safeguarding democratic values and human rights.

14. **Ms. Fréchin** (Switzerland) said that there were many worrying trends affecting the right to freedom of expression. In several regions, journalists had less and less freedom and safety to work, and hostility and violence had become their daily reality. Attacks affected female journalists in particular, and those attacks frequently occurred online. Although new technologies were creating many opportunities, they could also be abused to restrict fundamental rights not only through cyberbullying, but also through illicit and arbitrary surveillance and information filters based on algorithms that limited people's exposure to different points of view. Moreover, data protection was growing ever more important. The responsibility for protecting the freedom of expression rested not only with States, but also with companies.

15. She asked how, in practice, journalists working on hate speech could be protected against restrictions imposed on the content they produced.

16. **Ms. Berry** (United Kingdom) said that her country was disappointed to see increasing action targeted at restricting the freedom of expression, from online surveillance and the targeting of those who were fighting for the protection of human rights to the silencing of those who had different views to those in power. She was also concerned by the continued onslaught against journalists who highlighted human rights abuses and called out those responsible, and by the emerging threat of disinformation.

17. She asked how the freedom of opinion and expression could be better promoted online in States where it might be lacking, and how such States could be engaged with.

18. **Mr. Potter** (Ireland) said that his country was deeply concerned at the Special Rapporteur's findings that surveillance of individuals, including journalists and others exercising their right to freedom of expression, had been leading to arbitrary detention, sometimes to torture and possibly to extrajudicial killings. He was also concerned that, when used for illicit purposes, surveillance could silence dissent, sanction criticism or punish independent reporting and sources for that reporting. Civil society had an essential

role to play in the promotion of human rights both nationally and internationally, including at multilateral forums. He reiterated his country's call to States to ensure the protection of the right to freedom of expression and create and maintain a safe and enabling environment in which civil society could operate free from hindrance, insecurity and reprisals.

19. Human rights defenders continued to face increasing attacks for their work. He asked what the impact was of surveillance on human rights defenders, particularly those in vulnerable groups.

20. **Mr. Leval** (France) said that his country agreed with the Special Rapporteur about the need for States to ensure that their regulation of online content fulfilled the criteria of legality, necessity, proportionality and legitimacy as imposed by international law. France was concerned by the growing number of Internet cuts and restrictions that States were imposing in the name of countering hate speech. Such practices were a disproportionate infringement of the freedom of expression. He agreed that hate speech must be countered using a wide range of tools, such as education, human rights training, the promotion of pluralism and individual autonomy.

21. The International Partnership for Information and Democracy, launched in September 2019 by 30 States under the Alliance for Multilateralism, was part of that effort. Its aim was to defend the right of the individual to independent, pluralistic and reliable information in a time where misinformation had become commonplace, professional journalism was being weakened and many States were maintaining their political control over the media.

22. **Mr. Roijen** (Observer for the European Union) said that new and emerging technologies had created new opportunities for individuals to disseminate and access information, hence, to influence decision-making processes. Technological innovations had an impact on the enjoyment of fundamental rights. As stated in the European Union human rights guidelines on freedom of expression online and offline, in the digital age, all human rights that existed offline must also be protected online, in particular the right to freedom of opinion and expression and the right to privacy, which also included the protection of personal data. In their design, development and deployment, new technologies should be rooted in human rights. He welcomed the recent launch, by the Secretary General, of the United Nations Strategy and Plan of Action on Hate Speech and the growing attention devoted to that issue in multilateral fora.

23. In the digital age, surveillance was not limited to States. Non-State actors – mainly private companies and individuals – were involved in the production of, trade in and use of tools of digital surveillance. Their detection was proving increasingly difficult. Any interference in an individual's privacy should be consistent with the three principles of legality, necessity and proportionality. Unlawful and arbitrary surveillance could lead to human rights violations.

24. He asked what specific co-regulatory initiatives the Special Rapporteur would recommend the European Union and others take in order to develop even higher human rights-based standards of conduct and contribute to fully safeguarding the rights to freedom of expression and opinion. He also wondered what the best practices were to strengthen and promote freedom of expression with a view to ensuring democratic processes.

25. **Mr. Caverhill-Godkewitsch** (Canada) said that the right to freedom of opinion and expression was a human right with far-reaching consequences for the enjoyment of all other rights. He was concerned about the growing restrictions being imposed on free expression online that resulted from measures taken by some Governments to censor or control digital technologies. Too often, States abused the definition of hate speech to unduly restrict open and rigorous debate. At the same time, States must respect their obligation to prohibit advocacy of national, racial or religious hatred that constituted incitement to discrimination, hostility or violence.

26. He asked the Special Rapporteur to elaborate on the best practices that he had observed while preparing his report.

27. **Ms. Oehri** (Liechtenstein) said that the unchecked spread of hate speech over the Internet and social media could have varying effects and result in violence and even atrocities. Liechtenstein supported the International Partnership for Information and Democracy of the Alliance for Multilateralism to promote freedom of expression and opinion as a way to promote respect, pluralism, trustworthy information, journalism and open public debate. Unfortunately, in Liechtenstein's newspapers and on Internet forums, there had also been discriminatory comments against certain social groups. The country's commission for the prevention of violence had stepped up its activities to prevent hate speech. As part of that effort, the commission had contacted the two largest print media in the country to raise awareness of hate speech and draw their attention to their legal obligations.

28. She asked the Special Rapporteur to give more recommendations on how print media and social media

companies could prevent hate speech. She also asked how potential victims could best protect themselves and seek redress.

29. **Ms. Krutulytė** (Lithuania), speaking on behalf of the Nordic and Baltic countries (Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden), said that the freedom of expression was indispensable to good governance, informed decision-making, democracy, free and fair electoral processes and government accountability. She asked how private entities could be encouraged to take a proactive approach in promoting and protecting human rights in their activities.

30. **Mr. Mack** (United States of America) said that his country's experience had taught that broad speech restrictions were not effective. Too often, they restrained democratic engagement, diminished respect for human dignity and stifled change and social advancement. Banning offensive speech had often served to protect those interested in maintaining the status quo or maintaining their own political preferences. He was gravely concerned that decisions by Governments to ban offensive speech might serve, intentionally or unintentionally, to undermine human rights and democracy. Unfortunately, there were examples of intentional abuse of such restrictions all over the world. He condemned the methods used by China to limit and dismantle the freedom of expression and create a pervasive surveillance state, particularly in Xinjiang. He was troubled by the systematic action taken by the Government of Turkey to restrict the country's media environment, including closing media outlets, jailing media professionals and blocking critical online content. He was also concerned that the Digital Security Act in Bangladesh was being used to suppress and criminalize free speech, to the detriment of the country's democracy.

31. Democracy and prosperity depended on the free exchange of ideas and the ability to dissent. The United States robustly protected the freedom of expression because the cost of stripping away individual rights was far greater than the cost of tolerating hateful words. The best way to combat intolerant ideas was to challenge them with well-reasoned counterarguments.

