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Chair: Mr. Molina Linares (Vice-Chair) (Guatemala)
later: Ms. Shikongo (Vice-Chair) (Namibia)

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In the absence of Mr. Saikal (Afghanistan), Mr. Molina Linares (Guatemala), Vice-Chair, took the Chair.

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

Agenda item 74: Promotion and protection of human rights (continued)

(a) Implementation of human rights instruments (continued) ([A/73/40](#), [A/73/44](#), [A/73/48](#), [A/73/56](#), [A/73/140](#), [A/73/207](#), [A/73/264](#), [A/73/281](#), [A/73/282](#) and [A/73/309](#))

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(c) Human rights situations and reports of special rapporteurs and representatives (continued) ([A/73/299](#), [A/73/308](#), [A/73/330](#), [A/73/332](#), [A/73/363](#), [A/73/380](#), [A/73/386](#), [A/73/397](#), [A/73/398](#) and [A/73/404](#))

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued) ([A/73/36](#) and [A/73/399](#))

1. **Mr. Shaheed** (Special Rapporteur on freedom of religion or belief), introducing his interim report ([A/73/362](#)), said that he had visited Tunisia in April 2018 and had arranged visits to Sri Lanka in December 2018 and the Netherlands in 2019. In March 2018, he had presented to the Human Rights Council a thematic report on the relationships between State and religion and their impact on freedom of religion or belief ([A/HRC/37/49](#)) and reports on his visits to Albania and Uzbekistan in 2017 ([A/HRC/37/49/Add.1](#) and [A/HRC/37/49/Add.2](#), respectively). He had also attended numerous consultations and seminars, which included, in December 2017, the five-year review of 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, in October 2018, consultations on Islamophobia convened by the Independent Permanent Human Rights

Commission of the Organization of Islamic Cooperation in Istanbul. He had also convened, jointly with the Jacob Blaustein Institute for the Advancement of Human Rights, an expert consultation in Geneva in June 2018 on monitoring and combating anti-Semitism.

2. He reiterated the importance of honouring national and international commitments to promote and protect freedom of religion or belief. Aspects of State legislation, practices or policy that undermined or contravened that right or inter-related human rights continued to pose significant challenges and, in some cases, impaired the capacity of States to achieve other peace and security goals. In that context, he had focused some parts of the report on the impact of violent extremism on the right to freedom of religion or belief.

3. The report provided a platform on which to reflect on discriminatory aspects of regulations on religious expression that targeted adherents or groups of persons of particular faiths who were wrongly perceived to be predisposed to terrorist or other violent acts. The full enjoyment of freedom of religion or belief was dependent on the commitment of States to fully discharge their obligation to respect, protect and promote, equally and for all persons, related rights, including the right to freedom of expression, peaceful expression and association. International human rights law stipulated that any distinction, exclusion or preference that, by purpose or effect, nullified or impaired the enjoyment of human rights and fundamental freedoms was unlawful unless based on objective and reasonable criteria. Moreover, any restrictions on the manifestation of religion or belief must fully comply with the limitations regime provided for by international law. If those conditions were met, synergies between human rights and security could contribute to resilient societies capable of preventing violence perpetuated in the name of religion or belief.

4. He had also elaborated in his report on challenges faced when preventing and countering violent extremism while protecting freedom of religion or belief. He urged States to make use of action-oriented tools and guidelines developed by the United Nations system in the context of freedom of religion or belief, such as Human Rights Council resolution [16/18](#), the Rabat Plan of Action and the Secretary-General's Plan of Action to Prevent Violent Extremism, the Faith for Rights framework and the Plan of Action for Religious Leaders and Actors to Prevent Incitement to Violence that Could Lead to Atrocity Crimes. Initiatives driven by a security-oriented approach to religion had, by contrast, caused an alarming upsurge in human rights violations, including undue restrictions on freedom of religion or belief. Denial of freedom of religion or belief

increased the pathways to violent extremism, whereas respect for pluralism enhanced the capacity of societies to build resilience against violence.

5. In his report, he had referred to the need for States to remain vigilant and take action to protect all individuals within their territories and jurisdictions from violence. Recommendations had been made in that regard by the United Nations High Commissioner for Human Rights (OHCHR) and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. He had also reiterated their appeal to States to undertake further research on the phenomenon of radicalization, pursue evidence-based policies that met the human rights obligations of States and ensure a gendered perspective that complied with the duty to respect, protect, and promote the human rights of women, children and sexual minorities. He hoped that his own recommendations in the report would encourage others to reflect on specific steps that they should take to ensure respect for freedom of religion or belief in accordance with international human rights law and standards. In the following year, he intended to concentrate on the relationship between freedom of religion or belief and freedom of expression, in line with his agenda to explore the interrelated nature of freedom of religion or belief and other human rights.

