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**Third Committee****Summary record of the 23rd meeting**

Held at Headquarters, New York, on Thursday, 20 October 2016, at 10 a.m.

*Chair:* Ms. Mejía Vélez . . . . . (Colombia)  
*later:* Mr. Eriza (Vice-Chair) . . . . . (Indonesia)

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*The meeting was called to order at 10 a.m.*

**Agenda item 68: Promotion and protection of human rights** (*continued*) (A/71/40 and A/C.3/71/4 (to be issued))

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/71/56, A/71/254, A/71/255, A/71/269, A/71/271, A/71/273, A/71/278, A/71/279, A/71/280, A/71/281, A/71/282, A/71/284, A/71/285, A/71/286, A/71/287, A/71/291, A/71/299, A/71/302, A/71/303, A/71/304, A/71/305, A/71/310, A/71/314, A/71/317, A/71/319, A/71/332, A/71/344, A/71/344/Corr.1, A/71/348, A/71/358, A/71/367, A/71/368, A/71/369, A/71/372, A/71/373, A/71/384, A/71/385 and A/71/405)

**(c) Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/71/379-S/2016/788, A/71/540-S/2016/839, A/71/308, A/71/361, A/71/374, A/71/394, A/71/402, A/71/418, A/71/439 and A/71/554 (to be issued))

1. **Mr. Gilmour** (Assistant Secretary-General for Human Rights) introduced nine reports and one note of the Secretary-General on, respectively, a moratorium on the use of the death penalty (A/71/332); human rights in the administration of justice (A/71/405); missing persons (A/71/299); combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief (A/71/369); globalization and its impact on the full enjoyment of all human rights (A/71/271); the role of the ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights (A/71/273); the promotion and protection of human rights, including ways and means to promote the human rights of migrants (A/71/284); the report of the United Nations High Commissioner for Human Rights on the promotion and protection of the human rights of migrants in the context of large movements (A/HRC/33/67); and the situation of human rights in the Democratic People's Republic of Korea (A/71/439). In addition, he introduced the report of the Secretary-General and the United Nations High

Commissioner for Human Rights on the right to development (A/HRC/33/31).

2. **Mr. Rabi** (Morocco) said that in its resolution 69/168 on the role of the ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights, the General Assembly had requested the Secretary-General to report to the Assembly at its seventy-first session on the implementation of the resolution. However, the note by the Secretary-General on the role of the ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights (A/71/273) referred back to a report of the Secretary-General on national institutions for the promotion and protection of human rights (A/HRC/33/33).

3. Similarly, during the sixty-ninth session of the General Assembly, the note by the Secretary-General on the role of the ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights (A/69/287) had referred back to another report of the Secretary-General on national institutions for the promotion and protection of human rights (A/HRC/27/39). For that reason, Morocco and the co-sponsors of resolution 67/163 had included a sentence in paragraph 1 of resolution 69/168 indicating that they regretted that no specific report on the implementation of resolution 67/163 had been prepared.

4. In that regard, he expressed concern that the note by the Secretary-General on the role of the ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights (A/71/273) had created ambiguities, insofar as ombudsman and mediator institutions had entirely different mandates, functions, structures and roles from national human rights institutions. In addition, the Secretary-General's report did not fulfil the request in resolution 69/168 to report on the implementation of the resolution, and, in particular, on the obstacles encountered by States and on best practices in the work and functioning of ombudsman, mediator and other national human rights institutions, since the report merely provided a technical update and did not identify the issues hampering the creation and functioning of such institutions and ways of helping States to overcome those challenges.

5. **Mr. Forax** (Observer for the European Union), recalling the Rights Up Front Initiative launched by the Secretary-General, which was intended to better equip the United Nations to prevent or respond to large-scale violations of human rights and international humanitarian law, asked how that initiative would be developed further in the years to come. In addition, he wished to know what lessons the Assistant Secretary-General had drawn from his field experience regarding the place of human rights in the international system, and how he planned to strengthen the presence of the Office of the United Nations High Commissioner for Human Rights in New York.