32. He asked how Governments should engage with social media companies to combat hate speech online.

33. **Mr. Vorobiev** (Russian Federation) said that the rights of journalists were being curtailed more and more widely and that certain States had put in place entire mechanisms to put pressure on unwelcome media figures. He categorically condemned such practices. The situation was worst of all in Ukraine, where the

authorities continued their policy of cleansing the news space, fanning anti-Russian hysteria and letting loose a stream of lies. Russian and foreign media were being expelled from Ukraine either under false pretences or without a reason given. Journalists continued to be illegally arrested and detained, and in the Donbass region journalists regularly came under fire from Ukrainian armed forces. In the Baltic republics, the situation regarding the news space was not improving either. The Governments of those countries were purposefully acting to limit the presence of news media from the Russian Federation.

34. The situation regarding the rights of the Russian media in France continued to be unacceptable. For a long time, the authorities in Paris had systematically been denying accreditations for events held at the Elysée presidential palace and the Ministry of Foreign Affairs to staff of the Sputnik news agency, the RT-France television station and the Ria Novosti news agency. The editorial staff of Sputnik had been cut off from government advisories, and its Russian staff were regularly singled out for inspection at border crossings, even when travelling within the European Union.

35. Another source of serious concern was the treatment Russian media received in the United Kingdom, where the authorities were stirring animosity and mistrust towards journalists from the Russian Federation. That had culminated in RT and Sputnik being denied accreditations for an international conference on media freedom held in London on 10 and 11 July 2019.

36. States had an obligation to guarantee journalists their right to freely gather and report the news. He called on the Special Rapporteur to devote attention to the debatable practice of purging the news space from media that represented points of view not favourable to the Government of a given country, and of purging the news space in the West.

37. **Mr. de Souza Monteiro** (Brazil) said that present-day communication technology was a double-edged sword. While it enabled individuals around the world to access and exchange information, it also enhanced the capacity of Governments, companies and individuals for surveillance in ways that violated human rights. In the digital age, privacy and expression were intertwined. People would feel free to speak their minds only if they were certain that they would be heard only by their intended audience and not by intruding Governments or businesses. As the Special Rapporteur had stated in his report, there were numerous ways in which Governments and technology companies could combine forces in violating the privacy of individuals, causing

more damage than each could do separately. The existing national and international legal tools available to restrain such activities were mostly outdated.

38. He asked how States, civil society and the private sector could collaborate to institute proper norms and standards.

39. **Ms. Stankiewicz Von Ernst** (Iceland) said that her country had signed a global pledge on media freedom at the Global Conference on Media Freedom held in July 2019 in London by Canada and the United Kingdom. Iceland shared the concern of the Special Rapporteur that the targeted surveillance of journalists, activists, opposition figures, critics and others exercising their right to freedom of expression often led to arbitrary detention, and sometimes torture and, possibly, extrajudicial killings. The previous year, 2018, had been the deadliest on record for journalists. The United Nations Educational, Scientific and Cultural Organization (UNESCO) had confirmed that at least 99 journalists had been killed and 348 imprisoned, and that a further 60 were being held hostage. She recalled that one year had passed since the killing of Jamal Khashoggi at the Consulate of Saudi Arabia in Istanbul, Turkey. It was important that the truth be established and those responsible held accountable. She also recalled the recent joint statement by the Special Rapporteur together with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Representative on Freedom of the Media of the Organization for Security and Cooperation in Europe (OSCE) and the Commissioner for Human Rights of the Council of Europe, in which they had called on the Government of Malta to hold those responsible for the murder of Daphne Caruana Galizia to account.

40. She asked how States could strike the balance between regulating online expression and protecting freedom of speech, human rights and democracy.

41. **Ms. Xu Daizhu** (China) said that her country attached great importance to the freedom of opinion and of online expression. There were 829 million Internet users in China, and large numbers of books and articles had been published in China in 2018. Arguably, China generated the largest amount of content in the world and had the richest ideas in the world. In Xinjiang, the right of citizens to express their opinions must be respected, but that went hand in hand with respect for the rule of law. The expression of opinions had to remain within the limits of the law. China was in favour of dialogue and cooperation regarding the governance of the Internet.

42. China firmly opposed the finger-pointing by certain countries for the measures it had taken in Xinjiang, which were, in fact, anti-terrorist measures

aimed at creating a stable social order and promoting the rights of the various ethnic groups living there. She hoped that certain countries would refrain from applying double standards, as they were defending law and order at home while defending freedom of expression abroad. She doubted that such flip-flopping would win hearts and minds.

43. **Mr. Herasymenko** (Ukraine) said that, over recent years, the Ukrainian population had enjoyed freedom of expression on a scale unprecedented in its history. However, in the context of the armed conflict unleashed by the Russian Federation against his country, propaganda and fake news remained the core non-military instruments used by the Government of the Russian Federation to influence public opinion and achieve political and military objectives. Ukraine remained deeply concerned about the massive campaign of propaganda and incitement to hatred against Ukraine.

44. **Ms. Alzayani** (Bahrain) her Government was committed to ensuring that journalists had at their disposal the means required to express their opinions in an independent and transparent manner, an integral human right guaranteed by the Constitution and laws of Bahrain. A recently enacted draft law on digital journalism and media took into account the views of journalists' associations and expanded their powers, in addition to promoting the free, independent and responsible exercise by journalists of their professional duties in safety. The new law also prohibited the arbitrary dismissal and pretrial detention of journalists on charges of crimes related to publication. Lastly, the annual commemoration of Bahraini Journalism Day took place on 7 May.

45. **Mr. Kaye** (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression) said that human rights law was not only about investigating and evaluating the practice of States, but also their laws, to ensure that those laws themselves were legitimate and consistent with fundamental human rights standards. In a rule-of-law society, the State guaranteed and even promoted not only the freedom of expression, but also basic principles such as non-discrimination, judicial enforcement and oversight, and public participation in the adoption of relevant rules. That foundation must underpin all discussions about the lawfulness under human rights law of particular rules on the freedom of expression.

46. Any national rules countering hate speech should be focused on the language of article 20, paragraph 2, of the International Covenant on Civil and Political Rights. That provision did not set out that all forms of hate speech could be restricted, but that advocacy of national,

racial or religious hatred that constituted incitement to discrimination, hostility or violence must be prohibited by law. He urged Governments to use that very specific language in designing their rules on hate speech. Other kinds of speech that might be difficult or problematic, or even hateful, should not simply be prohibited, but made subject to the standards of article 19, paragraph 3, which required that the principles of legality, necessity, proportionality and legitimacy be applied. It was not only fair, but valuable for Governments to encourage and even require in particular social media companies to be more transparent, to disclose more about their rules and the way in which they enforced them. He encouraged countries to do that rather than regulate particular kinds of content, which, as some delegations had pointed out, often led down a road of overregulation and the regulation of completely lawful kinds of content.

