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## Third Committee

### Summary record of the 31st meeting

Held at Headquarters, New York, on Tuesday, 29 October 2013, at 10 a.m.

*Chair:* Mr. Tafrov . . . . . (Bulgaria)

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

**Agenda item 69: Promotion and protection of human rights** (*continued*)

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

(A/68/56, A/68/176, A/68/177, A/68/185, A/68/207, A/68/208, A/68/209, A/68/210, A/68/210/Add.1, A/68/211, A/68/224, A/68/225, A/68/256, A/68/261, A/68/262, A/68/268, A/68/277, A/68/279, A/68/283, A/68/284, A/68/285, A/68/287, A/68/288, A/68/289, A/68/290, A/68/292, A/68/293, A/68/294, A/68/296, A/68/297, A/68/298, A/68/299, A/68/301, A/68/304, A/68/323, A/68/345, A/68/362, A/68/382, A/68/382/Corr.1, A/68/389, A/68/390 and A/68/496; A/67/931)

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

(A/68/276, A/68/319, A/68/331, A/68/376, A/68/377, A/68/392, A/68/397 and A/68/503; A/C.3/68/3 and A/C.3/68/4)

1. **Mr. Kirby** (Chair of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea) said that the international community should turn its focus from the nuclear weapons developed by the Democratic People's Republic of Korea to its human rights record. Having failed to obtain the cooperation of the Democratic People's Republic of Korea, the Commission had conducted public hearings involving victims and witnesses with regard to the situation of human rights in that country in Seoul, Tokyo, and London. Harrowing testimony had been heard from ordinary people who had witnessed or faced torture, imprisonment, sexual violence, enforced disappearance and other atrocities for doing nothing more than watching foreign soap operas, holding a religious belief or trying to leave their own country.

2. Satellite imagery clearly supported the existence of four fully operational political prison camps. A fifth camp appeared to have been downsized significantly, while another had been closed. The Commission would seek to establish how many of the prisoners of those respective prisons had died or been released or transferred. The Democratic People's Republic of Korea had not responded to invitations to attend and

make representations at the public hearings. Instead, its delegation to the Human Rights Council had accused the Commission of relying on fabricated materials from hostile forces. Committee members were encouraged to watch the video recordings of the public hearings, which were available on the Commission's webpage, with a view to judging for themselves the veracity of the testimonies and the transparency of the procedures. Those testimonies were consistent with the over 200 confidential interviews with victims, witnesses and experts and the larger body of written submissions and documents that had been studied.

3. Final conclusions and recommendations would not be made until the end of the investigation; however the body of evidence pointed to the existence of systematic, gross and widespread human rights violations. The Commission called on the Democratic People's Republic of Korea to produce evidence to substantiate its claim that none of the highlighted violations existed or to indicate what had been done to address long-standing concerns.

4. In line with the Commission's mandated focus on ensuring accountability, it would seek to determine which State institutions carried responsibility and would track the evolution of the human rights situation over time. Though limited improvement in the food situation since the great famine of the 1990s had been reported, according to UNICEF, 27.9 per cent of young children in that country suffered stunted growth due to chronic malnutrition. Upon submission of the Commission's final report in 2014, the international community would be obliged to face its responsibilities and decide on what concrete action would be taken to protect the people of the Democratic People's Republic of Korea from the apparently grave and systematic human rights violations.

5. **Ms. Kohonen** (United Nations Office of the High Commissioner for Human Rights (OHCHR)), reading a statement on behalf of Mr. Marzuki Darusman, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, said that the work of the Special Rapporteur and Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea demonstrated the international community's firmer approach towards finding the truth, bringing justice and reconciliation and improving human rights on the Korean Peninsula. The report of the Special Rapporteur to the Human Rights Council (A/HRC/22/57) had identified nine patterns of

violations, documented the Government's persistent refusal to cooperate and presented the case for an inquiry mechanism to be set up. The establishment of the Commission of Inquiry had sent an unequivocal message to the leadership of the Democratic People's Republic of Korea that gross human rights violations could not continue with impunity.

6. The international community should insist on the full cooperation of the Democratic People's Republic of Korea, ensure the support of neighbouring countries and demonstrate its own determination to follow up on the outcome of the inquiry. Countries that hosted refugees from the Democratic People's Republic of Korea should protect them, treat them humanely and refrain from returning them. The international law principle of non-refoulement applied to citizens of the Democratic People's Republic of Korea who had left the country without permission or who had fled due to persecution or for economic reasons and freedom. There had been a notable decrease in the number of escapees who had managed to reach the Republic of Korea during that reporting period, a trend reversal possibly attributable to tighter border control and the increased incidence of refoulement.

