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## Third Committee

### Summary record of the 26th meeting

Held at Headquarters, New York, on Thursday, 23 October 2014, at 3 p.m.

*Chair:* Ms. Mesquita Borges . . . . . (Timor-Leste)  
*later:* Mr. Davis (Vice-Chair) . . . . . (Jamaica)

## Contents

Agenda item 27: Advancement of women (*continued*)(a) Advancement of women (*continued*)Agenda item 64: Promotion and protection of the rights of children (*continued*)(a) Promotion and protection of the rights of children (*continued*)Agenda item 105: Crime prevention and criminal justice (*continued*)Agenda item 106: International drug control (*continued*)Agenda item 26: Social development (*continued*)(d) Literacy for life: shaping future agendas (*continued*)Agenda item 105: Crime prevention and criminal justice (*continued*)Agenda item 68: Promotion and protection of human rights (*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*)

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

**Agenda item 27: Advancement of women** (*continued*)

**(a) Advancement of women** (*continued*)  
(A/C.3/69/L.19, A/C.3/69/L.20, A/C.3/69/L.21,  
A/C.3/69/L.22 and A/C.3/69/L.23)

*Draft resolution A/C.3/69/L.19: Intensification of efforts to eliminate all forms of violence against women and girls*

1. **Ms. Sek** (France), introducing the draft resolution and speaking also on behalf of the Netherlands, said that the text was based on the previous resolution on that subject, with the scope of application extended to girls. In light of increasing violence against women worldwide, the resolution invited all Member States to facilitate national and international access to justice for women victims of violence.

2. **Mr. Khane** (Secretary of the Committee) said that Andorra, Argentina, Armenia, Bulgaria, Lebanon and Spain had joined the sponsors.

*Draft resolution A/C.3/69/L.20: Intensification of efforts to end obstetric fistula*

3. **Ms. Gueye** (Senegal), introducing the draft resolution on behalf of the Group of African States, said that fistula affected two million girls and women, most of them in developing countries. Often a consequence of poverty, the condition was aggravated by early marriage. She called on all Member States to adopt the resolution by consensus, underscoring that the suffering resulting from prolonged childbirth had no place in a world aspiring to sustainable development.

4. **Mr. Khane** (Secretary of the Committee) said that Albania, Argentina, Georgia, Indonesia, Lebanon and Mongolia had joined the sponsors.

*Draft resolution A/C.3/69/L.21: Trafficking in women and girls*

5. **Ms. Ponce** (Philippines), introducing the draft resolution, said that human trafficking knew no borders and must be dealt with at the international level. A draft resolution on that subject was submitted every two years in a continuing effort to raise awareness of the plight of women and girls subjected to abuse, exploitation, violence and injustice as a result of trafficking, which violated their basic rights to life,

liberty, security of person and freedom from slavery or servitude.

6. **Mr. Khane** (Secretary of the Committee) said that Burkina Faso, Georgia and Indonesia had joined the sponsors.

*Draft resolution A/C.3/69/L.22: Intensifying global efforts for the elimination of female genital mutilations*

7. **Mr. Konate** (Burkina Faso), introducing the draft resolution on behalf of the Group of African States, thanked the Secretary-General for his report on the issue of female genital mutilation and welcomed the adoption by the Human Rights Council of a resolution on sharing good practices to effectively eliminate female genital mutilation. The current draft contained a number of revisions to the text, including the addition of new preambular paragraphs 12 and 15 and four new paragraphs. Stressing that female genital mutilation constituted a violation of the human rights of women and girls that could no longer be tolerated in the twenty-first century, he thanked Member States for their contributions to the draft resolution.

8. **Mr. Khane** (Secretary of the Committee) said that Georgia, Kazakhstan and Lebanon had joined the sponsors.

**Agenda item 64: Promotion and protection of the rights of children** (*continued*)

**(a) Promotion and protection of the rights of children** (*continued*) (A/C.3/69/L.23)

*Draft resolution A/C.3/69/L.23: Child, early and forced marriage*

9. **Mr. Grant** (Canada), introducing the draft resolution, said that Turkey had joined the sponsors. The broad-based, cross-regional support for the resolution showed that the issue of child, early and forced marriage deserved the attention of the international community. Some 700 million women alive at that time had been married as children, with devastating consequences for them, their communities and their countries. The recent panel convened by the General Assembly to address the issue had raised awareness of the harmful impacts of child, early and forced marriage and the need for strengthened actions at all levels to end the practice, which had impeded the attainment of six of the eight Millennium Development Goals.