47. There was a useful ruling of the European Court of Human Rights that had a bearing on the protection of journalists who reported on hate speech. According to the Court's ruling in *Jersild v. Denmark*, reporting on hateful content must be distinguished from the actual incitement to violence and incitement to discrimination itself. When journalists reported on difficult content, their reporting had to be protected to ensure that there was an educated society that could engage in the relevant debates, even if the topic of the content they reported on was terrorism, hate speech or extremism. Also, there should be a distinction between print and social media. Print media companies were clearly editors of the speech that they published. Social media companies, on the other hand, were not editors in the traditional sense, which did not mean that they were simply bystanders to the content that they were hosting on their platforms. In drawing up rules, Governments should therefore make a very clear distinction between print media and social media.

48. He encouraged countries to study the work done by the non-governmental organization Article 19 on social media councils, which were a sophisticated form of multi-stakeholder governance that could be of value not only to States, but also to civil society and companies.

49. Lastly, the surveillance of journalists, opposition figures and dissenters in ways that took advantage of a new industry of private spyware was having deeply problematic effects on the freedom of expression around the world. He encouraged States to consider a moratorium on the development of private spyware, its transfer and its sale, because it was an industry that operated without any governance or standards. There were global tools available, such as the Wassenaar Arrangement on Export Controls for Conventional Arms

and Dual-Use Goods and Technologies, that could be used to impose new standards, but, to date, those had not been used to real effect. He encouraged States to use spyware in accordance with human rights law and to restrict its transfer in accordance with those same norms.

50. **Mr. Roscoe** (United Kingdom), responding to the comments made by the Russian Federation about media freedom, said that his country valued the freedom of expression over all other things, because it was fundamental to the proper delivery of democracy. For that reason, the United Kingdom had an independent body that oversaw media freedom. On several occasions, that body, the Office of Communications, had found RT and Sputnik to be in breach of the rule requiring that reporting be impartial.

51. **Mr. Bohoslavsky** (Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights), introducing his report (A/74/178), said that pervasive inequality was a structural issue with deep roots in the divorce between human rights and finance. Through his thematic and country reports, he had drawn attention to the fundamental connection between finance and human rights. He had aimed to challenge the silos in which many scholars, policymakers, international financial institutions and human rights defenders worked and to ensure that all had seen that finance and human rights were complimentary and needed an interdisciplinary approach. He had called attention to systemic problems related to debt crises and debt restructurings, vulture funds, illicit financial flows, structural adjustment, labour reforms, austerity measures, and, most importantly, the direct impact those issues and policies had on the enjoyment of rights.

52. There were issues that were rarely discussed from a human rights perspective, even though they affected millions of people in all regions. First, the fact that many women performed unpaid, often disregarded, care work, through which they continued to contribute greatly to the economic system. Second, that the austerity measures currently extended in most countries had a disproportionate impact on women. Third, that the repatriation of stolen assets was a human rights matter. In the same vein, he was preparing a report for the Human Rights Council on the impact of private household debt on human rights, an issue that had garnered little attention but could be the harbinger of a debt crisis in the coming years.

53. During 2019, he had visited Mongolia and the Plurinational State of Bolivia. In 2020, he would visit Ecuador, bringing the total number of his country visits to 12. He had tried to ensure that the countries he visited represented a good balance in terms of regions and development levels. While the impact of his mandate was not immediate and did not result in big headlines, it could be seen in mid- to long-term changes in the way that public policies on finance were understood, designed and implemented.

54. In his report, he had further developed the guiding principles on human rights impact assessments of economic reforms (A/HRC/40/57). He had focused specifically on the complicity of international financial institutions in the implementation of economic reforms by States that violated economic, social and cultural rights.

55. It was essential that international financial institutions incorporated human rights impact assessments into the design of their economic reform programmes. The aim in doing so was to prevent harm or, if harm could not be avoided, to compensate for it and put guarantees in place to avoid repetition. Such assessments should be conducted in harmony with existing safeguards and mechanisms in order to contribute to informed decision-making and complement findings from a human rights perspective.

56. An internationally wrongful act facilitated by a given lender could be considered a violation of human rights, in particular civil and political rights and economic, social and cultural rights. That argument was derived from a thematic study on financial complicity in lending to States engaged in gross human rights violations that he had submitted to the Human Rights Council in 2014 (A/HRC/28/59). However, in policy and academic debates, little attention had been devoted to the issue. States could adopt austerity measures at their own initiative. However, such measures were commonly imposed as a result of the conditionality of the agreements those States concluded with international financial institutions. The role of those institutions in any ensuing violations of economic, social or cultural rights was often overlooked. International financial institutions could also contribute to such violations in the context of their lending, surveillance and technical assistance operations. By prescribing economic reforms with foreseeable negative effects on human rights, international financial institutions could thus be considered complicit.

57. Under international law, complicity rested on at least three determining factors: first, the commission of an act considered wrongful under international law;

second, knowledge on the part of the State or the facilitator, in the present case an international organization, of the element of wrongfulness, which included wilful blindness; and, third, the existence of a causal link, in the present case facilitation, between the goods or services provided by the financial agent and the harm caused, in the present case the violation of human rights by means of an economic policy implemented by a given Government.

58. Where technical assistance, surveillance, loans and their conditionality were imposed on States without considering whether they might be detrimental to the economic, social and cultural rights of those affected, serious concerns must be raised. Where human rights violations had occurred and it was proved that those had resulted from the conditionality of a loan, the responsibility of those involved should come into question. In such cases, States, as the direct perpetrators, and international financial institutions, as their accomplices, could be held accountable.

59. In his report, he concluded that, as austerity measures regularly resulted in negative effects on human rights, there was a solid legal basis for a *prima facie* inconsistency between the implementation of austerity policies during a recession and the obligation to protect human rights.

60. Not all economic reform policies adopted to counter economic crises were intrinsically at odds with human rights. However, austerity measures often lacked any serious theoretical or empirical justification from a human rights perspective. Given the well-established human rights records connected with austerity policies around the world, it was striking that economic reforms and measures adopted by States to fulfil loan conditionality pushed by international financial institutions were rarely accompanied by *ex ante* human rights impact assessments. While States remained the main duty bearers in that domain, international financial institutions could also be held accountable for their complicity if they prescribed policies that clearly had the potential to affect human rights or to contribute to violations of human rights.

61. The fact that human rights impact assessments were neither regularly conducted nor requested by international financial institutions (or by States, for that matter) was inconsistent with the practice, common among financial institutions, of undertaking environmental and social impact assessments for project financing. If international financial institutions could be held responsible for avoidable harm done to those affected by a dam they financed, there was no reason not

to hold them responsible for the avoidable human rights damage produced by retrogressive economic reforms.

62. One of the main recommendations made to international financial institutions was that they undertake human rights impact assessments regarding economic reform policies before and after determining certain conditionalities and, more generally, economic reforms with regard to State borrowers and recipients, in line with the guiding principles on human rights impact assessments of economic reforms. Those impact assessments should be independent, participatory, informed, transparent and gender-sensitive. This was the very least that was expected from international financial institutions under international human rights law. Human rights should always inform economic policymaking.

63. **Ms. Xu Daizhu** (China) said that, according to the International Monetary Fund (IMF), the current trade war was having a negative impact on the global economy. Around the world, people were living in poverty, and 4.2 billion people were still lacking sanitation. The lack of balance and sustainability in global development remained pronounced and developing countries faced major challenges. The international community should put that issue at the top of the macroeconomic policy agenda and the Independent Expert should devote more attention to it.