7. The Government of the Democratic People's Republic of Korea had continued to pursue a belligerent military policy, while the majority of the people's right to food was denied. Over the past decades, millions had been put at risk of serious food shortages bordering on mass famine. The Government should rethink its "military first" policy in order to reallocate enough resources to improve the living standard of the people. The funding shortfalls faced by United Nations agencies in carrying out their programmes in the Democratic People's Republic of Korea, which helped to safeguard and promote food security, nutritional status and general health, were cause for concern. In that regard, the international community had both a joint and an individual responsibility to provide humanitarian assistance in times of emergency. Food should never be used as an instrument of political and economic pressure.

8. There had been no improvement in the dire human rights situation since the previous report. Reports of arbitrary detention, torture, inhumane treatment in prison camps and enforced disappearances continued to be received, while the issue of the abduction of foreign nationals remained unresolved. Heightened social control through legislation also

aroused concern and exacerbated the abuse of power by local officials and law enforcement agents. Human rights groups had documented the widespread use of arbitrary arrest and detention by corrupt officials to extort bribes. There were multiple forms of discrimination against women, children, disabled persons, returnees and those considered hostile to the regime. The Government was urged to halt all discriminatory practices and ratify the Convention on the Rights of Persons with Disabilities, which it had recently signed. The support of the international community was critical to the efficacy of any United Nations human rights mechanism. The people of the Democratic People's Republic of Korea counted on the determination of that community to make real and just changes in their lives.

9. **Mr. Kim Song** (Democratic People's Republic of Korea) said that his country categorically rejected the report of the Special Rapporteur ([A/68/319](#)). His Government neither recognized nor accepted the mandate of the Special Rapporteur, and its position would not change in the future. It firmly believed that human rights issues should be treated on the basis of impartiality and non-selectivity. The politicized report of the Special Rapporteur, however, was a typical example of politicization and double standards.

10. Several years ago, his Government had engaged in wide-ranging cooperation with both the European Union and United Nations human rights bodies, and Amnesty International. This cooperation had come to an end in 2006 when the European Union had presented a draft resolution against his country proposing to overthrow its political and social system. Although his Government persisted in its belief that all issues could be resolved through constructive dialogue, it could not compromise with the confrontational approach of discussing the report of the Special Rapporteur. No attempt to use the report as a political tool to pressure his Government or negatively impact the dignity and prestige of his country would be tolerated.

11. His Government also totally rejected the Commission of Inquiry, which was identical in background and purpose to the Special Rapporteur. Its oral report, too, was part of a conspiracy against his country and did not merit discussion. The Commission had been established to distort the human rights situation in his country and create an international atmosphere of pressure in keeping with the hostile policies imposed by the United States against his

country with a view to overthrowing its socialist system. The violations mentioned in the Commission's report did not exist in his country, where the dignity and rights of the people were deeply valued. His Government would continue to strengthen its socialist system, which guaranteed the human rights and fundamental freedoms of its people. It would also continue to carry out its human rights obligations and called for the immediate dissolution of the Commission of Inquiry, which had nothing to do with genuine human rights.

12. **Ms. Tschampa** (Observer for the European Union) said that she strongly supported the call for the Democratic People's Republic of Korea to cooperate with both the Special Rapporteur and the Commission of Inquiry and allow them access to the country. The European Union would again submit a draft resolution drawing attention to the human rights situation in the Democratic People's Republic of Korea and urging that Government to address the issues documented in the reports of the Special Rapporteur and the Secretary-General.

13. She requested the Special Rapporteur to provide further information on the efforts being made to engage with the Democratic People's Republic of Korea with regard to the situation in the prison camps and the inquiries conducted into human rights abuses committed there. The European Union shared the concern about the treatment of refugees who had been returned to that country. She therefore urged all States to adhere to the requirements of the Convention relating to the Status of Refugees and wished to know what more the international community should do to address the issue. Lastly, she requested additional clarification on what support would be expected from the international community to implement the findings of the report of the Commission of Inquiry.