6. **Ms. Simpson** (United States of America) said that her delegation welcomed the progress made in some countries with regard to the right to freedom of religion, while expressing concern at the deterioration in others. Uzbekistan deserved commendation for its adoption of a religious freedom road map. She urged the Uzbek Government to work with the Special Rapporteur and other international experts to ensure that the country's laws and policies were consistent with its international human rights obligations and with best practices.

7. In July 2018, the United States had convened the first ever Ministerial to Advance Religious Freedom and, earlier in the year, it had co-chaired the International Contact Group on Freedom of Religion or Belief. Her Government continued to support the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief and hoped that a Member State would offer to convene the next follow-up meeting.

8. Her delegation was appalled by credible reports that Chinese authorities had arbitrarily detained hundreds of thousand, if not millions, of Muslims in re-education camps in Xinjiang and by additional reports of torture and deaths. The Chinese authorities

were restricting religious freedom and fuelling intolerance by labelling Muslim religious practices as manifestations of religious extremism. She called on all States to speak out against the egregious human rights violations committed by China and asked the Special Rapporteur what the international community could do to address the human rights crisis in Xinjiang.

9. **Mr. Browne** (United Kingdom) said that his Government had recently demonstrated its commitment to the topic under discussion by appointing a special envoy on freedom of religion or belief. Domestically, the United Kingdom sought to create a strong and integrated society in which people could express their religious identity, while respecting and understanding the beliefs of others. Internationally, it promoted the right to freedom of religion or belief through its multilateral and bilateral relations, including through its diplomatic network. It had committed over £1 million to projects on the promotion of that right in Iraq, Malaysia, Burma and the Sudan. The Government actively supported the rights of persons who had been unfairly detained, including Baha'is detained in Yemen and Jehovah's Witnesses in Russia, and also supported the rights of persons of minority faith groups in conflict settings, who tended to be at great risk of persecution. He asked how States could ensure that members of the international community promoted freedom of religion or belief.

10. **Ms. Niculae** (Romania) said that his country prided itself on its inclusiveness. It had 18 recognized religions, several religious associations and over 800 non-governmental organizations associated with religious activities. A 2006 law provided for the neutrality of the State with regard to all recognized religions and guaranteed their autonomy. The 20 national minorities living in Romania were represented in governing structures and were an important part of decision-making processes. To preserve their ethnic identity, the State guaranteed persons belonging to national minorities access to secondary and higher education and to public broadcasting in their native languages, as well as support for artistic and cultural events. Romania was ready to share its expertise in such policies. Politicians, mass media and faith leaders were also key actors in the promotion of tolerance and interreligious and intercultural dialogue.

11. Education was vital for promoting dialogue and tolerance and as a means of empowering young people to understand the complex reality in which they lived. She asked the Special Rapporteur how education could be used to combat violent extremism and how it could be employed to that end on a global scale.

12. **Mr. Al Khalifa** (Bahrain) said that his country served as an example of how States could successfully foster religious tolerance and peaceful coexistence. His Majesty King Hamad bin Isa Al Khalifa, King of Bahrain, had launched a comprehensive reform programme to establish a culture of tolerance and openness both within the country and abroad, and numerous steps had been taken to that end. Bahrain had established the King Hamad Global Centre for Peaceful Coexistence, while the Kingdom of Bahrain Declaration called for collaborative efforts among all relevant stakeholders to strengthen freedom of thought and belief worldwide, which could help foster global peace. The King had also established the King Hamad Chair in Interfaith Dialogue and Peaceful Coexistence at Sapienza University in Rome, Italy, to promote dialogue, peace and interreligious understanding. Bahrain was proud to be an example of religious freedom and coexistence, and it would continue to promote religious tolerance and confront all forms of sectarianism, extremism and national, racial or religious hatred.

13. **Mr. Playford** (Australia) said that his delegation shared the Special Rapporteur's concern about the negative impact that restrictions of the freedom of religion or belief could have on national peace and stability. The promotion and protection of human rights, national security and public safety were complementary, interdependent and mutually reinforcing objectives. Nevertheless, efforts to meet national security challenges, combat terrorism and counter violent extremism must comply with international law, especially international human rights law, and not undermine social cohesion, alienate vulnerable communities or diminish trust. The State should uphold and protect the rights of all, including in the development and implementation of national security measures, since all people were entitled to respect, dignity and legal protection.

14. He requested examples of best practices in which Member States had helped members of law enforcement bodies to improve their understanding of religious views, and especially of the distinction between views based on peace and tolerance and views that could lead to intolerance or violence.

15. **Ms. Duda-Plonka** (Poland) said that it was the role of the State to initiate cooperation with religious communities and thereby foster a culture of peace and interfaith dialogue. Cooperation of that kind not only raised awareness but also supported the fight against the culture of impunity for those who persecuted religious minorities. Her delegation called on Member States to carefully assess the impact of regulations on public

safety and to comply with the Special Rapporteur's recommendations on the protection of the right to freedom of religion or belief, especially with regard to persecution of persons belonging to religious minorities. She asked the Special Rapporteur what basic measures States could take to increase the involvement of religious leaders in preventing radicalization. She also requested additional information on instruments that Member States could use to assess the balance between protecting freedom of religion or belief and criminalizing forms of hate speech.