64. China followed four principles with its foreign assistance. The first was equality: China fully respected the will of local populations and Governments, with no political strings attached. Secondly, China pursued mutual benefit, and all its projects were based on feasibility studies. Thirdly, China considered financial sustainability for the countries involved. Fourthly, China did not merely provide a rod, but taught countries to fish. As the largest developing country in the world, China had already provided nearly 400 billion renminbi to 160 countries and organizations. Through the China-United Nations Peace and Development Fund and the United Nations Fund for South-South Cooperation, China would help other developing countries to implement the 2030 Agenda for Sustainable Development. In cooperation with other countries, China would contribute to the open and inclusive development of the world economy to achieve prosperity for all.

65. **Ms. Cue Delgado** (Cuba) said that the negative impact of external debt on human rights was undeniable, especially in developing countries, as was clear from the various national reports to the universal periodic review mechanism of the Human Rights Council. A fair and equitable international order needed to be established.

In 1979, during the thirty-fourth session of the General Assembly, Cuba had called for a new world order based on justice, equity and peace to replace the unequal and unjust system that prevailed at the time. Those words were still valid today. The report of the Independent Expert showed that the economic reforms undertaken by some States as a result of the overly strict conditions and neoliberal recipes imposed by international financial institutions such as IMF and the World Bank were violations of human rights in which those institutions were complicit.

66. She asked what impact the measures recommended by the international financial institutions were having on gender equality and the empowerment of women. She also asked for more details about international accountability for illicit acts committed by international financial institutions and the mechanisms that could be used to hold them accountable.

67. **Mr. Bohoslavsky** (Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights) said that international trade policies could both positively and negatively affect poverty, inequality, and the enjoyment of economic, social and cultural rights. The guiding principles on human rights impact assessments of economic reforms were based on a holistic and comprehensive approach. They covered all aspects of economic policy that could have territorial or extraterritorial effects on human rights, as well as fiscal, industrial, monetary, financial and social policies.

68. The effect of austerity and adjustment measures on gender equality had been negative. In his previous report (A/73/179), he had specifically discussed the impact of adjustment and austerity measures on gender inequality. That impact had been extremely corrosive. International financial institutions used the rhetoric of reducing gender inequality and the empowerment of women. However, that rhetoric was not accompanied by public investments to address unpaid care and domestic work, the harbinger of gender inequality. Robust public investments in the care economy were needed to significantly diminish gender inequality.

69. Accountability for the effects of the policies imposed by international financial institutions should be looked at from both the national and international perspectives. At the national level, scrutiny of the negotiations on the loan conditions was a matter for the national authorities, in particular the national courts. In a number of countries, courts had handed down judgments in which this matter was discussed. His current report was an attempt to enrich that legal

discussion by putting forward arguments showing that, under current international human rights law, international financial institutions could and must be held accountable for the negative consequences of their decisions.

70. If it was established that an international financial institution could be held accountable for its financing of a hydroelectric dam that had had a negative environmental and social impact, then there was no apparent reason why it could not also be held accountable for financing and putting forward economic policies that had a clear and immediate negative impact on human rights, such as budget cuts for primary schools or basic health care.

71. At the international level there were a number of forums in which accountability should be discussed. He recalled that some institutions, such as IMF and the World Bank, were part of the United Nations system. International institutions were not above human rights law and must comply with certain recommendations. Specifically, it was inconceivable that international financial institutions did not assess the impact that their measures were going to have on human rights before recommending and promoting those measures and often pressuring countries into implementing them. That was precisely what was recommended in the guiding principles, which formed a tool for ex ante and ex post impact assessments.

72. **The Chair** invited the Committee to engage in a general discussion on the item.

73. **Mr. Gonzato** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro and North Macedonia, said that all Member States should implement, uphold and promote the highest human rights standards. Members of the Security Council, in particular its permanent members, bore a special responsibility to support all three pillars of the United Nations, namely human rights, peace and security, and development. The European Union criticized those States that attempted to create a hierarchy between those three pillars, as well as a hierarchy of human rights, as an excuse to deny individuals human rights and fundamental freedoms, reduce the allocation of funds for the human rights system of the United Nations and refuse to give the Office of the United Nations High Commissioner for Human Rights (OHCHR) and human rights mechanisms access to their territories.

74. An effective human rights system was essential if the United Nations was to work for the citizens of the world and must remain the platform for the international community to denounce human rights violations and

abuses wherever they were committed and to seek accountability for them. He rejected the view that human rights violations and abuses should not be addressed in international forums, or that economic and social development should take precedence over human rights. Full respect for all human rights was the cornerstone of prosperity and peace, and development was not a substitute for human rights progress. All human rights were to be realized around the world, whether they be civil or political rights, or economic, social or cultural rights. As human rights were also central to the 2030 Agenda, he called on the United Nations to closely monitor progress towards meeting the Sustainable Development Goals.

75. He noted with appreciation the progress made by the Global Alliance to end trade in goods used for capital punishment and torture, a cross-regional effort by more than 60 countries. He also welcomed the recent adoption by the General Assembly of a resolution on torture-free trade and called on States to support the work ongoing at the United Nations to establish common international standards in that field. The European Union promoted a positive narrative on human rights and spearheaded the Good Human Rights Stories initiative, whose aim was to promote human rights through inspiring stories that people could learn from and that could be replicated around the world.

76. Across the world, reprisals against human rights defenders, including harassment, arrests, attacks and killings, were on the rise. Human rights defenders were natural and indispensable allies in the promotion of human rights and should be protected and defended. Since 2015, the European Union had supported some 30,000 human rights defenders and their families both politically and financially.

77. The European Union was concerned about the environmental and social impact of the burning of the Amazon rain forest. It advocated respect for the rights of indigenous peoples, including with regard to land tenure and the principle of free, prior and informed consent as set out in the United Nations Declaration on the Rights of Indigenous Peoples, so that they could continue their important role as stewards of biodiversity. The European Union also saw a clear contradiction in the fact that some States that had stated their commitment to multilateralism and were present in the Human Rights Council had not signed or ratified core human rights conventions. He called on China to ratify and uphold the International Covenant on Civil and Political Rights, and called on Malaysia, Myanmar, Oman, Saudi Arabia, South Sudan and the United Arab Emirates to accede to the Covenant. He also called on the United States of America to ratify the International

Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, and on Botswana, Malaysia, Mozambique, Myanmar, Oman, Saudi Arabia and the United Arab Emirates to accede to the International Covenant on Economic, Social and Cultural Rights. He called on India, the Islamic Republic of Iran, Myanmar, the Sudan and the other States concerned to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

78. In the same vein, the European Union was seriously concerned about the continuing refusal by an increasing number of States to cooperate with OHCHR and the human rights mechanisms, or to grant them access to their territories or specific regions. He called on all States to issue a standing invitation to special procedure mandate holders.