6. **Mr. Mikayilli** (Azerbaijan) said that it would be interesting to learn what challenges the Secretariat had faced in drafting the report of the Secretary-General on missing persons (A/71/299) in terms of access to up-to-date information. Specifically, he asked whether the Secretariat had relied solely on submissions from Member States or whether any of the specialized agencies with relevant expertise had also been involved in the preparation of the report. He said that the report should have included more relevant data and trend analysis, in particular detailed information on global statistics, major achievements, challenges in establishing the fate and whereabouts of missing persons, and analytical and action-oriented recommendations. In addition, the report should have focused on missing persons in relation to armed conflict, in line with General Assembly resolution 69/184 on missing persons.

7. **Mr. Gilmour** (Assistant Secretary-General for Human Rights) said that he had taken note of the issue raised by the representative of Morocco and would convey it to the authors of the report in Geneva. Responding to the questions posed by the European Union, he said that as a veteran of eight field missions, one of his priorities would be to work directly with the human rights components of field missions. Over the previous two years, efforts had been made to build capacity in that regard, given that the Department of Political Affairs and the Department of Peacekeeping Operations were based in New York rather than Geneva. With regard to the Rights Up Front Initiative, he had been personally involved in spearheading its implementation in his capacity as Director for Political, Peacekeeping, Humanitarian and Human Rights Affairs in the Executive Office of the Secretary-

General and remained committed to it. It had helped to improve the Organization's capacity to respond to violations by, for instance, bringing together teams of political, security, development, humanitarian and human rights experts to examine serious cases. In response to the delegation of Azerbaijan, he said that the report of the Secretary-General on missing persons had been drafted in accordance with resolution 69/184, on the basis of information provided by Member States.

8. **Ms. Bas** (Director of the Division for Social Policy and Development) introduced the report of the Secretary-General entitled "Towards the full realization of an inclusive and accessible United Nations for persons with disabilities" (A/71/344), a comprehensive interdepartmental report prepared with the support of the United Nations Interdepartmental Task Force on Accessibility, of which the Department for Economic and Social Affairs was one of the co-chairs.

9. **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/71/305), said that the report provided an overview of the activities undertaken from August 2015 to July 2016, including visits to China, Greece and the European institutions in Brussels, and the submission of two thematic reports to the Human Rights Council, on the interrelationship between inequality and financial crises, and illicit financial flows, respectively.

10. The report also analysed developments in the field of finance and public debt that had a bearing on the enjoyment of economic, social and cultural rights. Noting that some heavily indebted countries would be unable to achieve the Sustainable Development Goals, he stressed the need for a comprehensive framework for debt sustainability analysis and debt restructuring that expressly applied human rights standards, informed by the Basic Principles on Sovereign Debt Restructuring Processes adopted by the General Assembly in 2015. In addition, austerity measures — which could erase years of socioeconomic progress — should be taken only as a last resort and should not violate the minimum core content of economic, social and cultural rights. States should carry out human

rights impact assessments when designing austerity measures.

11. **Ms. Sennouni** (Morocco) said that, to be effective, implementation of the 2030 Agenda must fully comply with global human rights commitments. She asked for further details on the Special Rapporteur's proposal for the creation of a mechanism on debt restructuring.

12. **Ms. Karimdoost** (Islamic Republic of Iran) said that, although States must guard against human rights abuses perpetrated by businesses in their territory, the responsibilities of States were not clearly defined. The geopolitics of business needed to be taken into account during negotiations between a State and a business investor as not all countries had equal bargaining power. The weak negotiating capacity of developing countries in need of foreign investment often led to unfavourable and unsustainable long-term agreements which had negative consequences for local communities, particularly indigenous peoples.

13. Transnational corporations had to be held responsible for their human rights abuses, even though some businesses lobbied their national governments to support regimes that treated them favourably. Foreign investment treaties and negotiations were designed to give more influence to corporations and expand their operations in economically weaker countries at the expense of local businesses. States and businesses must carry out due diligence to identify, prevent and mitigate any adverse impact that their decisions, operations and activities had on human rights.

14. **Mr. Bohoslavsky** (Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights), replying to the question posed by the representative of Morocco, said that the General Assembly could consider establishing a data registry for debt restructuring or a reporting system on the implementation of that policy. The system should aim to identify best practices with respect to debt restructuring and enhance mutual learning processes.

15. Addressing the representative of the Islamic Republic of Iran, he agreed that the limited role of human rights in bilateral investment treaties was a matter for concern. He was working on a report on

whether such treaties could and should be used to solve human rights disputes. Bilateral investment treaties and international arbitrations might not be appropriate forums for resolving policy disputes on the distribution of financial losses in the context of debt restructuring and the financial crisis.