14. **Ms. Hewanpola** (Australia) urged the Democratic People's Republic of Korea to cooperate with special mandate holders and to implement the recommendations of the Special Rapporteur concerning family reunions, repatriation of abductees, and the repeal of laws allowing for arbitrary decisions, including the death penalty. Her Government was deeply concerned by findings related to the division of society into allegiance groups and reports that membership in those groups was based on three generations of a family's perceived loyalty to the regime. She asked for further observations on the rights and freedoms that were

affected by that pernicious and pervasive system of institutionalised discrimination.

15. **Mr. Dempsey** (Canada) said that it had been reported that the regime in the Democratic People's Republic of Korea spent millions of dollars on luxury goods for the elite, while its people continued to suffer from starvation. Canada, therefore, called on States to fully implement United Nations Security Council sanctions against that country. His Government supported initiatives aimed at addressing the grave human rights and humanitarian situations in the Democratic People's Republic of North Korea, and applauded the establishment of the Commission of Inquiry. Both the Commission and the Special Rapporteur had conducted their work commendably, particularly in light of the complete and persistent lack of cooperation on the part of Democratic People's Republic of Korea.

16. Canada once again strongly condemned the ongoing human rights violations in that country and was deeply disturbed by the existence of total control zones and labour camps, the practices of arbitrary detention, forced abortion, intergenerational punishment, indefinite holding of political prisoners, mistreatment of workers and lack of overall freedom, including religious freedom. It called on the Democratic People's Republic of Korea to respect the human rights and fundamental freedoms of its citizens. Canada would continue to speak out against the tyranny practised there. His Government wished to know what had been done to address the use of collective camps and coercive measures that targeted the rights of persons with disabilities, including forced medical testing. In addition, he asked whether access to border areas in China and the Russian Federation had been obtained with a view to conducting interviews with citizens from the Democratic People's Republic of Korea in those communities.

17. **Ms. Zvonkova** (Czech Republic) said that her Government had welcomed the decision to establish the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea. It was extremely concerned about the systematic, widespread and grave human rights violations, particularly the reports of torture, arbitrary detention, discrimination, enforced disappearances, abduction of foreign nationals and the vast number of people exposed to deplorable conditions in political prison camps. In that regard, it urged the Democratic People's Republic of

Korea to immediately close those prison camps and release all political prisoners unconditionally and without delay. Her Government was also deeply concerned about that country's refusal to cooperate with special mandate holders and urged it to grant them full access to the country.

18. **Ms. Schneeberger** (Switzerland) said that the transparent and impartial public hearings held by the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea were of particular importance because they provided a crucial opportunity for witnesses to raise the awareness of the international community about the human rights situation there. Her Government fully supported the mandate of the Commission of Inquiry, and despite the refusal by the Democratic People's Republic of Korea to cooperate, encouraged the Commission to continue its investigation and collect more proof of violations in order to fully establish accountability.

19. **Mr. McLaughlin** (United Kingdom) called on the Democratic People's Republic of Korea to acknowledge and address the very substantial concerns raised by the international community, including by granting special mandate holders full access to the country. In addition to the reports of torture, inhumane treatment, forced labour, sexual violence and execution in political prison camps, the United Kingdom was also concerned that some countries had repatriated asylum seekers despite reports of the harmful treatment awaiting them upon their return. His Government called on those countries to comply with the requirements of the United Nations Convention relating to the Status of Refugees. He asked the Commission of Inquiry for its thoughts on what could be done to address those issues more effectively. Though modest improvements had been noted in the operating conditions of United Nations humanitarian agencies, the Democratic People's Republic of Korea should increase its national efforts and cooperation with international organizations to address those issues.

20. **Ms. Naeem** (Maldives) said that her Government was disappointed by the Democratic People's Republic of Korea's refusal to cooperate with the Special Rapporteur and hoped that the country would engage with the United Nations, its bodies and mechanisms in the future. She asked how an investigation of the human rights situation in a country could be improved when access to the country was denied and the ability to conduct a comprehensive study of the situation was

restricted. She also wished to know what other avenues would be available to the Commission of Inquiry in order address the reported grievances.

21. **Ms. Thowsen** (Norway) said that her delegation welcomed the Special Rapporteur's effort to report on the situation of asylum seekers and encouraged all countries to adhere to his recommendations in that regard. It also encouraged the Democratic People's Republic of Korea to cooperate with the Special Rapporteur. She asked whether any changes in the economic and agricultural policies had occurred under the current leadership that could lead to improved fulfilment of the right to food.