16. **Ms. Pellegrom** (Netherlands) said that the Netherlands had been shaped and enriched by a plurality of religions and beliefs, and it therefore recognized the complementary and mutually reinforcing relationship between the promotion and protection of human rights, both offline and online, and national security. It promoted those rights, including the right to freedom of religion and belief, in all circumstances and for all persons, including members of Christian minorities and lesbian, gay, bisexual, transgender and intersex persons. Given the emphasis in the report on interacting with religious leaders, he asked what options were available to States with less experience in engaging faith-based actors.

17. **Mr. Forax** (Observer for the European Union) said that promotion of freedom of religion or belief was an important component of the European Union human rights policy and was consistently raised during dialogues with partner countries. The European Union had in recent years appointed coordinators and released guidelines on the promotion and protection of freedom of religion or belief. It also worked hard to ensure that the topic retained a prominent position on the United Nations agenda. He asked what States could do to reverse the negative trend mentioned in the report (A/73/362), whereby strategies to counter violent extremism ended up undermining fundamental freedoms and defeating the ultimate objectives of enhancing public safety, tolerance and mutual understanding. It would also be useful to hear about examples of best practices where States and religious organizations had worked together to combat intolerance, discrimination and incitement to hatred or violence on the basis of religion or belief.

18. **Ms. Sukacheva** (Russian Federation) said that, although the topic of freedom of religion or belief was important and relevant, the Special Rapporteur had devoted too much attention in his report to analysing violent extremism. Such matters were outside his mandate and should be discussed in other forums. The Russian Federation also disagreed with the Special Rapporteur's attempts to describe the right to freedom

of thought, conscience and religion provided for in the International Covenant on Civil and Political Rights as an absolute right. Article 18, paragraph 3, of the Covenant clearly established the possibility of lawful restrictions of the freedom to manifest one's religion or beliefs, provided that such restrictions were clear, necessary and proportional, and that there was due process and the possibility of appeal. Russian legislation satisfied those conditions. Russia was a multiconfessional State and was prepared to share its extensive experience of promoting interfaith dialogue both among religious representatives and between them and the State.

19. He drew the Special Rapporteur's attention to the fact that some States, whose secularity was enshrined in their Constitution and national legislation, saw fit to interfere in religious affairs and to deliberately employ discriminatory practices against followers of specific faiths or religious institutions. Leaders of those States justified their actions by inferring that their targets were predisposed to terrorist or violent acts. The violations of believers' rights ranged from preventing access to places of worship to intentionally provoking clashes and violence.

20. **Ms. Přikrylová** (Czechia) asked what actions the Special Rapporteur recommended to prevent acts of violence carried out in the name of religion or tradition that occurred in the private sphere, especially considering the social and cultural sensitivity of such issues. She would also welcome examples of strategies which had increased the resilience of communities to intolerance and violent extremism.

21. **Mr. Kelly** (Ireland) said that his delegation welcomed the emphasis placed in the Special Rapporteur's report on the fact that restrictions on freedom of religion or belief must comply with international human rights law. Ireland condemned attempts to legitimize national legislation adopted in recent years on grounds of national security that had subsequently restricted fundamental human rights. Expressing appreciation for the Special Rapporteur's recommendation to include national human rights institutions and civil society organizations in the development of national action plans for the implementation of the various tools developed by the United Nations system in the context of freedom of religion or belief, he asked how in practice States could further encourage the participation of civil society in that regard.

22. **Mr. Christodoulidis** (Greece) said that his country had taken the initiative to promote peaceful coexistence by organizing two international conferences

on religious and cultural pluralism in the Middle East, held in Athens in 2015 and 2017. The conferences had brought together religious and political leaders, officials from Governments and international organizations, academics and civil society representatives from around the world. Participants had considered ways in which to counter radicalization, improve the media's handling of religious discourse, preserve cultural heritage and promote the vital role of religious communities and leaders in building bridges and establishing trust and cooperation.

23. **Mr. Suhr** (Denmark), speaking on behalf of the Nordic and Baltic countries – Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden – said that the increasing number of people worldwide who had been persecuted for religious reasons was a cause for concern. The international community should honour the example of Nobel Peace Prize laureates Nadia Murad and Denis Mukwege by holding accountable those who had committed violence against persecuted religious minorities, women and children. Women were often particularly vulnerable when religious minorities suffered persecution and were sometimes restricted in their ability to contribute to the interpretation of their religion or to practise it according to their own conscience. The achievement of gender equality, and particularly women's full enjoyment of human rights, were important factors that contributed to the realization of religious freedom. The Nordic and Baltic countries fully agreed with the conclusion that protecting the freedom of religion or belief was a vital part of any comprehensive strategy against terrorism and violent extremism. Initiatives should take into account the universal human rights referred to in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and they should be based on the principle contained in the Vienna Declaration and Programme of Action that all human rights were universal, indivisible, interdependent and interrelated.