79. The European Union did not see any tangible progress on human rights in the Democratic People's Republic of Korea. The human rights violations in and by that State were systematic, widespread and gross, including those identified by the commission of inquiry on human rights in the Democratic People's Republic of Korea. He urged the Government to urgently improve the human rights situation, to sign, ratify and implement additional United Nations human rights conventions, and to invite the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea as well as thematic special procedure mandate holders to visit the country. There as well as in other situations, without progress on human rights, no progress would be made on other matters of concern to the United Nations.

80. He called on China to uphold its national and international obligations and to respect human rights and fundamental freedoms, including the rights of persons belonging to minorities, in particular in Xinjiang and Tibet. The European Union was concerned about the existence of so-called political re-education camps, of widespread surveillance, and of restrictions on freedom of religion or belief that were aimed against Uighurs and other minorities in Xinjiang and against Christians across China. He urged the Government to grant independent observers, including observers for the United Nations High Commissioner for Human Rights, meaningful access to Xinjiang. The detention of human rights defenders and lawyers, and the trials against them, continued to be a source of grave concern. The European Union expected China to uphold the rule of law, establish fair trial guarantees and investigate thoroughly the reported cases of arbitrary detention, mistreatment and torture of human rights defenders and their families. He recalled that fundamental freedoms, including the

right to freedom of peaceful assembly, and the high degree of autonomy enjoyed by Hong Kong, China, under the principle of “one country, two systems”, were enshrined in the Basic Law of the territory and in international agreements and must continue to be upheld. He expressed concern regarding the use of the emergency regulation ordinance.

81. The international community should continue to follow closely the human rights situation in Myanmar. It should urge the Government to end the ongoing violence and violations immediately, and to combat impunity, ensuring that those responsible for violations and abuses of human rights, many of which amounted to the gravest crimes under international law, were held accountable. He welcomed previous resolutions of the General Assembly and of the Human Rights Council on accountability and supported the implementation of previous recommendations as well as those included in the final report of the independent international fact-finding mission on Myanmar. He called on the international community to support the Independent Investigative Mechanism for Myanmar, which would play a crucial role in holding those responsible to account. Evidence suggesting that the gravest crimes defined under international law had been committed should make it possible to hold fair and independent criminal proceedings in national, regional and international courts or tribunals with the relevant jurisdiction, including the International Criminal Court.

82. He condemned the violence and atrocities that continued to be perpetrated in the Syrian Arab Republic by all parties, in particular by the country’s regime, and called for immediate action to implement the relevant United Nations resolutions. Systematic, widespread and gross violations and abuses of human rights, some of which might amount to war crimes or crimes against humanity, must end and those responsible must be held accountable, prosecuted and brought to justice. The European Union continued to support the documentation of human rights violations and abuses, and efforts to gather evidence in view of future legal action by the Independent International Commission of Inquiry on the Syrian Arab Republic and the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. The work of those two bodies continued to prepare the ground for the holding to account of those who had perpetrated grave crimes, including through the International Criminal Court and through the action of national jurisdictions. He called on all parties, in particular the Syrian regime, to ensure full,

timely and unhindered countrywide access for the delivery of humanitarian aid to populations in need.

83. He expressed concern about the continuing deterioration of the human rights and humanitarian situation in Yemen. He called on all parties involved in the conflict to exercise maximum restraint and avoid acts that would inflict further suffering on the population, especially children, including obstructing the delivery of humanitarian aid to people in need. Ensuring accountability for all violations and abuses of international human rights law and violations of international humanitarian law was an important part of the process to achieve a lasting settlement. The European Union therefore supported the ongoing work of the Group of Eminent International and Regional Experts and the National Commission of Inquiry and urged all parties to cooperate fully with them, including by giving the Group access to Yemen.

84. The report of the United Nations High Commissioner for Human Rights on the situation in the Bolivarian Republic of Venezuela had confirmed the commission of serious human rights violations and abuses, including torture in detention centres, and the strong possibility of extrajudicial killings. A growing number of Venezuelans were confronted by severe restrictions regarding access to adequate food, water, health and education.

85. **Mr. Al Khalil** (Syrian Arab Republic), speaking on a point of order, said that his delegation objected to the references to “the Syrian regime” instead of the official name of his country, the Syrian Arab Republic, by the representatives of the European Union and, on earlier occasions, also by the representative of the United States. As the matter would not be resolved at the current meeting, he requested that the question of the official use of country names be referred to the Legal Counsel of the Secretariat.

86. **The Chair** that representatives were free to express any criticism they wished, but reminded them to try to use official names to the extent possible so as to avoid that type of incident, which had no other effect than to disrupt the debate.

87. **Ms. Bakytbekkyzy** (Kazakhstan) said that her country had experienced a peaceful and transparent transition of power in 2019, following presidential elections. The newly elected President, in his first public address, had announced a speedy transition to the concept of a “hearing Government” that would be responsive to public criticism and constructive proposals and would establish efficient communication with the public and businesses. The concept was set out

in a strategic development plan for the period up to 2025.

88. To promote and protect human rights and engage civil society, a national council of public trust had been established, made up of human rights advocates, economists and independent experts. The country was also cooperating with national human rights organizations and had enhanced partnerships with institutions including United Nations and European Union agencies, Penal Reform International, the Organization of Islamic Cooperation and Human Rights Watch. In addition, Kazakhstan had cooperated in over 15 special procedures.

89. Kazakhstan was seeking to establish a United Nations regional centre in Almaty aimed at providing a platform for Central Asian countries to work together to promote sustainable development, humanitarian issues and human rights. It was also planning to create a United Nations modelling centre for the Sustainable Development Goals. As a young country in transition, Kazakhstan was striving to create a more inclusive civil society and would work with United Nations entities, Member States and human rights organizations and defenders to ensure that human rights were respected, protected and implemented at the national, regional and international levels.

90. **Ms. Gebrekidan** (Eritrea) said that the promotion and protection of human rights in all countries was a critical pillar of the United Nations. In the past seven decades, the global discourse on human rights had evolved as norms had been codified and multiple regimes had been created promising to protect and promote human rights and fundamental freedoms. However, those norms had failed to address the pseudo-contradictions that the actions of some continued to create in terms of individual rights versus social rights; economic and social rights versus political rights; and national sovereignty versus international standards. Moreover, the lofty ideals of human rights were being assaulted by double standards and instrumentalized for political gains.

91. Effective international cooperation on the promotion and protection of human rights should be based on the principles of non-politicization, non-selectivity, non-confrontation, transparency and constructive dialogue. No country had fully implemented its obligations towards international human rights conventions and therefore no country had the moral right to point a finger at others. Eritrea, like any other country, was faced with challenges in the protection and promotion of human rights. Its Government, aware of those challenges, was engaged in

a transformative national programme to accelerate socioeconomic development, consolidate the rule of law and strengthen national institutions, and was already registering progress in areas such as food security, health, education and the empowerment of women.

92. The universal periodic review, which offered a constructive forum for dialogue and engagement, had proven to be the best mechanism for addressing human rights. Eritrea had presented its third universal periodic review, in which it had presented its efforts at promoting and protecting human rights, the challenges it faced and the work that was under way in the country to fill any gaps.