10. **Mr. Khane** (Secretary of the Committee) said that Croatia, Germany, Greece, Israel, Lebanon, Norway, Panama and Serbia had joined the sponsors.

**Agenda item 105: Crime prevention and criminal justice** (*continued*) (A/C.3/69/L.16)

*Draft resolution A/C.3/69/L.16: Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity*

11. **Mr. Lambertini** (Italy), introducing the draft resolution, said that it was an updated version of the previous year's resolution, focusing mainly on decisions and resolutions adopted in the intervening year. It incorporated new language regarding the treatment of prisoners and a focus on the progress of the intergovernmental expert group.

12. **Mr. Khane** (Secretary of the Committee) said that Burkina Faso, Croatia, Georgia, Kyrgyzstan, Lebanon, Liberia, Micronesia (Federated States of), Panama, San Marino and Serbia had joined the sponsors.

**Agenda item 106: International drug control** (*continued*) (A/C.3/69/L.15)

*Draft resolution A/C.3/69/L.15: International cooperation against the world drug problem*

13. **Ms. Morgan** (Mexico), introducing the draft resolution, said that Afghanistan, Armenia, Benin, Colombia, Costa Rica, Guatemala, Honduras, Israel, Kazakhstan and Panama had joined the sponsors. There was a need to strengthen international cooperation on the international drug problem, which continued to imperil public health, national security and sustainable development. To that end, in 2016 a special session of the General Assembly would be devoted to the issue. The draft text drew upon the content of the outcomes of ministerial-level meetings and special sessions held by regional organizations, highlighting the importance of consensus in addressing the drug problem.

**Agenda item 26: Social development** (*continued*)

**(d) Literacy for life: shaping future agendas** (*continued*) (A/C.3/69/L.9/Rev.1)

*Draft resolution A/C.3/69/L.9/Rev.1: Literacy for life: shaping future agendas*

14. **The Chair** said that the draft resolution had no programme budget implications.

15. **Ms. Ochir** (Mongolia) said that the revised text contained new eighth and fourteenth preambular paragraphs, a new paragraph 7 and non-substantive changes to paragraphs 2, 3, 4 and 5. Since the introduction of the draft resolution, Argentina, Belgium, Bulgaria, China, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Norway, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, United Kingdom and Venezuela (Bolivarian Republic of) had joined the sponsors.

16. **Mr. Khane** (Secretary of the Committee) said that Albania, Andorra, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Burkina Faso, Canada, Ecuador, Guatemala, Haiti, Honduras, Iceland, Indonesia, Israel, Lebanon, Liberia, Madagascar, Nicaragua, the Russian Federation and Serbia had joined the sponsors.

17. *Draft resolution A/C.3/69/L.9/Rev.1, was adopted.*

**Agenda item 105: Crime prevention and criminal justice** (*continued*) (A/C.3/69/L.6 and A/C.3/69/L.17/Rev.1)

*Draft resolution A/C.3/69/L.6: The rule of law, crime prevention and criminal justice in the United Nations development agenda beyond 2015*

18. **The Chair** drew attention to draft resolution A/C.3/69/L.6, which had been recommended for adoption by the Economic and Social Council.

19. **Mr. Khane** (Secretary of the Committee) presenting a statement of programme budget implications in accordance with rule 154 of the rules of procedure of the General Assembly, said that the request contained in paragraph 4 of the resolution would give rise to additional requirements of \$107,400 in voluntary contributions to provide for staff resources and for missions so that the staff of the United Nations Office on Drugs and Crime (UNODC) could collect and analyse information, continue collaborating with other United Nations entities and participate in working group discussions and prepare input for the report. No additional resources would be required for

the report to the Commission on Crime Prevention and Criminal Justice on the results of the work at its twenty-fourth session, as the report would be inserted in the report of the Executive Director on the activities of UNODC at that session.

20. The request contained in paragraph 8 would give rise to additional requirements of \$119,700 in voluntary contributions to provide the technical assistance needed, including one professional post at the P-3 level for four months, one General Service post for one month and a two-day expert group meeting in Vienna with 20 participants, without interpretation services. The request contained in paragraph 12 of the draft resolution would not give rise to additional resource requirements because that report would be part of the report of the Secretary-General on the implementation of the mandates of the United Nations Crime Prevention and Criminal Justice programme.

21. None of the aforementioned activities would take place if the additional extrabudgetary resources were not provided; hence, the adoption of the draft resolution would not entail any additional appropriation under the programme budget for 2014-2015 and the proposed programme budget for 2016-2017.