16. **Mr. Jazairy** (Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights) said that his preliminary investigation of issues relating to remedies and redress for victims of unilateral coercive measures had led him to develop four concluding recommendations.

17. First, the Human Rights Council and the General Assembly should consider adopting a declaration on unilateral coercive measures and the rule of law, the preparation of which could be entrusted to an open-ended drafting group of governmental experts designated by the General Assembly. In every situation where unilateral coercive measures had a negative impact on human rights, the right to a remedy must be available and protected. The declaration should reaffirm the illegality of collective punishment and the necessity of respecting the principle of proportionality. Such a document would allow the international community to compile some basic and commonly accepted rules of general international law, human rights law and humanitarian law. It would indicate to States and international organizations that their resort to unilateral sanctions might entail their international responsibility, particularly when hostile acts against a State constituted intentionally wrongful acts. It would also assert the right to a remedy for unilateral coercive measures that violated international human rights law. Specifically, it could recognize the need to set up or adapt appeals mechanisms to address complaints irrespective of the location of the source and target. The declaration should reaffirm that the rules of international humanitarian law were applicable when unilateral coercive measures were imposed in the context of armed conflict. It would also stipulate that the mechanisms generally available to victims of violations of the law of armed conflict should become available to victims of unilateral coercive measures imposed during armed conflict. Lastly, the declaration should recall that the inhabitants of a given country did not forfeit their economic, social and cultural rights as a consequence of their leaders having violated norms relating to international peace and security, including

the right to an effective remedy. It should therefore affirm that States should seek to eliminate sanctions regimes when insufficient provision was made for effective remedies for those affected. In the abovementioned ways the declaration would help to fill an unacceptable gap in human rights protection.

18. With the aim of increasing transparency, his second recommendation was that the United Nations should establish a centralized, publicly accessible register on unilateral coercive measures. Currently, the human rights of one third of the global population were affected by unilateral coercive measures.

19. His third recommendation concerned the urgent need for truly international mechanisms for remedy, compensation and redress. The international community should take early, practical steps to enhance the existing mechanisms that allowed victims of human rights violations related to unilateral coercive measures to claim for damages. In particular, the committees to address individual complaints established under the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and specifically their competence to address human rights violations caused by unilateral coercive measures, should be reinforced. In addition, a United Nations mechanism for remedy, compensation and redress could be established in the future.

20. Lastly, the inclusion of an item in the universal periodic review conducted by the Human Rights Council on the unilateral coercive measures applied by each State, including an assessment of their impact on human rights, would constitute a major advance with regard to transparency and accountability.

21. **Mr. Cepero Aguilar** (Cuba) said that, having suffered from the economic and commercial blockade imposed by the United States of America for many years, his country was aware of the damages caused by unilateral coercive measures and continued to oppose them, including measures used to impose economic or political pressure on countries, particularly developing ones. States should refrain from adopting unilateral coercive measures in violation of international law and the Charter of the United Nations. He asked what the impact of a declaration on unilateral coercive measures would be and what steps the General Assembly and

Human Rights Council could take towards developing one.

22. **Mr. Mohamed** (Sudan) said that the Special Rapporteur's visit to the Sudan in 2015 to assess the negative effect of long-standing unilateral coercive measures had been an appropriate step. Steps were being taken to lift those sanctions, which had had a devastating impact on the Sudanese people and economy. Sudan had been crippled by long-standing external debt affecting all sectors and its access to international markets. Since such issues had delayed realization of the Millennium Development Goals, he asked how achievement of the 2030 Agenda might be affected by unilateral coercive measures and to what extent they might hinder the achievement of the Sustainable Development Goals by the countries concerned.

23. **Mr. Bouassila** (Algeria) said that it was disturbing that the few existing mechanisms for claiming damages for the adverse effects of sanctions often had limited power to secure effective remedies. It was unacceptable that, in violation of many human rights treaties, people in certain States were effectively deprived of access to a forum or mechanism for seeking compensation or redress. With regard to the Special Rapporteur's proposals, he asked what the first steps would be to enhance existing mechanisms and what obstacles could be expected.

24. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela), speaking on behalf of the Non-aligned Movement, said that the Movement encouraged the work of the Human Rights Council Advisory Committee to assess the negative impact of unilateral coercive measures and promote new accountability initiatives. At the Movement's summit in September, heads of State and Government had expressed their concern at the continued imposition of such measures, which were arbitrary and undermined the full development of a truly democratic international order.

25. **Ms. Anichina** (Russian Federation) said that States whose populations were affected by unilateral coercive measures should consider the possibility of using legal mechanisms provided for by existing international instruments to challenge the legality of such measures under international law, particularly human rights law. The legal protection of and redress for those affected by such measures should be further

studied. Unilateral coercive measures taken against individual States or groupings of States undermined the enjoyment of economic, social, civic, political and cultural rights, including the right to development. The Government of the Russian Federation reiterated its invitation to the Special Rapporteur to visit the country in the near future.

26. **Ms. Rasheed** (Observer for the State of Palestine) said that the illegal Israeli blockade of the occupied Gaza Strip entailed the continued violation of the human rights of its residents. Israel was obligated to immediately lift the blockade and make full reparations. A mechanism should be established under the auspices of the United Nations to enable persons affected by unilateral coercive measures to seek remedies, compensation and redress. It could be a compensation commission set up by the Security Council or through a multilateral convention. Given Israel's longstanding impunity, she wondered what measures could be taken by the international community to lift the blockade and make reparations to Palestinians.

27. **Ms. Sennouni** (Morocco) said that her delegation appreciated the Special Rapporteur's focus on issues relating to compensation for victims of unilateral coercive measures. Further information about the possibility of creating a central register would be welcomed, particularly on whether registration of such measures would be compulsory.

28. **Ms. Karimdoost** (Islamic Republic of Iran) said that the Special Rapporteur's focus on the conceptual aspects of remedies under international law for human rights violations caused by unilateral coercive measures could help to clarifying the illegal aspects of those violations. Her country condemned the use of such measures against it in violation of the Charter of the United Nations, international law and the principles of, inter alia, non-intervention and self-determination. Unilateral coercive measures that negatively affected the human rights of individuals and nations and deprived them of the right to development should be discontinued. Given the increasing number of challenges faced by Iran as a result of the unilateral coercive measures imposed against it, the Special Rapporteur should conduct a specific review of those sanctions.

29. **Mr. Barkan** (Israel) said that Gaza had been a base for terror attacks against Israel, including through the activities of Hamas terrorists. Given the dislike of the Palestinian Authority for Hamas, it was unusual that the Palestinian representative ignored the brutal behaviour of Hamas towards residents of both Gaza and Israel. By preventing the importation and use of products that could be used to build terror infrastructure, Israel was exercising its right to self-defence.

30. **Mr. Jazairiy** (Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights) said that broader participation in the discussion would have been desirable given the universal nature of the challenge presented by unilateral coercive measures.

31. Responding to the representative of Cuba, the proposed declaration would bring together provisions from existing international humanitarian and human rights law that were relevant to peoples affected by unilateral coercive measures. Countries could entrust him with the responsibility for preparing a draft declaration by 2017.

32. With regard to the impact of unilateral coercive measures on the Sudan's achievement of the 2030 Agenda, efforts had been made to pressure the Government to improve governance and human rights, yet the imposition of unilateral coercive measures had adversely affected the human rights situation. According to the Vienna Declaration and the 2030 Agenda countries should refrain from taking unilateral coercive measures that did not comply with international law, which implied that some unilateral coercive measures were permissible, despite the blanket opposition to them in General Assembly and Human Rights Council resolutions. Members of the Non-Aligned Movement should discuss whether that was merely diplomatic language used to achieve a consensus or whether it was a matter that needed to be resolved.

33. In response to the Algerian representative's question on enhancing an existing mechanism, protocols to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights allowed signatories to submit complaints and could be used by individuals, entities or countries subject to unilateral

coercive measures for that purpose. An interesting, although politically limited, option was to follow the practice of the European Union Civil Service Tribunal to provide the possibility of challenging flawed procedures, although the Tribunal could not take action in cases where a sound procedure had a flawed objective.

34. Noting the support of the Venezuelan delegation for the work of the Human Rights Council Advisory Committee on unilateral coercive measures, he recalled his close collaboration with that Committee.