93. **Mr. Faye** (Senegal) said that the achievements made in the defence of fundamental rights and freedoms needed to be strengthened in the face of contemporary threats and challenges, including poverty, armed conflicts, health crises and climate change, which could destabilize progress and threaten development, international peace and security.

94. In a context in which migrants continued to be victims of xenophobia, arbitrary detention and incitement to hatred, his Government had created a strategy aimed at making migration safe, orderly and responsible, and facilitating the return of migrants by investing in productive sectors. Given that the promotion and protection of human rights would be a challenge as long as the right to development remained an unresolved issue, Member States were encouraged to increase their efforts to implement that right. The mechanisms for the promotion of human rights also needed to be improved in order to ensure the realization of the 2030 Agenda.

95. During its Presidency of the Human Rights Council in 2019, Senegal had sought to make human dignity a priority concern. To that end, the country had hosted a retreat in which participants had discussed issues including the link between human rights and climate change, mass migration, growing inequalities, corporate social responsibility and the digital age.

96. **Ms. Banaken Elel** (Cameroon) said that dialogues with mandate holders were a unique opportunity to exchange views, assess their work and enhance cooperation. They should not be a forum for singling out human rights violations in specific countries. Likewise, the Third Committee should not be used to relay information collected from suspicious or unreliable sources to advance veiled political agendas, or as a platform for a country to present itself as a model for human rights while portraying other countries as counter-models.

97. The universal periodic review demonstrated that no State had a perfect human rights record. For a State to present itself as a model in that respect would mean that it was unaware of its own limitations and of the gravity of the human rights violations it committed, including arresting people and keeping them in migrant detention centres without access to legal counsel; subcontracting human rights abuses to other countries; separating children from their parents; implementing the death penalty; maintaining institutional racism; and giving unrestricted access to weapons that were regularly used in mass killings.

98. Her Government believed in the effectiveness of self-assessments and domestic solutions. For example, every year the Ministry of Justice published a report on the human rights situation in the country, which presented the progress made and the challenges faced in areas including freedom of expression and communication; the rights to health, education and a fair trial; the crisis in the North-West and South-West regions; and the fight against Boko Haram.

99. Her Government appreciated the recommendations made by the United Nations High Commissioner for Human Rights on her recent visit to Cameroon. Such cooperation made it possible to identify the real challenges to the protection of human rights, which were linked to the realization of economic, social and cultural rights and the right to development.

100. **Mr. Tiare** (Burkina Faso) said that his Government had submitted reports to the Human Rights Council in the context of the universal periodic review, as well as to the African Commission on Human and Peoples' Rights. The implementation of the recommendations made by those bodies had contributed to the improvement of the human rights situation in his country. His Government had also adopted a sectoral policy on justice and human rights for the period 2018–2027 aimed at establishing a credible justice system that guaranteed the right to a peaceful and united State.

101. His Government was in the process of adopting a national action plan for 2019–2022 to implement the recommendations and commitments made in the framework of the universal periodic review and the treaty bodies. Aligned with the Sustainable Development Goals, the plan reflected the voluntary pledges and commitments made by Burkina Faso following its election to a third term on the Human Rights Council. Other initiatives being launched included the creation of a ministerial department for human rights and civic promotion; the adoption of laws to create a judicial anti-terrorism unit, criminalize

torture and abolish the death penalty; and the establishment of training programmes for defence and security forces on protecting human rights while fighting terrorism.

102. Burkina Faso called for cooperation with stakeholders in facing the challenges that threatened to hinder its efforts to promote and protect human rights, including sociocultural constraints, a lack of awareness among the population and the rise of radicalization and violent extremism.

103. **Mr. Kim** in Ryong (Democratic People's Republic of Korea) said that violations of national sovereignty, military invasions and civilian massacres were taking place in various parts of the world, and human rights violations, including Islamophobia, neo-Nazism and the expulsion of immigrants and refugees based on an ideology of extreme hatred, were prevalent in Western Europe. During its military occupation of the Korean Peninsula, Japan had committed crimes against humanity, massacring millions of Koreans and imposing sexual slavery on 200,000 women and girls. Rather than acknowledging its crimes, Japan had insisted on finding fault with the human rights situation of other countries. In April 2016, 12 women from the Democratic People's Republic of Korea had been abducted and taken to South Korea. Those women should be repatriated immediately.

104. Human rights issues, which should not be politicized, were being used to destroy the sociopolitical systems of countries that were unfavourable to certain forces. The resolutions on the human rights situation in his country, which had been forcibly adopted at the Human Rights Council and the General Assembly on the basis of fabricated information aimed at overthrowing the Government and social system of the Democratic People's Republic of Korea, were an example of politicization, selectivity and double standards in the field of human rights. The citizens of his country enjoyed genuine freedoms and rights, the people-first principle was applied in all aspects of life, and people were proudly exercising their rights in the areas of politics, economy and culture. In addition, his Government met its obligations in the field of international human rights in good faith, including by participating in the third universal periodic review process.

105. **Mr. Othman** (Malaysia) said that in February 2019 his Government had extended a standing invitation to all special procedures mandate holders to visit his country in line with its commitment to strengthen the promotion and protection of human rights and had already hosted a number of visits. Malaysia regarded the mandate holders as an integral part of the human rights

mechanisms and believed that dialogue and cooperation with States should be at the heart of their work. In that regard, Malaysia believed that the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council and the Manual of Operations of the Special Procedures of the Human Rights Council should be strictly observed as they had laid out the fundamental guidelines for the mandate holders.

106. In carrying out their mandate, special procedures mandate holders should adhere to the principles of objectivity, neutrality, independence and impartiality, particularly in the process of evaluating information that was brought to their attention, assessing situations on the ground and making recommendations. The use of reliable, verifiable sources and factual information was essential in order to avoid baseless claims. The mandate holders should avoid politicization, their reports should be balanced, taking into account the perspectives of Governments and domestic circumstances, and they should prioritize recommendations focusing on technical cooperation and capacity-building with a view to helping States to identify implementation gaps so that they could better fulfil their human rights obligations.

107. **Ms. Hussain** (Maldives) said that, since the presidential election of 2018, her country had been on a steady path towards a stable, safe and just society that promoted social inclusion and democracy. The newly elected President had created a presidential commission on deaths and disappearances to investigate violations committed under the former government, and a process was under way to identify institutional gaps that had led to those violations and to ensure that they did not reoccur. To that end, the country had also embarked on a justice system reform process, had repealed an anti-defamation law and was envisaging the possibility of establishing a transitional justice mechanism to find, investigate and redress past human rights abuses.

108. Maldives had signed the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in September 2019, was increasing the availability of health services on every island and was working to provide adequate housing, access to clean water and sewerage systems. Impressive strides had been made in education, and the overall primary and secondary net enrolment rate remained high. To meet the needs of children with special needs, the Government was working to strengthen the institutional structure for disability-related policymaking and implementation. Her Government was also working to end all forms of discrimination against women and girls and promote gender equality.