24. **Ms. Bogyay** (Hungary) said that there was a complex relationship between extremism and freedom of religion and belief: although acts of violence might be committed in the name of a specific religion, the underlying causes were sometimes quite different. Member States should look to address the root causes of violent extremism by building inclusive societies in which marginalized groups were empowered and all citizens were free to practise their religion in peace. Hungary was deeply concerned about the persecution of religious minorities, especially Christians, by terrorist groups. Abduction, forced conversion and violence against members of religious minorities not only

violated human rights, but also threatened the culture and heritage of entire communities, jeopardizing their future and imperilling the stability and cultural diversity of entire regions. Intrareligious and interreligious dialogue could contribute significantly to reconciliation, the promotion of peaceful coexistence and the building of sustainable peace. He requested the Special Rapporteur's opinion on ways in which States, moderate religious leaders and civil society could work together to safeguard the freedom of religion and belief of religious minorities.

25. **Mr. Chu** Guang (China) said that the freedom of religion of China's citizens was protected by the Constitution and relevant laws. The Government protected normal religious activities and was obligated to prohibit the use of religion to spread extremist ideology and engage in extremist activity and to combat the use of religion to carry out unlawful acts.

26. In response to the statements regarding Xinjiang made by the representative of the United States, he said that over the previous several years, the "three forces" of terrorism, religious extremism and separatism had led to a series of violent terrorist attacks, which had violated the fundamental rights to life, health and development of all groups in Xinjiang. As a result of those forces, extremist ideology had propagated and people had been coerced into participating in religious and terrorist activities in some parts of China. In order to combat those dangerous trends, the Government had reviewed the experiences of the international community in the area of counter-terrorism and was adhering to a combined approach with an emphasis on preventive measures. Those whose involvement in terrorist and extremist activities was relatively minor were provided with free vocational and technical skills training in accordance with the provisions of criminal law, criminal procedure law and counter-terrorism law. Accordingly, the front line against the infiltration of those forces was strengthened while the basic human rights of citizens were protected from harm to the greatest possible extent. No violent terrorist incidents had occurred in Xinjiang for 21 months, religious extremism had been effectively contained and the people's sense of security had significantly improved.

27. **Ms. Al-Katta** (Canada) requested examples of the peacebuilding function implicit in the promotion and protection of the freedom of religion or belief. She also asked what steps Governments and their security forces could take to ensure that engagement with religious actors did not lead to the securitization of faith communities.

28. **Ms. Wiig** (Norway) said that her Government had contributed \$10 million in 2018 for projects related to freedom of religion or belief. Although its principal partner was the Office of the United Nations High Commissioner for Human Rights, it also worked closely with civil society. Her delegation welcomed the focus in the report on the gender dimension of violent acts, since it was important to bring attention to the number of violent acts carried out against women in the name of religion. Similarly, although religious leaders could and should play an important role in fostering tolerance and understanding, very few of them were women. He asked the Special Rapporteur what measures he would suggest to facilitate the involvement of women more directly in efforts to eliminate religious intolerance?

29. **Mr. Shaheed** (Special Rapporteur on freedom of religion or belief) said that transparency was always one of the most important aspects of human rights work. Violations should be documented whenever they occurred, not only to raise awareness but also to facilitate solutions. Documenting violations also made it clearer whether the international community should be concerned about events in a given locality.

30. The Special Rapporteur's mandate required him to investigate emerging and existing obstacles and challenges to the enjoyment of the right to freedom of religion or belief. There was overwhelming evidence that violations of that right triggered conflicts and that stability resulting from its repression was only ever temporary. Since most people targeted by violent extremism were from faith-based communities, countering violent extremism certainly fell within the Special Rapporteur's mandate. He had never claimed that the right to freedom of religion or belief was an absolute right, except in reference to the *forum internum* element, the right to form and hold opinions that could not be violated by humankind or technology. Although article 18, paragraph 3, of the International Covenant on Civil and Political Rights provided for limitations that were necessary and prescribed by law, he had clarified in paragraph 8 of his report ([A/73/362](#)) that those limitations must meet certain strict conditions.

31. Many of the tools to promote freedom of religion or belief were already available to Member States. A good starting point was article 6 of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which listed rights that communities should protect. The Rabat Plan of Action provided clear guidance on the conditions under which States could identify, criminalize and respond to hate speech without curtailing positive speech. The Faith for Rights framework represented an attempt to provide States and

other actors with guidance on how to engage with faith-based communities. From personal experience, he had found that international observers could also be effective facilitators of dialogue between communities. Previous reports by the Special Rapporteur on freedom of religion or belief had focused on criteria for interfaith communication and had provided guidance to Member States, including on the need to involve all communities in dialogue, not solely major religions; enlist the support of a wide range of leaders and actors; ensure mutual respect between partners; and refrain from censoring communities for issues that were central to their creed.