22. **Mr. Umemoto** (Japan) said that the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea had held a public hearing in Japan from 27 August to 1 September 2013 and had also met with the Prime Minister and other Government officials. Though his Government acknowledged the improbability of the Commission reaching a conclusion before the end of its work, it hoped that the Commission would shed light on the situation in the Democratic People's Republic of Korea and urged that country to cooperate with the Special Rapporteur.

23. The reports of the Special Rapporteur and the Secretary-General also clearly illustrated that grave human rights violations had occurred. Japan, together with the European Union, would once again submit a draft resolution on the human rights situation in the Democratic People's Republic of Korea. It wished to know how the Commission of Inquiry evaluated the possible occurrence of crimes against humanity inside the country. His delegation also requested further information concerning the Commission's follow up on the issues raised in the report, namely asylum seekers, torture and summary executions in political prison camps, enforced disappearances, discrimination and the alleged use of persons with disabilities for chemical and biological testing.

24. **Mr. King** (United States of America) said that he joined other delegations in urging the Democratic People's Republic of Korea to cooperate with the Commission of Inquiry and the Special Rapporteur and enable them to visit that country so that they could carry out their mandate. The Special Rapporteur's report had noted severe restrictions on a number of rights despite constitutional guarantees. He therefore asked what more the international community could do

to encourage the Democratic People's Republic of Korea to respect its citizens' fundamental freedoms. Also noting the extensive use of political prison camps, poor prison conditions and forced labour and torture in prisons, he asked what the United Nations system as a whole might do to improve conditions for prisoners in the extensive network of prison camps and detention centres in the Democratic People's Republic of Korea.

25. **Mr. Khammoungkhoun** (Lao People's Democratic Republic), referring to the concerns raised by the Special Rapporteur regarding the return of citizens of the Democratic People's Republic of Korea, said that, as a transit country, the Lao People's Democratic Republic considered that all returnees were victims of trafficking. As citizens of the Republic of Korea were considered perpetrators of human trafficking, it was an issue of grave concern to his Government. It had therefore worked with the Governments of those two countries through their embassies and had addressed issues in accordance with bilateral agreements and international law. He reiterated his Government's position of principle that human rights issues should be addressed through sincere dialogue and cooperation. The Human Rights Council and the universal periodic review mechanism were the only appropriate forums to discuss and review human rights situations in any country on an equal basis and without prejudice.

26. **Mr. Pirez Perez** (Cuba) said that genuine dialogue and cooperation were the best way to promote human rights anywhere in the world. His delegation rejected the political manipulation of human rights in international cooperation and the double standards in assessing human rights situations. Cuba had consistently voted against the mandate of the Special Rapporteur and would continue to do so. However, that did not affect its position with regard to third States, as reflected in the text of the resolution. Cases should be resolved through dialogue, bearing in mind the positions of both parties.

27. **Ms. Calcinari Van Der Velde** (Bolivarian Republic of Venezuela) said that her delegation had taken note of the presentation by the Special Rapporteur and, as in previous years, reiterated its position of principle to reject the selective practices and double standards with regard to sovereign States. The universal periodic review was the appropriate mechanism for assessing human rights issues impartially in all countries. Any measures taken within the United

Nations must be based on the principle of international cooperation, non-selectivity, non-politicization and strict respect for the sovereignty and territorial integrity of States. Her country would therefore continue to reject discriminatory practices against countries.

28. **Mr. Lee Jung-hoon** (Republic of Korea) said that the establishment of the Commission of Inquiry had clearly demonstrated the determination of the international community to strengthen efforts to address the issue. His Government had fully cooperated with the Commission, while completely respecting its independence and impartiality, during its visit to the Republic of Korea in August 2013. The activities of the Commission, in particular the public hearings, had already made significant progress in raising awareness of the continued deprivation of the fundamental rights of the citizens of the Democratic People's Republic of Korea. A common goal of the international community was to give hope to those languishing under decades-long tyranny.

29. The Democratic People's Republic of Korea appeared to pursue national security to ensure regime security only, as opposed to that of its citizens, and had rejected repeated calls for cooperation to improve the situation. His delegation therefore urged the Democratic People's Republic of Korea to cooperate with the Commission of Inquiry and the Special Rapporteur and to heed the recommendations contained in his report, in particular concerning the release of prisoners detained on the basis of guilt by association and the allocation of adequate resources for food.