109. Climate change had an impact on a range of internationally guaranteed human rights, including the rights to health, water, food and housing, and was an existential threat to small island developing States. Climate change-induced sea-level rise was expected to decrease the yield of safe groundwater in her country by at least 3 percent between 2012 and 2030, and climate change-induced extreme weather disrupted the regular supply of essential commodities to islands, threatening their food security. The lack of an adequate response to climate change showed disregard for international environmental commitments and was profoundly inconsistent with human rights obligations.

110. **Mr. Dollo** (Mali) said that his country had ratified most of the international legal instruments relating to the promotion and protection of human rights and was cooperating with the human rights protection bodies and mechanisms in carrying out their mandates. The legislative and regulatory framework of Mali had been strengthened through the adoption of ambitious programmes, including national policies for human rights and transitional justice. The Government also organized the Espace d'Interpellation Démocratique, a process that was held every year to give citizens the opportunity to discuss issues of concern with members of the Government. In December 2017, the National Assembly of Mali had adopted a law aimed at offering better protection to human rights defenders.

111. Given the crisis in northern Mali and the violence affecting the central region, the best way to protect the basic rights of citizens was to intensify efforts to help the State to restore its authority. Committed to accountability and the fight against impunity, Mali needed assistance in strengthening its national capacities in the areas of human rights protection, investigation, prosecution and judgement.

112. **Mr. Margaryan** (Armenia) said that, since May 2018, his country had embarked on a new generation of reforms aimed at enhancing transparency and accountability, eradicating corruption, reforming the judiciary and implementing human-centred inclusive models of development. A vibrant civil society and an inclusive civic space were vital in safeguarding an open, accountable environment where all voices were heard. In that regard, non-governmental organizations, human rights defenders and advocacy groups in Armenia were consistently engaged in dialogue with the authorities on human rights-related reforms, and the Government was working with civil society partners on a new strategy and action plan for the protection of human rights for the period 2020–2023.

113. Armenia would continue to work to protect human rights and prevent crimes against humanity and mass atrocities. In that context, more needed to be done to fight racism, xenophobia, hate crimes and gross violations of human rights and to protect ethnic, religious and linguistic minorities and other vulnerable groups, including children, refugees and persons with disabilities. His country had consistently raised its voice against the suffering, mass atrocities and genocide perpetrated against Christians, Yazidis and other ethnic and religious minorities in the Middle East, in particular in Syria. The violation of their human rights, the crimes perpetrated on ethnic and religious grounds and the deteriorating humanitarian situation required stronger efforts from the international community to end their suffering.

114. Armenia had created institutional and legal mechanisms to enhance participation of ethnic and religious minorities at the decision-making level and to enable the preservation of their language, traditions and religion to the fullest extent. The recently opened Temple of the Seven Angels, the world's largest symbol of Yazidi culture, stood as a symbol of inclusion, preservation of heritage and religious and cultural diversity. The country would continue to exert resolute efforts in promoting international action against discrimination based on any grounds. It was also committed to enhancing and strengthening mechanisms and partnerships aimed at the political, social and economic empowerment of women and young people, and promoting their engagement in society.

115. **Mr. Mutua** (Kenya) said that his country was committed to playing an active role in the mediation and resolution of conflicts with the aim of establishing and nurturing the ideal conditions for the promotion and protection of human rights. Since independence, the democracy of Kenya had been guided by the principles of constitutionalism, free and fair elections, and the protection of civil, political, social and economic rights and fundamental freedoms.

116. In its effort to promote and protect human rights, Kenya had demonstrated the importance of achieving the Sustainable Development Goals using a human rights approach. Kenya Vision 2030 guided socioeconomic and political development in the nation for the realization of inclusive development. Kenya strongly supported the universal periodic review, presented periodic reports to the treaty bodies and collaborated with the OHCHR and other human rights mechanisms. In 2018, the country had hosted the Independent Expert on the enjoyment of human rights by persons with albinism and the Working Group on the

issue of human rights and transnational corporations and other business enterprises.

117. The Government of Kenya recognized its legal obligation under various treaties on the protection of human rights and fundamental freedoms while countering terrorism and fulfilled its obligation to protect the lives and freedoms of its people without inflicting cruel, inhuman and degrading treatment or punishment. Kenya had suffered terrorist attacks on its soil and the Government had put a great deal of effort into ensuring respect for human rights while stemming such attacks.

118. **Mr. M'Beou** (Togo) said that the protection of human rights was a priority for his country. As proof of its commitment to those values, Togo had signed and ratified the Universal Declaration of Human Rights and the various international covenants on human rights, including the African Charter on Human and Peoples' Rights. Committed to honouring its human right commitments to the international community, Togo had submitted its third periodic report to the Committee against Torture and two reports in the framework of the universal periodic review and was preparing for the third cycle in 2021. Those efforts had led to its re-election to the Human Rights Council.

119. Togo had reformed its judicial system in order to guarantee the independence of the judiciary. It had also placed human rights at the centre of its national policies, including the country's National Development Programme, which was focused on consolidating social development, strengthening mechanisms for inclusion and enhancing institutional and human capacities to meet development challenges.

120. Measures had been taken to promote gender equality and to provide women and girls with opportunities and access to education. For Togo, the empowerment of women was not only a right but also a vector of development that could contribute to the intensification of economic growth and job creation. His Government was pursuing the political advancement of women, which had led to an increase in the number of National Assembly seats held by women.

121. **Mr. Itegboje** (Nigeria) said that his country was committed to working towards the promotion and protection of human rights as a necessary means of achieving peace, progress and development. The "federal character" principle, which was enshrined in the Constitution, was a human rights tool that fostered national unity and ensured that the rights of every Nigerian were protected. Nigeria worked to protect and promote human rights both within and outside the country, including through peacekeeping and

peacebuilding engagements and by participating in international human rights instruments and institutions. Those human rights instruments and institutions should be aligned with the principles of objectivity, impartiality, non-selectivity and non-politicization. Canvassing certain ideological preferences should be avoided, especially when they did not enjoy consensus and failed to take into account cultural differences. In that respect, the United Nations system should consider the sensitive nature of themes related to lesbian, gay, bisexual and transgender persons in campaigns and bear in mind the position of certain Member States with regard to those issues.

122. Following the third cycle of the universal periodic review, Nigeria had set up an interministerial committee to implement the recommendations made and to prepare for the fourth cycle report. Country-specific human rights issues were best handled through the review mechanism, which treated Member States equally and gave them the opportunity to declare the steps taken to improve their human rights situation. In line with the Vienna Declaration and Programme of Action, it was essential to avoid the temptation of establishing a hierarchy of rights.

123. **Ms. Sieng** (Cambodia) said that over the past two decades, the economy of her country had grown more than 7 per cent per annum, transforming it from a low-income to a lower-middle-income country, and it was expected to become an upper-middle income country by 2030. The current poverty rate was projected to be around 10 per cent. The progress and achievements made had greatly contributed to the promotion and protection of human rights in Cambodia.

124. Double standards and the politicization of human rights issues needed to be avoided as they resulted in conflicts and violence and led to interference in the domestic affairs of Member States. Cambodia was concerned with the increasing use of economic and financial sanctions against developing countries as they undermined economic growth and development, impinging on human rights and harmed the welfare of global populations.