35. As to the question put by the representative of the Russian Federation, the unilateral coercive measures imposed on that country had created greater distress in Western European countries exporting goods to it. A study had shown that the 85 per cent of the adverse impact on Western European countries was caused by the loss of the Russian market rather than by any countermeasures taken by the Russian Federation.

36. With regard to the State of Palestine and Israel, he said that people in Gaza were suffering and that individuals should not be made to bear the consequences of their leaders' shortcomings.

37. Responding to the representative of Morocco, he said that he favoured action by the General Assembly on a central register because, as long as the extent of the problem remained unknown, it was unclear how a policy could be established, or how compensation could be claimed. The information available on unilateral coercive measures was inconsistent and unstandardized, and a register was needed to consolidate it. States could choose to make reports, but reporting would not be compulsory, although countries targeted would undoubtedly want to do so. Member States should review the proposal's financial implications and, in the light of that review, could follow up at a later date.

38. While he would like to act as a facilitator, the problem of unilateral coercive measures was complex and could not be solved with rhetoric. Ideally, agreements could be reached between countries involved in a dispute, thereby making such measures unnecessary. For example, he had discovered on his visit to the Sudan that Sudanese people with diabetes were dying because the Danish company producing insulin had been taken over with capital from the

United States, which prevented the insulin being sent to Sudan. Fortunately, the United Nations Office in Khartoum and the Ministry of Health had since signed an agreement with the approval of the principal source country of the unilateral coercive measures against the Sudan allowing the importation of such drugs and foodstuffs.

39. **Ms. Rasheed** (Observer for the State of Palestine), stating that she did not wish to reply to the ridiculous and untrue statement by Israel, asked the Special Rapporteur to describe the measures available to the international community, including the United Nations, to compel Israel to lift its illegal and immoral blockade of the Gaza Strip and make reparations to the millions of Palestinian adults and children suffering there.

40. **Mr. Jazairy** (Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights) said that those affected by the blockade could raise the issue with the committees established to monitor compliance with the International Covenants on Economic, Social and Cultural Rights and Civil and Political Rights, respectively, although he did not know whether Israel had signed either covenant. He would be happy to consult with the Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967 on possible joint action.

41. **Mr. Barkan** (Israel) said that it was not common practice in interactive dialogues in the Committee to give the State of Palestine a second opportunity to speak. In any event, it would be beneath him to respond to that delegation's comment.

42. **Mr. Kiai** (Special Rapporteur on the rights to freedom of peaceful assembly and of association), introducing his final report ([A/71/385](#)), said that his mandate had coincided in recent years with rising demand from individuals for greater influence in public affairs, and also with a number of severe world crises. Freedom of assembly and association were greatly needed, but had been obstructed by the counterproductive measures of many Governments to preserve an increasingly detrimental status quo.

43. Even after nearly six years of his mandate, during which he had sought to document challenges and propose recommendations to address those challenges,

the rights of assembly and association were increasingly restricted, more and more countries were curtailing those freedoms, and growing numbers of civilians were being targeted. Despite the determination of civil society to resist the unjustifiable limitations imposed by many States, the situation would not improve until all Governments respected the inherent rights of all people.

44. His current report examined the exercise of the rights to freedom of assembly and of world order that pursued increasing growth and profit at all costs undermined those rights and led to poorer working conditions, fewer social protections and greater inequality. Economic globalization had increased wealth, but also inequality and the power of large corporations. The growth of global supply chains had been accompanied by a weakening of traditional worker protection mechanisms.

45. The disenfranchisement of workers had disproportionately affected women, migrants, racial, ethnic, religious and sexual minorities, rural workers and others in vulnerable situations. Undocumented migrants were most vulnerable to economic exploitation, social exclusion and political disenfranchisement. Documented migrants did not necessarily fare better, especially where their legal status depended on an employer-sponsored visa. Workers with legitimate complaints attempting to enforce their rights often faced deportation.

46. Female workers in a number of countries experienced various forms of discrimination due to legal, social and cultural impediments, as well as verbal, physical or sexual harassment or abuse. Domestic workers were subject to discrimination on the basis of gender, race, migrant status and the informal nature of their employment, which deterred them from exercising their rights to freedom of assembly and of association.