32. One of the main purposes of his report was to highlight the negative impact of policies against violent extremism that overemphasized the importance of national security or that securitized religion. He supported a return to a holistic approach, as advocated in Human Rights Council resolution 16/18 and the Istanbul Process, that would encompass training law enforcement officers to detect and respond to hate crimes; increasing pluralism; boosting participation of religious representatives and fostering equality between communities; remaining mindful of emerging tensions and addressing them before they escalated; and encouraging interfaith communication. He called on Member States to consider hosting the next follow-up meeting of the Istanbul Process, as many of the previous follow-up meetings had been very useful.

33. He was heartened by the fact that States were increasing their investment in the promotion of freedom of belief or religion by appointing focal points, envoys and ambassadors and increasing their international outreach. The next step would be to develop synergies and collaboration between those working in that field.

34. **Mr. Kaye** (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression), introducing his report (A/73/348), said that artificial intelligence technologies, whether adopted by public or private actors, should be as transparent as possible so that individuals did not lose their control of fundamental rights to machines and the individuals who programmed them. Algorithms and artificial intelligence applications were now ubiquitous in daily life, and the report addressed the intersection of technology and the human rights to freedom of opinion, freedom of expression, and privacy, as well as the pervasive obligations of non-discrimination and the right to an effective remedy.

35. Recalling the recommendations contained in the report, he said that a human rights-based approach to artificial intelligence should be adopted. Company standards, rules and system designs should be oriented

around universal human rights principles. The manipulation of content in information environments by artificial intelligence systems, including with the involvement of human moderators, should be disclosed. Discriminatory elements in artificial intelligence systems should be addressed. Artificial intelligence must not interfere with an individual's ability to form and hold opinions or access and express ideas. Adverse effects of artificial intelligence systems on human rights must be remediable and remedied by the companies responsible. Individuals needed to know when they had been subjected to an algorithmic decision and be equipped with information about the logic behind such a decision.

36. Over the past year there had been many attacks on the right to freedom of opinion or expression around the world. A Maltese journalist had been murdered by a car bomb. The President of the United States had referred to journalists as enemies of the people. Nicaragua had pursued charges against dissenting voices. Belarus had adopted a harsh new media law. Hundreds of journalists and activists had been imprisoned in Turkey, and Myanmar had sentenced two Reuters journalists to prison for reporting on massacres in Rakhine State. Tajikistan had sentenced an anti-corruption journalist, on the pretext of embezzlement, to 12 years in prison, and Iran continued to crack down on journalists and the media, including the BBC Persian Service.

37. At present, the international community was failing to address the disappearance and murder in Istanbul of Saudi Arabian journalist Jamal Khashoggi. It was difficult to understand why the discussions in the Third Committee, the Human Rights Council and the Security Council had not included calls for an independent investigation of those events. He urged all delegations, particularly those which had supported the recent Human Rights Council resolution on the safety of journalists, to follow through on that commitment and put an end to impunity. That situation was a test of the principles that the Committee claimed to uphold, and journalists and their audiences were counting on the Committee to act appropriately.

38. Many Governments were causing vast suffering to individuals around the world, and the repression of expression was repression of democracy and the rule of law. The United Nations could not continue with high-level commitments and limited implementation, which was a recipe for cynicism about the work of the Organization.

39. Over the next year, he would further explore the issues of technology's dominance of the tools of communication. He would report on commercial

spyware, their export by developed countries and their abuse by Governments around the world, as well as the ways in which social media companies involved local civil society and other actors in markets where they dominated public space.

40. **Ms. Simpson** (United States of America) said that when journalists were jailed for doing their work, the public was deprived of unbiased information and in-depth reporting. The United States acknowledged the announcement of the Kingdom of Saudi Arabia concerning the disappearance of the journalist Jamal Khashoggi, and it would continue to closely follow international investigations into that tragic incident and call for justice that was timely, transparent and conducted with all due process. The commitment by the authorities of the Kingdom to bring forth the facts, hold those involved accountable and bring them to justice was an important first step towards finding the answers that the world deserved. Her delegation hoped that Mr. Khashoggi's remains would be returned to his family for a proper burial as soon as possible.

41. The United States was concerned by the growing restrictions on the exercise of freedom of expression in China, and called on that country to allow all individuals to express their views without fear of retribution. Journalists should be able to do their jobs freely.

42. Her delegation called for an end to impunity for the murder of journalists and human rights defenders all over the world, many of whom exposed corruption and human rights abuses. The United States stood firmly with those seeking to exercise their rights to freedom of opinion and expression, and commended journalists for their important work in bringing truth to light.

43. **Mr. Forax** (Observer for the European Union) said that the rapid development of technology created difficulties in the application of the rights to freedom of expression and opinion and the right to privacy, but did not alter those rights in any way. The rights that existed offline must also be protected online. Those responsible for the killing of media workers and the extremely worrying attempts to silence journalists must be held to account.