22. *Draft resolution A/C.3/69/L.6 was adopted.*

23. **Ms. Calza** (Brazil) said that her delegation understood that the timing of the negotiation of the resolution in other bodies had not allowed for the inclusion of a reference to the report of the Open Working Group on Sustainable Development Goals. However, that report constituted the main basis for the elaboration of the post-2015 development agenda, in accordance with General Assembly resolution 68/309. Moreover, in contrast to the recommendations of the High-Level Group of Eminent Persons, which represented personal views that were not necessarily aligned with national positions, the report was an intergovernmental document that had been negotiated by Member States over several months.

*Draft resolution A/C.3/69/L.17/Rev.1: United Nations African Institute for the Prevention of Crime and the Treatment of Offenders*

24. **The Chair** said that the draft resolution had no programme budget implications.

25. **Ms. Karim** (Malawi), speaking on behalf of the Group of African States, said that Italy, Mexico and Montenegro had joined the sponsors.

26. *Draft resolution A/C.3/69/L.17/Rev.1 was adopted.*

#### **Agenda item 68: Promotion and protection of human rights** (*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*)

27. **Ms. Kunanayakam** (Chair-Rapporteur of the Working Group on the Right to Development) said that the promotion of a democratic system of international governance and effective partnerships with developing countries, the prioritizing of implementation of the right to development and the mainstreaming of that right in the policies of the United Nations system and international financial and multilateral trading systems were crucial to the creation of an enabling international environment.

28. The Working Group had made detailed proposals and included draft operational subcriteria on a number of topics, including: sovereignty over natural resources, elimination of all forms of intolerance, the right to self-determination, equitable land redistribution and rural development policies, foreign domination and occupation, global good governance, equal participation in global decision-making, global financial architecture and the reform of international institutions. With a view to the creation of a more favourable international economic environment, proposals had been made on the removal of asymmetries in international trade, the elimination of tax havens and the elimination of debt. There had been further proposals on promoting international cooperation and effective partnerships, the prohibition of unilateral coercive measures, the right to international solidarity, the development of a new model of international cooperation based on solidarity, the mainstreaming of the right to development in relevant forums and standard setting, including the need for a legally binding framework for the right to development.

29. Although the Working Group had completed its first reading of the draft criteria and corresponding operational subcriteria, it had recommended further revision to refine those criteria. The Working Group had requested her, in her capacity as Chair-Rapporteur, to further efforts to improve the Group's effectiveness and efficiency, including by drafting a framework in consultation with the regional and political groups, for consideration by the Working Group at its sixteenth session. The Human Rights Council had endorsed the recommendations of the Working Group at its twenty-seventh session in September 2014.

30. The Working Group had accomplished a considerable amount of work in the time allotted it, but greater political will and commitment were needed to enable the Group to meet the demands of the current global situation. The efforts to elaborate a post-2015 sustainable development agenda were significant for the realization of the right to development, as they provided an opportunity to advance the Declaration on the Right to Development as a framework for a people-based society. The thirtieth anniversary of the United Nations Declaration on the Right to Development should inspire the international community to confront and eliminate the obstacles that hindered development, to act, and to create the conditions necessary for all peoples to enjoy the right to development.

31. **Mr. Ghaebi** (Islamic Republic of Iran), speaking in his national capacity and on behalf of the Movement of Non-Aligned Countries (NAM), said that implementation of the right to development should be ensured by the elaboration of a legally binding instrument. Although disappointed at the slow pace of the Working Group's discussions, he expected a tangible result within a reasonable time frame. Member State should build on the progress made by finalizing the formulation of a comprehensive and coherent set of standards. International cooperation was crucial for the transition from rhetoric to practice, and a development-based agenda was central to the achievement of the sustainable development goals.

32. **Ms. Moreno Guerra** (Cuba) said that the right to development was a priority for both Cuba and the Member States of NAM. She asked the Chair of the Working Group how it would ensure that a human rights perspective was incorporated into the post-2015 development agenda. She also wished to hear about the main challenges in establishing a legally binding instrument on the right to development.

33. **Ms. Alsaleh** (Syrian Arab Republic) said that developed countries deliberately imposed unilateral coercive measures on developing countries, thereby undermining their right to development and negatively impacting Government capacity to improve the living standards of their peoples. The Economic Situation and Prospects 2013 report of the United Nations Department of Economic and Social Affairs had revealed the detrimental effect of the economic sanctions imposed by the United States of America, the European Union and the League of Arab States on the economy of the Syrian Arab Republic. The Economic and Social Commission for Western Asia had reported similar information. She asked the Chair of the Working Group whether the Group would speak frankly and impartially on the effect of unilateral coercive measures on the right to development. She also wished to know how the Group could persuade Governments to refrain from employing such measures.