47. States must refrain from absolute prohibitions or arbitrary restrictions on workers' ability to form or join independent trade unions and other labour associations, or to participate in actions such as collective bargaining, strikes or demonstrations. Impermissible restrictions on these activities persisted in many Member States. Gaps and conflicts in laws, policies and practices allowed rights violations to occur in countries such as the Philippines, where a collective

bargaining right existed in theory but was effectively undermined by imposed limits and budgetary restrictions.

48. States that allowed the use of precarious and informal labour failed to respect workers' assembly and association rights. Many States, including the Republic of Korea and Kazakhstan, sought to weaken the right to strike. In 2012, the International Labour Organization (ILO) Employers' Group had unsuccessfully attempted to argue that the right to strike did not exist; such initiatives demonstrated the need for vigilance on that matter.

49. States were obligated to protect workers against violations by non-State actors. However, in China, Egypt, the Russian Federation and Viet Nam, for example, government-aligned union federations thwarted workers' attempts to form independent unions, rarely represented worker interests, and often signed unfavourable collective bargaining agreements without worker input. In the United States of America, automobile manufacturers Volkswagen and Nissan had colluded with authorities to impede worker unionization.

50. Workers, trade unionists, activists and journalists were being murdered with impunity at alarming levels, particularly where authorities collaborated with employers to restrict workers' rights. Under international human rights law, States must intervene to pre-empt violations and provide redress if rights to the freedom of assembly and of association were violated. Effective remedies should be available from judicial, non-judicial and administrative institutions. Countries should follow the example of those that provided free court access, legal aid and helpful information for migrants.

51. The role of transnational actors such as multilateral financial institutions in impeding workers' exercise of their labour rights could not be understated. Initiatives such as corporate social responsibility and social audits were not a substitute for robust enforcement of rights. The world and its globalized economy were changing rapidly, and the tools used to protect labour rights needed to adapt equally quickly.

52. **Ms. Mendelson** (United States of America) said that the work of the Special Rapporteur on the rights to freedom of peaceful assembly and of association had



drawn attention to the restrictions on civic space that were part of a worldwide trend. Worker rights were a core value in the United States and the foundation for durable democracies with open civic space, sustained prosperity and inclusive economic growth. She asked the Special Rapporteur what else States could do to resist global restrictions on civic space, and how civil society could become more resilient to those restrictions.

53. **Ms. Clayton** (United Kingdom) said that the Special Rapporteur's report rightly focused on risks to women and other vulnerable workers in the workplace. Recognizing the challenges, she also wished to acknowledge the positive steps many businesses were taking to ensure respect for human rights throughout their supply chains. She asked the Special Rapporteur where government, business and civil society should focus their efforts to make further practical progress.

54. *Mr. Eriza (Indonesia), Vice-Chair, took the Chair.*

55. **Mr. Ruiz Blanco** (Colombia) said that his Government had been promoting social dialogue between the most representative employers' and workers' organizations in the formulation of social policies. A standing tripartite subcommittee on gender had been established to monitor gender issues in the workplace, including sexual abuse and the gender pay gap. Two rounds of public sector collective bargaining in the last five years, which covered over one million civil servants, had led to and the promulgation of agreed procedures on negotiation and dispute resolution with organizations of public employees. The Special Committee for the Handling of Conflicts Referred to the ILO had helped strengthen the right to organize, freedom of association, and the right to collective bargaining.

56. **Ms. Kirianoff Crimmins** (Switzerland) said that Switzerland welcomed the Special Rapporteur's report, but felt that it was controversial and vague in parts, and should have given greater consideration to the work of ILO on freedom of association. Several countries including Switzerland were implementing national action plans based on the Guiding Principles on Business and Human Rights. She asked about the extent to which the Special Rapporteur had considered those plans in formulating his recommendations, and how States could help businesses play a positive role in

ensuring the protection of workers, unions and union members.

57. **Ms. Karimdoost** (Islamic Republic of Iran) said that migrant workers faced obstacles to the exercise of their right to freedom of assembly and association, while increasingly harsh immigration laws often excluded them from protection. Unbridled globalization often exacerbated global inequality, discrimination, violence and exploitation. Multinational corporations must be held responsible for most violations of workers' rights, particularly those of migrant workers. In Iran, the freedoms of assembly and association were guaranteed by the constitution and the labour code provided for the exercise of those rights by trade unions, with the result that all citizens enjoyed the fundamental right to peaceful assembly under the law.