44. Noting that the majority of the recommendations made by the Special Rapporteur in his report were directed towards the private sector, the European Union would welcome his views on the best practices of States in providing an environment to enable private companies to address the relevant challenges.

45. **Ms. Strubin** (Switzerland) said that artificial intelligence brought risks as well as opportunities, and it was not only an obligation for States but also the

responsibility of companies to ensure respect for, and consideration of, human rights on the Internet. Accordingly, the Guiding Principles on Business and Human Rights should serve as the framework for applications of artificial intelligence. Switzerland believed that citizens should have more control over how their data was used by companies, and was currently updating its data protection laws in order to better protect the people.

46. Users of platforms should be fully informed of the ways in which decisions taken by algorithms shaped their use of the platforms. Increasing personalization and differentiated display of information significantly reduced exposure to different points of view and possibilities for dialogue. Her delegation was concerned by those practices, which ran counter to the right to form one's own opinion and enrich it through reasoning. Such practices tended to reinforce prejudices.

47. She asked the Special Rapporteur for his views on how to overcome the challenge presented by the automated filtering of unlawful or inappropriate content, which sometimes also affected legitimate content.

48. **Mr. Pildegovics** (Latvia), speaking on behalf of the Nordic and Baltic countries, said that artificial intelligence was now a critical part of the information environment and had many positive aspects, but the growing trends of disinformation and propaganda, which caused a decline in overall public trust of media and democratic institutions, was of great concern. It was also troubling that restrictions on freedom of expression online continued to increase, together with the risks posed by artificial intelligence, such as its hidden role in shaping individual consumption of information. Transparency could also be impeded by the collection of massive data sets, with individuals effectively paying for free content and services by providing their personal data.

49. The Nordic and Baltic countries would continue to protect the human right to freedom of expression, both online and offline, and strongly supported free, independent and pluralistic media as well as the safety of journalists and media workers. In view of the Special Rapporteur's work on profiling, advertising and targeting, how could information and communication technology companies be more engaged in the prevention of discrimination? He asked if there were any good examples that could serve as inspiration for others.

50. **Ms. Tissy-Fisslberger** (Austria) said that although discussions on basic aspects of artificial intelligence and their applications in widespread

Internet platforms were moving into the mainstream, their effects on human rights were still far from being clearly understood. She wished to know what steps States should take to ensure that citizens understood the human rights implications of modern technology, including artificial intelligence. In addition, the problem of impunity for the murder of journalists unfortunately persisted and all cases should be fully investigated.

51. **Ms. Charrier** (France) said that the rights to freedom of expression and opinion were fundamental to societies, were essential to the functioning of democratic institutions and supported the exercise of other human rights. As described in the report of the Special Rapporteur, artificial intelligence technologies presented enormous opportunities but also posed risks. Therefore States, companies and civil society should work collectively and harmoniously to ensure that such innovations respected and reinforced human rights. Human rights would be a central element in artificial intelligence in the future, and it would be critically important to maintain democratic confidence in technology. In that context, France and Canada had proposed the creation of an international panel on artificial intelligence, comparable to the Intergovernmental Panel on Climate Change, which would organize independent expertise on a global scale and compile and share the results of research on issues and best practices related to artificial intelligence while taking into account its ethical implications.

52. All human rights that existed offline, particularly the rights to freedom of expression and opinion, must be afforded the same protection online. She wished to know what the Special Rapporteur's recommendations would be for close and constructive dialogue among States, companies and civil society on the issue of artificial intelligence.

53. *Ms. Shikongo (Namibia), Vice-Chair, took the Chair.*

54. **Ms. Abdullah** (United Kingdom) said that while the use of artificial intelligence could be seen as a way of abdicating responsibility for the collection and use of data, it was human decision makers who defined their intentions, outputs and applications. At each stage, human rights obligations must still be met: the systems developed for data collection and use must not perpetuate or exacerbate discrimination, and there must be an adequate system of oversight and redress. Her delegation would be grateful for guidelines on bringing together States, companies and civil society for meaningful dialogue on the challenges involved and, given the complexity of the algorithms being used and the interchanges taking place between data sets,

recommendations on how to ensure that any consent given was genuinely and reasonably informed.

55. **Ms. Sukacheva** (Russian Federation) said that the Human Rights Council had established the mandate of the Special Rapporteur with the intention of creating a mechanism for monitoring freedom of speech in the world. The report by the Special Rapporteur on the implications of artificial intelligence technologies (A/73/348) might be of interest to the general public, but it did not meet the Council's expectations. She hoped that the Special Rapporteur would in future demonstrate a more responsible approach to his work.