34. **Ms. Moutchou** (Morocco) said that the international community should work together to create an environment conducive to development. It was time for the Working Group to work through the deadlock hampering its progress.

35. **Ms. Yi Wang** (China) said that the rights to survival and development were crucial, especially in developing countries. The international community should intensify efforts to translate the right to development from theory to practice; the sustainable development goals and post-2015 development agenda would facilitate its implementation. Within the framework of the Millennium Development Goals, Member States should continue to focus on poverty eradication and the promotion of development. China would continue to support the Working Group on the Right to Development.

36. **Mr. Milubi** (South Africa) said that realization of the right to development was the responsibility of both States and non-State actors, particularly transnational corporations and other business enterprises. He asked the Chair of the Working Group what steps the Group would take to begin elaboration of a legally binding instrument, and how it intended to make use of Millennium Development Goal 8 to implement the right to development.

37. **Ms. Kunanayakam** (Chair of the Working Group on the Right to Development) said that all Member

States should recognize that promoting the right to development was in their own interests. One challenge faced by the Working Group was the absence of an appropriate mechanism to channel information about innovative approaches taken at the local, national, and international levels to implement the right to development. Such efforts should be taken into account in the work of the Group.

38. The United Nations did not participate sufficiently in the Group's work, often as a result of the lack of a specific mandate to do so. There was also a lack of synergy between the activities of United Nations offices in Geneva and New York. Furthermore, the Working Group did not have sufficient time to complete its work.

39. The Working Group had asked her, in her capacity as Chair-Rapporteur, to prepare a framework document to improve the Group's effectiveness and efficiency. She would draw inspiration from the sustainable development goal process to prepare a document focused on innovative methodology and procedures to ensure a collaborative process, and submit it to the Group at its next session. The sustainable development goal process had benefited from the incorporation of structured and targeted expert input from the United Nations system. Member States should devise a mechanism to ensure synergy between the complementary processes taking place at United Nations offices in New York and Geneva. It was also important to allocate to the Working Group sufficient time to address the difficult issues that it had been mandated to resolve.

40. *Mr. Davis (Jamaica), Vice-Chair, took the Chair.*

41. **Mr. Kaye** (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression), introducing his predecessor's report ([A/69/335](#)), said that no one doubted the importance of protecting children from harm, or the duty of adults, especially parents, to guide children. However, regulations to protect children should not involve disproportionate or arbitrary restrictions. Child protection and freedom of expression should not be regarded as opposing goals. Member States should align national legislation, regulations and policies on children's rights to expression or to access information with international human rights standards. They should actively promote those rights and take measures to promote children's access to the Internet.

42. Low response rates from Member States during the communications process had encouraged the Special Rapporteur to take a more public approach. He had contacted numerous Governments about allegations of efforts to undermine freedom of expression, made a number of public calls for compliance, and requested many Governments in all geographical regions to agree to country visits. Member States would soon receive information on which States were involved, and he anticipated reporting on at least two country visits the following year.

43. With regard to norms on the promotion of freedom of expression, he would continue the work of his predecessors and draw on Human Rights Council and General Assembly resolutions. Biannual thematic reports would stand at the centre of his promotion work, and he intended to use consultations with State delegations, non-governmental organizations and independent experts and others to ensure that the reports reflected a multiplicity of views, even if he preferred a particular legal interpretation and policy recommendation. He expected to focus on already identified vulnerable groups, but would add others based on guidance from the Human Rights Council, General Assembly, relevant resolutions and consultations with States and other actors.

44. Another crucial focus area was the advancement of the right to seek, impart and receive information. He was concerned at the widespread impunity for attacks on journalists, lack of understanding of their role on the part of some police and security forces, efforts to undermine journalist sources and other tools to restrict media freedom, and the lack of government transparency and access to information by all individuals.

45. Finally, he would focus on ensuring freedom of expression on the Internet. An inability to access the Internet was now equivalent to being silenced. The Internet was a fundamental space for expression, and the rights people enjoyed offline should be protected online as well. During his mandate, he expected to address several areas in that respect, including Internet regulation. He would explore what technologies were used to control content or self-expression on the Internet, localize data, and efforts to impose liability on intermediaries for user content. Any discussion of future regulation of the Internet should strictly observe and protect the right to freedom of expression. He would expand on the work of his predecessors with



regard to corporate responsibility, and explore the intersection of surveillance, privacy and the freedom of expression.