30. His delegation echoed the call to protect refugees and asylum seekers from that country, in accordance with the principle of non-refoulement, and strongly urged the Democratic People's Republic of Korea to protect the lives and safety of repatriated citizens and refrain from reprisals. On the key issue of separated families, his Government regretted the unilateral cancellation by the Democratic People's Republic of Korea of a planned reunion of families and called on that country to reschedule the reunion as time was of the essence for many. He also urged the Democratic People's Republic of Korea to take immediate measures to resolve the issue of the hundreds of abductees and Korean War prisoners who were still detained there.

31. **Ms. Li Xiaomei** (China) said that her delegation had always considered that human rights should be

dealt with through dialogue and cooperation and was opposed to the establishment of human rights mechanisms. It hoped that the international community could enhance cooperation and constructive dialogue with the Democratic People's Republic of Korea to improve its economic and social development and thereby the stability on the Korean Peninsula. With regard to reports of citizens of that country entering China, she reiterated that they could not be considered refugees as they had done so illegally for economic reasons. China had the right to deal with them as per its domestic laws and in accordance with international human rights and humanitarian law.

32. She therefore noted with regret the reference in the Special Rapporteur's report (A/68/319) to the nine individuals who had entered China through the Lao People's Democratic Republic. Once again, they had been in possession of lawful travel documents and visas which Chinese authorities had inspected before allowing them to leave. China had not received any request to repatriate them. Her delegation noted with surprise the position taken by some countries with strict immigration laws of their own, including Canada, which appeared to show a double standard, and she wondered whether the motivation was truly humanitarian or whether it reflected other reasons.

33. **Mr. Kirby** (Chair of the Commission of Inquiry on the situation of human rights in the Democratic People's Republic of Korea) said that his replies to comments were being made with the permission of the Special Rapporteur. With regard to the perceived lack of impartiality referred to by the representative of the Democratic People's Republic of Korea, he recalled his opening greeting to the representative, who was only the second official of that country to have engaged with him, and respectfully reiterated the offer for dialogue and interaction without any preconditions. He agreed with the Cuban, Lao, Venezuelan and Chinese representatives on the importance of dialogue and hoped that the Democratic People's Republic of Korea would take up that sincere offer that had been made repeatedly in the past. Having served as a judge for 35 years, he would not accept that he had suddenly abandoned impartiality to become a tool for hostile acts against the Democratic People's Republic of Korea. His sole objective was to exercise his mandate and he would continue to do so.

34. The dire conditions in prison camps were faithfully recorded in testimonies online, and he urged

delegates to access them as they provided accounts of claims of ill treatment and illustrated the endeavour of the Commission of Inquiry to act with complete impartiality as victims were allowed to speak for themselves. On the issue of the condition of children, he could only repeat the Commission's offer to engage with the authorities, failing which the inquiry must continue on the basis of the best evidence made available by the courageous witnesses that had come forward. In the absence of access to the Democratic People's Republic of Korea, support could be provided using the model that had been employed in Cambodia, where the United Nations had offered outreach to stakeholders involved in human rights issues and established a human rights office there. The Commission would be considering that option and hoped to establish a Government-authorized office in Pyongyang to provide outreach and technical assistance.

35. On the issue of guilt by family association, he cited the example of the first witness in public hearings in Seoul, who been born in a political detention camp because his parents had been guilty of a political offence. The testimonies were online and could be judged on their own merit. While there was an element of uncertainty as to the truthfulness of testimonies in any inquiry, the Commission of Inquiry considered the consistency of a testimony and that of other witnesses and the coherence of the account. Furthermore, persons who were the subject of allegations were offered the opportunity to attend public hearings to ask questions and make statements under the protection of diplomatic immunity. Nevertheless, those offers had been refused. There was a clear principle of due process and proper procedure to ensure that testimonies were truthful. The innovative methodology of the Commission of Inquiry would help the General Assembly and the Human Rights Council to obtain a collective view of the reliability of the material on which the final conclusions which would be based.

36. There had been some improvements in the situation under the country's new leader, Kim Jung Un, including the commendable signing of the Convention on the Rights of Persons with Disabilities, which the Special Rapporteur hoped would be ratified. In contrast, measures such as the building of stronger border barricades had made it more difficult for those seeking to leave country than in the past. He could not as yet provide details regarding the possibility of crimes against humanity since it was necessary to



await the final conclusion of all testimonies and to have the opportunity for time and reflection. A premature assessment could be unfair to those in respect of whom the conclusion was expressed.