56. She drew the Special Rapporteur's attention to the aggressive campaign mounted by officials in several countries to purge the media of alternative views that were not to their liking, especially those of Russian journalists working abroad. The treatment of Russian and Russian-language media outlets in Latvia, Lithuania, Estonia, Moldova, Ukraine and a number of Western countries was unacceptable. The hybrid information war waged in Ukraine was particularly virulent: media channels were being closed, journalists were being arrested, subjected to physical assault or even murdered, while staff of some foreign media had been deported. The repression affected all journalists without exception, even Ukrainians. Kirill Vyshinsky, the local director of RIA Novosti Ukraine, had been in detention on trumped-up charges of treason for 150 days. Meanwhile, other Western countries frequently shut out alternative points of views in underhand ways by declaring them fake news, restricting access to news material that was qualitatively and objectively better than mainstream media and subjecting journalists to harassment.

57. **Mr. Castillo Santana** (Cuba) said that the report should also address the control exercised by some developed States over artificial intelligence systems and examine how those States altered public opinion in line with their political interests. Such actions included the use of information technology, under the supposed exercise of freedom of opinion and expression, with the aim of destabilizing Governments and bringing about artificial changes to legitimately established constitutional systems. Cuba continued to feel the impact of such activities carried out by the United States in its undeclared war on his country.

58. With regard to the human rights-based approach to artificial intelligence as outlined in section IV of the report, it would be useful to examine what mechanisms could be adopted to ensure that the Government of the United States answered for its flagrant and systematic violations of human rights, including those carried out

through espionage. The protection of human rights must not be exploited as a means of violating the right of peoples to self-determination.

59. **Mr. Chu Guang** (China) said that the Chinese Government placed great importance on protecting the right to freedom of expression and that the Constitution and the law fully respected that right. The Internet in China was highly developed, free, open and orderly, and citizens had unimpeded access to channels to receive information from China and overseas, express personal opinions and interact. At the same time, all people were equal before the law and no one could break the law under any pretext. The Constitution stipulated that in exercising their liberties and rights, citizens should not undermine State, social or collective interests or the lawful rights of other citizens.

60. China managed its Internet in accordance with the law and ensured the right to freedom of expression of its citizens while also protecting national security and upholding the common interests of society in balanced harmony. China advocated dialogue and cooperation among all countries on a basis of mutual respect in the development of universal rules on the governance of the Internet. His delegation hoped that the Special Rapporteur would carry out his mandate fairly and objectively, use reliable information and engage in constructive cooperation with all States.

61. **Ms. Lemus** (Mexico) said that her country acknowledged the efforts made by United Nations entities to protect human rights in the digital age. It would continue to promote the right of all persons to free access to information. To avoid potential violations, human rights must have a key position in the design of artificial intelligence systems in the private sector, through a regulatory information framework focused on pluralism and diversity.

62. Mexico remained committed to working on a coordinated access-to-information policy for the United Nations and other intergovernmental bodies, with a view to increasing the interoperability of services and technologies while supporting net neutrality and guaranteeing user security. Her Government would be willing to share information and experiences regarding access to information, and it emphasised the importance of strengthening accountability mechanisms to guarantee unhindered and secure access to the Internet. Her delegation wished to know how States could collaborate on the creation of a coherent regulatory policy on artificial intelligence within the United Nations system.

63. **Mr. Muhamedjanov** (Tajikistan) said that the promotion of human rights was a priority of his

Government, and was enshrined in article 5 of the Tajik Constitution. With regard to the case referred to by the Special Rapporteur, Sughd regional court had recently overturned the verdict of Khujand municipal court, which had sentenced Khayrullo Mirsaidov to imprisonment in a prison colony on various charges under articles 245 and 340 of the Tajik Criminal Code. He would still have to pay a fine in accordance with article 346 of the Criminal Code. He encouraged the Special Rapporteur to obtain information about such cases from reliable sources and to work closely with the Tajik Government.

64. **Ms. Inanc-Ornekol** (Turkey) said that her country's active and pluralistic media community enjoyed international standards of freedom of expression as an important pillar of Turkey's human rights policies, guaranteed under the Constitution and relevant legislation. International principles for the protection and promotion of such freedoms had been upheld within the framework of comprehensive judicial reforms undertaken over the past decade, and national legislation was fully in line with all Council of Europe conventions to which Turkey was a party.

65. Nevertheless, security threats were increasing globally, especially in connection with terrorism, and posed new challenges for many democratic societies. When balancing the maintenance of public order and security with the protection of freedom of expression and the media, no profession, including journalism, could be used as a shield against criminal investigations. Those claiming to be imprisoned journalists were not being investigated for journalistic work, but for acts linked to terrorist organizations. Their legal rights were protected and, as ongoing proceedings advanced, some were released pending trial.

66. **Ms. Ershadi** (Islamic Republic of Iran) said that her country was openly targeted by media warfare planned, organized and funded by adversarial foreign Governments. Her delegation seriously questioned the integrity and reliability of media outlets that received their funds from United Kingdom officials and the role of such outlets in the promotion and protection of human rights, as they were busy spreading blind hate, fabricating news and provoking disruption and destruction. It was unfortunate that the Special Rapporteur avoided recognizing such harmful abuse by media and internet platforms. Nevertheless, her Government believed in maintaining an open and dynamic media environment for its citizens.