46. **Ms. Schmidt** (Switzerland) said that attention should be paid to the family and to schools, as both were settings for children's exercise of the right to freedom of expression and opinion. Her Government was concerned about the prevalence in many countries of authoritarianism and an education based on moulding children's minds based on a predetermined model, thereby encouraging censure of certain topics and hindering the development of critical thinking. The increasing reference to the immaturity of minors as a pretext for denying them freedom of expression and opinion and limiting their access to information that would develop their political and social conscience was also troubling.

47. Switzerland therefore emphasized the need for strict compliance with the conditions required for any restriction of fundamental rights — namely, public interest, protection of the fundamental rights of others, and proportionality in the development of legislation. It was also important to take steps to ensure the safe use of the Internet by children. She asked the Special Rapporteur to provide examples of State programmes that had successfully reconciled children's enjoyment of the right to freedom of expression and their security.

48. **Ms. Ali** (Bahrain) said that her delegation regretted that it had not been afforded the opportunity to take the floor earlier that day. In response to remarks that had been made by the representative of Liechtenstein at the previous meeting (see [A/C.3/69/SR.25](#)), her delegation wished to clarify that the Constitution of Bahrain guaranteed full enjoyment of the freedom of opinion and expression. Her Government remained convinced that there was a fine line between use and abuse of social media, a fact also recognized by the United Nations and increasingly reflected in various resolutions. Bahrain did not take issue with the use of social media to defend human rights, but rather with the abuse of social media to propagate hatred, incite violence and ignite sectarian strife. Such abuse jeopardized social cohesion and the foundation of public security. No one should be above the law, and the rule of law applied to all.

49. **Mr. Al-Obaidi** (Iraq) said that Iraq had no prisoners of conscience because the right to freedom of expression and opinion was guaranteed to all by the

Constitution. He asked the Special Rapporteur what role civil society organizations could play to help guarantee those freedoms.

50. **Ms. Miller** (Observer for the European Union) asked the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression to describe the main challenges he faced in the areas covered by his report.

51. **Ms. Mollestad** (Norway) said that allowing children to participate, seek information, speak and be heard paved the way to better policies and more sustainable solutions. The Internet, an important vehicle for children to exercise their right to freedom of expression, could also help children claim other rights, including the right to education. Conversely, Internet use exposed children to abuse and exploitation. She asked the Special Rapporteur to elaborate on what could be done to maximise the positive impact of the use of technologies on children's rights and development while also ensuring their safety.

52. **Ms. Walker** (United Kingdom of Great Britain and Northern Ireland) welcomed the report of the previous Special Rapporteur as well as the work carried out by the United Nations system to promote freedom of thought, speech and expression, and to address efforts to restrict those freedoms. In December 2014, the United Kingdom would host a summit on the topic of online child sexual exploitation, a challenge that could only be tackled through global, coordinated action. She asked the Special Rapporteur how the balance between child protection and freedom of expression could be preserved. She also wished to know what best practices had been employed to holistically address the risks faced by child Internet users.

53. **Ms. Sameer** (Maldives) said that her country's Constitution guaranteed the right to freedom of expression to all citizens. Her Government had made efforts to engage with parents and children on the rights of the child, including through a joint project with the United Nations Children's Fund to raise parents' awareness of the value of listening to children. She asked the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression what role Governments played in influencing parental attitudes. She requested further clarification on how public policy could be shaped to

enhance parental engagement on such issues as balancing the rights and protection of children with regard to their use of the Internet as a platform for expression.

54. **Ms. Sukacheva** (Russian Federation) said that ensuring the right to freedom of expression and opinion lay at the centre of any democratic society and was the basis of respect for human dignity. It would be impossible to create an informed, tolerant and politically active society without creating the conditions conducive to the achievement of that right. However, that freedom was accompanied by responsibility, and it was essential to strike a sensible balance between ensuring freedom of expression and ensuring the interests of society and the State. The international community should focus on the responsible use of rights and freedoms. He asked the Special Rapporteur to describe how to ensure that balance.

55. **Ms. Derderian** (United States of America) said that the United States agreed that children's right to freedom of expression was part of the international human rights framework; accordingly, States had obligations and commitments to promote and protect that right. While her Government did not agree with all of the legal analysis contained in the report of the Special Rapporteur, it did agree that child protection was often inappropriately used to justify undue restrictions on freedom of expression for children. She asked the Special Rapporteur whether there were ways in which children were uniquely harmed by State legislation restricting the freedom of expression.