125. Cambodia had taken part in the universal periodic review, had met its reporting obligations under the treaty body mechanisms and was a party to eight core United Nations human rights treaties. Recognizing that human rights were a common aspiration of humankind, Cambodia was consistently committed to the promotion and protection of human rights in accordance with a country's national context and phase of development.

126. **Ms. Tripathi** (India) said that many challenges remained in achieving the universal implementation of

human rights, including the misuse of the cause of human rights as a decoy to divert attention from the real issues. One delegation had made such an attempt by referring to an internal matter of her country. Far too many victims of terrorism all over the world languished in trauma as the linchpins of terror networks enjoyed patronage and safe havens. The international community was familiar with that deceitful tactic and had rejected it as a desperate attempt to mask territorial ambition.

127. The actions aimed at realizing human rights continued to evolve, including by means of national and state-level commissions, free press and civil society. During the general election held in her country in 2019, polling stations had been made more inclusive and accessible to ensure that everyone could exercise the right to vote. The country had also taken several innovative rights-based social protection measures to achieve inclusive growth, which had lifted millions out of poverty. The country currently had more than 1.3 million elected women representatives; millions of people who had previously lacked access to financial services now had bank accounts; the national health protection scheme provided free treatment to 500 million people; and the world's largest sanitation campaign had led to 110 million toilets being built in the previous five years. Other developments included an increase in the length of maternity leave; the introduction of legal safeguards to protect women from child marriage, domestic violence and sexual harassment; and the adoption of laws to ensure the protection of child rights.

128. The human rights obligations of India extended to all government branches, with a focus on capacity-building, technical cooperation and the right to development. Efforts should be made to avoid turning the universal periodic review into a platform for pushing selective human rights issues and it was important to envisage human rights protection measures for the digital age.

Statements made in exercise of the right of reply

129. **Ms. Xu Daizhu** (China) said that her delegation strongly rejected the baseless accusations made by the representative of the European Union with regard to the human rights situation in her country. The problem in Xinjiang was not related to religion or human rights, but rather was an issue of counter-terrorism and combating violent separatism. China had issued several white papers, including on the vocational and technical training that was being conducted in centres in Xinjiang, which described the relevant policies and practice. The regional government had established those centres in

accordance with the law for counterterrorism purposes. Those measures were no different from those adopted by European countries, such as the United Kingdom and Germany. Thanks to those measures, the situation in Xinjiang remained stable, the economy was growing, all ethnic groups were living in harmony and there had been no terrorist attacks in the past three years.

130. In recent years, China had invited over one thousand diplomats, international organization officials and members of the press to Xinjiang. They had all said that what they had seen in the region differed from what had been portrayed by Western media. They had also acknowledged and commended the country's counterterrorism efforts, which they viewed as an important contribution to international counter-terrorism efforts and a useful exploration of preventive counterterrorism. An invitation had been sent to States members of the European Union, but those invitations had been ignored. In recent years, over 50 developing countries and other Member States had praised the human rights achievements of China and had expressed support for its policy on Xinjiang. China had completed the third cycle of the universal periodic review and over 120 countries had spoken highly of the country's socioeconomic development and the progress it had made in the protection of human rights.

131. The issue surrounding the Hong Kong amendment bill had changed in nature. Rioters were creating disturbances and the situation was slipping into instances of planned and organized violent crime. The government of the special administrative region was promulgating a law banning masks, which was legitimate, lawful and necessary. The measure was aimed at maintaining law and order, protecting citizens from fear and terror and restoring social order. No country in the European Union would allow such violent crimes to occur without a response. Some countries had portrayed the violent activities in Hong Kong as democracy, when similar incidents would have been described as rebellion in their own countries. It was a classic case of political prejudice and double standards. It was also a domestic matter and no country should interfere with the internal affairs of China.

132. **Ms. Anna Suzuki** (Japan), responding to the statement made by the representative of the Democratic People's Republic of Korea, said that the claims and figures mentioned by that country on issues of the past were groundless and based on factual errors. For over 70 years, since the end of the Second World War, Japan had regarded the facts of history in a spirit of humility, had consistently respected democracy and human rights and had contributed to the peace and prosperity of the Asia-Pacific region and the international community as

a whole. Japan and the Democratic People's Republic of Korea should bring true peace to North-East Asia by deepening cooperation and overcoming mutual mistrust. Japan called on the Democratic People's Republic of Korea to work together towards achieving a brighter future. If similar claims were repeated in the context of the past, Japan would refrain from exercising its right of reply. However, that did not mean that Japan accepted such claims.

133. With regard to the resolution on the situation of human rights in the Democratic People's Republic of Korea, the Government of that country should listen sincerely to the calls of the international community, including through resolutions adopted at the General Assembly and the Human Rights Council. It should take concrete actions towards the early resolution of the abductions issue and cooperate with the international community.

134. **Mr. Kim In Ryong** (Democratic People's Republic of Korea), responding to the statement made by the representative of the European Union, said that his delegation categorically rejected the accusations made by the European Union, which had nothing to do with the protection and promotion of human rights and represented a typical example of politicization, selectivity and double standards in the field of human rights. The allegations made deserved no discussion as they were based on the false testimonies of defectors. The countries that made those accusations were fraught with serious human rights violations, such as xenophobia, mistreatment of minorities, racial discrimination and sexual violation. It was preposterous for them to criticize the human rights situation in other countries, given that they made groundless accusations without mentioning their own human rights violations. His delegation urged the European Union to resolve its own situation at home before admonishing others.

135. Responding to the statement made by the representative of Japan, he said that, as an aggressor and criminal State, Japan had no right to talk about human rights. During its military occupation of the Korean Peninsula for over 40 years, Japan had committed crimes against humanity, massacring millions of Koreans, forcibly drafting young people and imposing sexual slavery on 200,000 women and girls for the Japanese army. Japan had not provided compensation for its crimes and even denied that those crimes had been committed. History could not be changed, and the irrational arguments made by Japan would not make its crimes disappear. There was no statute of limitations on crimes against humanity; Japan should therefore apologize and offer compensation rather than take issue with the human rights situations in other countries.

136. **Mr. Lee Jooil** (Republic of Korea), responding to the statement made by the representative of the Democratic People's Republic of Korea, said that North Korean defectors had decided to go to the Republic of Korea of their own volition. They had settled in the Republic of Korea and were living in that country as ordinary citizens. The Government of the Republic of Korea would continue to make every effort towards addressing the humanitarian issues resulting from the division between the two Koreas.

137. **Mr. Kim In Ryong** (Democratic People's Republic of Korea), responding to the statement made by the representative of the Republic of Korea, said that the citizens of the Democratic People's Republic of Korea had clearly been tricked and taken to South Korea through planned plots and deceptions by the South Korean intelligence agencies. Those abductions were a clear violation of international laws and constituted serious crimes against humanity and human rights. His Government demanded that the Republic of Korea immediately and unconditionally repatriate the women citizens who had been abducted, instead of misleading the public.

The meeting rose at 6.05 p.m.