67. **Mr. Mapokgole** (South Africa) said that while artificial intelligence could be used to strengthen and promote respect for human rights, it could also be used

to undermine those rights through the dissemination of harmful, hateful or extremist content. His Government had introduced legislation to ensure the protection of personal information by public and private bodies and was finalizing additional legislation on hate crimes and a national action plan on racism and related intolerance. Protecting the right to freedom of opinion and expression and other related rights in the digital era required the closing of gaps in international law to govern and regulate cyberspace. His delegation would appreciate clarification on how best to address violations stemming from the use of artificial intelligence in the absence of such law.

68. **Mr. Yaremenko** (Ukraine) said that the Ukrainian delegation strongly supported the efforts and mandate of the Special Rapporteur. Ukraine was extremely concerned by the situation in the Autonomous Republic of Crimea, the city of Sevastopol and the Donbas region, which had been illegally occupied by the Russian Federation. The occupying administration had effectively replaced Ukrainian media outlets with Russian propaganda sources. In numerous reports on the human rights situation in Ukraine, OHCHR had called on the Russian Federation to refrain from criminalizing free speech and to quash penalties imposed on Crimean residents for expressing dissenting views. In many cases, the Russian Federation targeted journalists and bloggers for telling the truth about the Russian occupation of Ukrainian territory. Ukrainian writer and journalist Stanislav Aseyev had been kidnapped in May 2017 and incarcerated by the occupying forces on the absurd charge of espionage. Roman Sushchenko had been imprisoned and prosecuted by the Russian authorities for his opposition to the occupation of Ukrainian Crimea. Journalists in Russia had suffered a similar fate, as exemplified by a recent incident involving the independent newspaper Novaya Gazeta. His delegation would not stoop to discussing the propaganda attacks on his country by the representative of the Russian Federation.

69. **Mr. Kaye** (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression) said that exchanges on artificial intelligence among States, corporations and civil society were critical because the technology was largely being developed within the private sector. It was important for States to understand the nature of that development, not only because of the impact of the technology on individuals around the world, but because many States would be deploying and using it in the future, and it was essential that civil society take part in those discussions, because much of the extensive research around artificial intelligence, in particular with regard to its inclination

toward discrimination and opacity, had been done largely by academics and think tanks.

70. There were three key aspects to consider with regard to artificial intelligence. First, because the technologies that composed it were so opaque to States, users and individuals, it was critical to ensure that their development was as transparent as possible to avoid a situation wherein the technologies themselves, seemingly without human input, would discriminate against others or undermine freedom of expression and opinion, without individuals even being aware of it. It was therefore important to find ways to ensure that the people who were developing those technologies were transparent about their tools. Second, it was very difficult for individuals to know when to appeal an adverse artificial intelligence-driven decision, such as the removal of content by a social media company or a discriminatory act against an account or a person. It was therefore critical that individuals retained the right to appeal negative outcomes. Third, all processes surrounding such situations must include means for individuals suffering adverse consequences to seek remedy and claim recompense.

71. Ensuring transparency, appeal and remedy would also be critical to addressing the tension between legitimate and illegitimate – or legal and prohibited – online content. As individuals became more detached from the technologies moderating public spaces, it was going to become increasingly important to know when content was being removed, when there were adverse consequences for such content and when legitimate content was being removed while illegitimate content was either removed or left in place.

72. **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 on the impact of economic reforms and austerity measures on women's human rights ([A/73/179](#)), said that it was part of a series that included two prior reports presented to the Human Rights Council ([A/HRC/34/57](#) and [A/HRC/37/54](#)) with a view to developing a set of guiding principles for human rights impact assessments of economic policy, to be presented before the Council at its fortieth session. Women carried most of the burden of austerity measures, fiscal consolidation and other economic reform policies, which only added to existing structural inequality and further entrenched discrimination against them. Although women's incorporation in the labour market was widely viewed as the most important development of the past century, deep inequalities remained the norm and examples of the negative

implications of economic reforms on their human rights abounded.

73. He highlighted four main recommendations from his report. First, States should create an enabling macroeconomic environment for gender equality by conducting gender-sensitive human rights impact assessments of economic reform policies in an independent, participatory, informed and transparent manner. Second, States should design and implement alternative policies that minimized and remedied, if not avoided, potential adverse effects on gender equality and women's human rights. Third, international financial institutions should ensure that loan programmes were agreed upon only after gender-sensitive human rights impact assessments had been conducted and potential deficiencies remedied. Fourth, and most important, both States and international financial institutions needed to visibly and clearly recognize unpaid care and domestic work as valuable to the economy and include it in national accounts and to reduce such unpaid work by redistributing it from households to the public sector through increased public investment in the care economy.

The meeting rose at 5.10 p.m.