56. The ability to exercise freedom of expression, in particular through the Internet, was a valuable educational tool for children in school and other settings. She asked the Special Rapporteur to elaborate on what role the United Nations could play in promoting human rights education for children that would foster full appreciation for the right to freedom of expression.

57. **Ms. Juodkaitė-Putrimienė** (Lithuania) asked the Special Rapporteur to describe how the international community could help create an enabling environment for the expression of children's views. She also wished to know how it was possible to strengthen State capacity to introduce the necessary measures to effectively promote and protect children's right to freedom of opinion and expression.

58. **Ms. Calza** (Brazil) asked whether the Special Rapporteur foresaw the development of any initiatives to help achieve a balance between improving access to information and guaranteeing the privacy of Internet users.

59. **Ms. Nescher** (Liechtenstein) asked the Special Rapporteur to comment on the topic of bullying and cyberbullying. She asked how that resolution would need to be framed to ensure effective protection of the fundamental freedom of expression.

60. **Ms. Alsaleh** (Syrian Arab Republic) said that her delegation hoped that the Special Rapporteur would implement his mandate in a neutral manner, contrary to the example set by his predecessor. She noted that the report did not mention the infringements of Syrian children's freedom of expression posed by exploitation of their school curriculums for the dissemination of extremist propaganda. Noting the increasing use of social media and the Internet to spread sectarian discourse aimed at inciting hatred and religious intolerance, she asked what could be done to protect children from assimilating those ideas. In that regard, she would also like to know the Special Rapporteur's views on the obligations of countries that hosted and sponsored television channels that promoted sectarian incitement.

61. **Ms. Vilde** (Latvia) said that Latvia had consistently supported initiatives aimed at promoting freedom of expression, a right that applied to online activities and other spheres of life. Noting that the right to freedom of expression had not traditionally been associated with, but was eminently relevant to, children, she asked if the Special Rapporteur planned to engage with other bodies of the United Nations to increase the level of attention given to that issue by international human rights mechanisms. She requested further information on practical ways to involve children in the design and implementation of initiatives aimed at promoting online safety.

62. **Ms. Moreno Guerra** (Cuba) said that, according to data released by the United Nations Educational, Scientific and Cultural Organization (UNESCO), 58 million children of primary-school age and another 63 million children of lower- secondary-school age had been out of school in 2012. She asked whether the Special Rapporteur had taken into account the root causes of non-attendance at school, including poverty, inadequate resources and other development-related



challenges. She requested his views on how those challenges affected children's right to freedom of expression.

63. **Mr. Kebret** (Ethiopia) said that the version of the Special Rapporteur's statement distributed at the meeting contained a reference to alleged misuse of Ethiopia's anti-terrorism legislation to curb human rights. Emphasizing that Ethiopia's anti-terrorism legislation was based on the experience of developing countries, he said that those laws had never been used against human rights defenders or other individuals, and he hoped that the Special Rapporteur would investigate the situation.

64. **Mr. Kaye** (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression) emphasized the importance of focusing on the regulations applying to restrictions on children's freedom of opinion and expression in achieving a balance between the promotion of that right and the safeguarding of children's development and education in the context of the family and society. His approach would focus primarily on assessing the legal basis of such restrictions and particularly their consistency with article 19 of the International Covenant on Civil and Political Rights and other international norms. While those instruments provided for restrictions under certain circumstances, notably in the event that they proved necessary for respect of the rights and reputations of others or for the protection of national security or of public order, or of public health and morals, the necessity and proportionality of the relevant restrictions must be clearly established. In that regard, he underscored the recommendation of his predecessor that restrictions should strike a fine balance between supporting the State position on a particular issue and promoting the general right of children to freedom of expression. A legal approach would allow for consideration of contextual specificities in assessing relevant restrictions.

65. Addressing the issue of the main challenges posed to children's right to freedom of expression, particularly the online dissemination of extremist views, he underscored the importance of ensuring children's access to the Internet to allow them to develop independent views and critical thinking skills while guaranteeing their protection and that of society. Efforts to achieve that balance must be tailored to the different stages of children's development, and measures taken to promote their right to freedom of

expression, as well as any restrictions on that right, must be narrowly implemented.

66. **Mr. Bielefeldt** (Special Rapporteur on freedom of religion or belief), introducing his interim report (A/69/261), said that the workplace had a significance that went far beyond its economic function, with high relevance for individual self-esteem, social connections and inclusion in society. The issue of religious intolerance and discrimination in that context had been underexplored. Yet issues such as corporate identity, contract-based stipulations and customer orientation had been used to prevent the display of religious identities at work and conflicts over such issues had led to employee dismissals and other sanctions. While labour contracts sometimes contained justified work-related stipulations limiting manifestations of an employee's religion or belief, those limitations must always be specific, narrowly-defined and proportionate to a legitimate purpose.