58. **Mr. Forax** (Observer for the European Union) asked how the severe inequalities and dramatic rise in the power of multinational corporations resulting from economic globalization could be addressed, and how States could facilitate workers' assembly and association. He wondered whether member States of the European Union that already had the rights to freedom of peaceful assembly and of association included in their national legal frameworks could play a role in that process. With regard to the artificial distinction, mentioned in the report of the Special Rapporteur, between labour rights and human rights more broadly, he asked how labour rights could gain prominence within the human rights system.

59. **Ms. Brodska** (Czechia) asked how States could assist businesses in supporting the rights to freedom of peaceful assembly and of association.

60. **Ms. Savitri** (Indonesia) said that her delegation was concerned at the reference to Indonesia in the report of the Special Rapporteur. The national police handled demonstrations in accordance with national human rights regulations, and any reports of rallies being mishandled by law enforcement officers were investigated. The police continued to improve their professionalism, and the Government was engaged in ongoing dialogue with all stakeholders to ensure that human rights, including the rights to freedom of peaceful assembly and of association, were promoted and protected.

61. **Mr. Tollaksen** (Norway) asked what States should do to combat violence against women in the workplace. He wondered how the Human Rights Council and ILO were working together to ensure respect for labour rights, which were workers' human rights.

62. **Mr. Zewdie** (Ethiopia) noted that the Special Rapporteur had singled out Ethiopia for excluding domestic workers from the protection of laws on trade union representation. While that was indeed the case, his Government had recently taken measures, including the adoption of a law that protected the rights of Ethiopian domestic workers working abroad in certain countries. In addition, the Ethiopian Constitution and laws deriving from it protected the rights of different groups, including children and women; consequently, even if there was no law specifically targeting domestic workers, the rights of individuals doing domestic work were, in all cases, protected by other laws.

63. **Mr. Al-Kuwari** (Qatar) said that his Government was strongly committed to protecting the right to freedom of assembly and of association, which was enshrined in the Qatari Constitution. The Government had taken significant steps to protect the rights of foreign workers in Qatar, including the adoption of a law regulating employee-worker relations, scheduled to enter into force in October 2016, which abolished the *kafala* system. The Supreme Committee for Delivery and Legacy, which was responsible for developing the infrastructure for the 2022 FIFA World Cup, complied with international human rights standards and actively sought to improve workers' lives through initiatives developed in consultation with stakeholders. The report of the Secretary-General on promotion and protection of human rights, including ways and means to protect the rights of migrants (A/70/259), submitted to the seventieth session of the General Assembly, had highlighted significant improvements in the Government's monitoring of recruitment agencies that hired domestic workers.

64. **Mr. Kiai** (Special Rapporteur on the rights to freedom of peaceful assembly and of association) said that not enough was being done to protect the rights of the most marginalized workers. Domestic workers who went to work in a foreign country were powerless to improve their situations; they were at the mercy of

their employers and the laws of the host country. Collective action to improve their circumstances was therefore needed.

65. States must work with businesses on freedom of association and labour rights issues, but civil society, including labour unions, also had a key role to play in bringing about needed changes in labour systems around the world which caused great suffering. Therefore, heads of State and Government should meet not only with business representatives, but also with civil society bodies such as human rights and environmental groups, and non-governmental organizations. Consulting critical elements of civil society, such as human rights groups and trade unions, was particularly important. Criticism and dissent were crucial aspects of democracy and the development process.

66. States could enhance civic space and labour rights by remembering that treaties were not only about States and businesses, but that they also affected people. Human beings must be valued over profit. Civil society, including non-governmental organizations, must strengthen itself by building domestic and international alliances. The prevailing negative perception of foreign funding for civil society must be changed: in the current globalized, interconnected world foreign funding was a practical necessity. For national action plans to be effective, they should be legally binding. In that regard, the establishment of a treaty on human rights and transnational and national companies would be a significant step forward.

67. ILO had done great work to promote labour standards, but work on workers' rights from a human rights perspective was still needed. Therefore, the work of ILO and the Human Rights Council should be better linked. As the worst-affected victims of globalization, workers and human rights defenders should come together to advance workers' rights. Lastly, the Special Rapporteur system was not intended to embarrass or attack States, but to constructively improve their systems; Governments should therefore be open to receiving visits by Special Rapporteurs.

*The meeting rose at 12.35 p.m.*