67. The responsibility of States to eliminate intolerance was not restricted to the public sector but also encompassed combating discrimination within larger society, including the private sector. All relevant stakeholders were encouraged to use their potential to contribute to a climate of tolerance and appreciation for diversity of religion or belief in the workplace.

68. **Mr. Barkan** (Israel) said that religious intolerance and discrimination in the workplace affected the daily lives of religious minorities and denominations throughout the world. The right to observe the Jewish Sabbath and adhere to religious dietary restrictions must be guaranteed. More fundamentally, religious denominations, including Muslims and Jews, must be allowed to practice circumcision as part of their right to religious freedom, an issue on which he urged the Special Rapporteur to undertake future reporting. Because that right was perhaps not as fundamental as it had once seemed due to ongoing anti-Semitism, a return to basics in the area of religious freedom seemed in order. In view of the recent rise in anti-Semitism, he asked the Special Rapporteur to elaborate on how, in accordance with the recommendation contained in paragraph 43 of his report (A/69/261), States could do their utmost to prevent and tackle the root causes of discrimination and intolerance in contexts other than the workplace.

69. **Ms. Mannion** (Ireland) said that her country condemned all forms of persecution and discrimination

based on religion or belief, as they led to the suppression of religious minorities and promoted their distrust of majority and State apparatuses. She asked the Special Rapporteur to share examples from his own experience of contexts in which successful steps had been taken to facilitate a neutral working environment.

70. **Mr. Bennett** (Canada) said that his country, recognizing that companies that protected religious freedom or belief were more likely to protect other universal rights, had established an Office of Religious Freedom in 2013 to protect religious minorities facing persecution and promote democracy, the rule of law and human rights. It was important to address the recent inhumane treatment of religious minorities in Iraq and Syria by the so-called Islamic State and also the curtailment of individuals' rights to freedom of religion or belief in the workplace in other parts of the world. However, rights could not be attributed to religions; Canada recognized only the rights of people to practice their faith and beliefs in peace. He asked the Special Rapporteur to identify the key areas on which countries could collaborate in multilateral forums to further freedom of religion and promote tolerance.

71. **Ms. Miller** (Observer for the European Union) said that the European Union strongly supported the right to manifest religion or belief in private and professional life. She asked how, in cases of apparent conflict between the concept of corporate identity and the human right to freedom of religion, States could protect that right without interfering with the autonomy of private employers.

72. **Ms. Lack** (Germany) said that accommodation of religious diversity and respect for the beliefs of individuals was a balance that must be achieved in professional contexts throughout the world. Acceptance of religious diversity and the challenges it raised, as well as the adoption of a gender-sensitive perspective, were essential in that regard. She asked the Special Rapporteur to share any examples of reasonable accommodation, and particularly of best practices, that he had encountered during his country visits. She would also like to know whether he had encountered evidence of a focus on faith-based discrimination in the work agendas of national human rights institutions tasked with monitoring anti-discrimination policies.

73. **Mr. Hajnoczi** (Austria) said that effective integration, awareness-building and education,

including human rights education, and the promotion of intercultural and interreligious dialogue were key to guaranteeing freedom of religion or belief and combating discrimination, xenophobia and racism. Austria was therefore conducting training programmes aimed at countering different forms of discrimination and had undertaken a range of initiatives to promote and foster interreligious and intercultural dialogue. Detecting and responding to indirect or concealed discrimination remained a challenge. He requested elaboration and a concrete example of how professional support could be used to better distinguish serious religious or belief-related demands from more trivial interests. He also requested further information on how employees experiencing discrimination could actively participate in addressing that problem.

74. **Mr. Krap** (Netherlands) said that the protection of religious freedom or belief was one of the main priorities of human rights policy for his country, which supported the freedom of every individual to express his or her identity. The Netherlands opposed the use or abuse of religion or tradition to restrict human rights, especially with regard to women, children and lesbian, gay, bisexual and transgender persons, and believed that States had the responsibility to combat religious discrimination, including in the workplace. He asked the Special Rapporteur to share examples of difficulties that could be encountered in attempting to distinguish between serious religious or belief-related demands and more trivial interests in the implementation of reasonable accommodation measures.

75. **Mr. Al Musharakh** (United Arab Emirates) said that his country was concerned about the manipulation of Islam for extremist ends. In that connection, his delegation had been surprised by comments made at the previous meeting (see [A/C.3/69/SR.25](#)) by the Special Rapporteur on the independence of judges and lawyers regarding an ongoing legal case in the United Arab Emirates. While his country welcomed constructive dialogue and had been pleased to host her visit, it was disappointing that the Special Rapporteur had attempted to link her visit with the aforementioned case. He emphasized that his country conducted all of its trials in full compliance with national and international law.

76. **Ms. Derderian** (United States of America) said that her country's national legislation prohibited discrimination on the basis of religion or belief by public and private employers and required reasonable

accommodation of employees' religious observances and practices. Noting its provisions relating to law enforcement and Government outreach training, she asked whether the Special Rapporteur considered Human Rights Council resolution 16/18 to be an effective action plan in those areas.

77. **Ms. Mollestad** (Norway) said that management of religion and belief diversity in the workplace was a major challenge for the development of employment policies and that religious discrimination needed to be addressed by a systematic and cooperative effort among stakeholders. Noting the Special Rapporteur's recommendation that States should provide diversity training and advisory services for public and private employers, she asked how international actors such as the International Labour Organization and the Office of the High Commissioner for Human Rights could cooperate more closely and strategically in that regard. She would also like to know whether the Special Rapporteur could share any best practices in that area.

78. **Mr. Last** (United Kingdom of Great Britain and Northern Ireland) said that freedom of religion or belief and respect for religious plurality were at the heart of British society. Underscoring the link between religious diversity and political and social stability, he said that his country condemned attacks based on religious belief or non-belief and was concerned by increasing violations of the right to freedom of religion throughout the world, especially as a result of violent extremism. Drawing upon the recommendations contained in the Special Rapporteur's report, the United Kingdom was supporting ongoing religious literacy training across Government departments. He asked how faith leaders and Governments could best work together to tackle violent extremism. He would also appreciate examples of ways in which public and private employers had successfully accommodated diverse requests for religious holidays.

79. **Mr. Bielefeldt** (Special Rapporteur on freedom of religion or belief), responding to the representative of Israel, said that his latest report had been inspired by the unsympathetic reaction of some human rights institutions to the dismissal of a Jewish piano teacher over her refusal to supervise examinations on Saturdays. He underscored that circumcision should never be conflated with female genital mutilation and that the right to circumcision was guaranteed in principle by article 18, paragraph 4, of the International Covenant on Civil and Political Rights.

Emphasizing that prohibition of the practice would have disastrous consequences, he said that he planned to issue a report on children's right to freedom of religion or belief that would address the issue in greater depth.

80. Although Sierra Leone was economically poor, it was exemplary for its interreligious cooperation, notably between Muslims and Christians and among Islamic denominations, and displayed a general appreciation for religious diversity that extended to the workplace. Responding to the representative of Canada, he said that the Rabat Plan of Action was a prime example of a multilateral initiative aimed at promoting the creative use of freedom of expression to combat incitement of hatred. The recent momentum surrounding it should therefore be maintained.

81. While individual cases often presented complications, the private sector was not exempt from anti-discrimination legislation. Laws that placed appropriate limits on the scope of corporate identity were justified in order to avoid the use of employer autonomy as a pretext to deny employees the right to manifest their religious identities in the workplace. He agreed with the representative of Germany on the need for a gender-sensitive approach, which should be integrated within a more holistic understanding of freedom of religion or belief. In that regard, the ambitious and cross-cutting approach of the Convention on the Rights of Persons with Disabilities, which had enshrined reasonable accommodation as a legal principle, was exemplary, particularly as a means of tackling indirect and concealed forms of religious discrimination.

82. Responding to the representative of Austria, he said that, while consultations with trade unions had revealed that employees were generally aware of the applicability of the principle of non-discrimination to the workplace, further progress was needed to transform that insight into practice. The potential of unions to advance the right to freedom of religion remained unexplored and merited closer attention. In response to the representative of the Netherlands, he said that the distinction between the serious and trivial with regard to religion or belief-related demands was clearer in practice than it might seem in principle. Straightforward communication by employees of the existential significance of the religious practice in question was crucial in that regard.

83. The effectiveness of Human Rights Council resolution 16/18, which represented a turning point in recent discussions surrounding the right to freedom of religion, must be explored in conjunction with the Rabat Plan of Action and further work on religious violence. While religious violence and extremism would be addressed in a forthcoming report, he emphasized the importance of holding individuals, rather than their religions, accountable for atrocities committed in the name of religion, and of developing pragmatic responses to those acts on the basis of respect for the fundamental freedom of religion or belief.

*The meeting rose at 5.55 p.m.*