37. While he appreciated the dialogue with China concerning access to the country and border areas, as a party to the United Nations Convention and Protocol relating to the Status of Refugees, China must respect two principles of international refugee law therein stipulated: non-refoulement to countries in which there was a well-founded fear of persecution and refugee “sur place” status. Regardless of their original motivation for leaving, refugees must be protected and not repatriated. He hoped that there would be further dialogue with China, which might be able to bring about change in the interest of the people of the Democratic People’s Republic of Korea given its relationship with that country. The reports would be submitted in March 2014. Neither he nor the Special Rapporteur were seeking an extension of their mandates. It would then be the responsibility of Member States to consider the question and determine what should be done.

38. **Mr. Lumina** (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), introducing his final report to the General Assembly (A/68/542), said that he had, to a large extent, achieved the goals that he had outlined in his initial report (A/63/289) in 2008. Of note was the development of a set of international standards on sovereign debt and human rights, which had been endorsed by the Human Rights Council in 2012. He had also been tasked with drafting a commentary to the Guiding Principles on foreign debt and human rights and preparing a comprehensive study on the impact of the non-repatriation of illicit funds to the countries of origin on the enjoyment of human rights and the value of international cooperation. Reports on that work would be submitted to the Council in March 2014.

39. The execution of his mandate continued to be hampered by the position of a few, mainly developed, countries that the Human Rights Council was not the appropriate forum to address the issue of sovereign debt and that there were forums better suited to deal with it, presumably the international financial institutions and the Paris Club. That contention was untenable because, inter alia, it was inconsistent with

the spirit and purpose of General Assembly resolution 60/251, which had established the Council, and because the other international forums that were better equipped to deal with foreign debt had, thus far, failed to deliver a solution to the debt problem as human rights considerations were of no relevance in their policies and programmes.

40. Many countries, including those which had benefited from debt relief, remained at risk of debt distress and their development prospects were bleak. The international community could not continue to ignore the human rights ramifications of excessive sovereign debt burdens and the response thereto, and he called upon those countries which had been reluctant to address sovereign debt from a human rights perspective to reconsider their position. People throughout the world continued to be denied their basic human rights because of the debt burden borne by their States and the severe austerity measures adopted to address them.

41. Turning to the latest report, he said that while the current global partnership for development had played an important role, its many shortcomings — including the lack of alignment with the international human rights framework, an absence of clear, quantitative and time-bound targets and indicators and significant accountability deficits — had impeded its full realization. The failure to integrate existing, universally agreed human rights standards in targets and indicators had also hampered efforts to address exclusion and marginalization and was a key reason for lack of equitable progress in achieving Millennium Development Goal 8. It was therefore critical for the post-2015 global partnership for development to have a human rights-based approach, with an emphasis on equality, non-discrimination, participation and accountability to help foster a more inclusive, people-centred, equitable and sustainable development.

42. The most significant weakness of the current development framework was perhaps the lack of accountability for failure to deliver on the goals and to fulfil the related human rights obligations. The lack of clearly defined responsibilities had made it easier for Governments and other development actors to abdicate responsibility and blame others for their failure to deliver. International commitments could not be a substitute for effective accountability mechanisms. A key priority of the new global development framework



should therefore be the strengthening of accountability for fulfilling commitments.

43. An important lesson from the current development framework was that any new development agenda must be framed in human rights terms, with particular attention to the cross-cutting human rights principles of equality, participation, transparency, accountability and international cooperation. More particularly, international cooperation should be a legally binding obligation of all States. That would enable progress towards sustainable development and the realization of human rights for all and end the donor-recipient paradigm that diminished the prospects of an enabling environment for achieving the new development goals.

44. The establishment of such an environment implied a profound reform of the institutions and governance structures of the global economic system, as well as specific measures such as increasing opportunities for developing countries to be self-sufficient and reduce their long-term dependency on foreign financing and ensuring the coherence of development, financial and other key policies at national and international levels. Those much needed reforms should be decided on and implemented with the broad participation of all States and of various development actors under the auspices of the United Nations.

45. **Mr. Bielefeldt** (Special Rapporteur on freedom of religion or belief), introducing his interim report on the elimination of all forms of religious intolerance ([A/68/290](#)), said that women and girls from religious minorities in a number of countries confronted the risk of abduction for the purpose of forced conversion to a mainstream religion, often in connection with forced marriage. In addition, discriminatory religious family laws were often enforced by the State. The intersection of freedom of religion or belief and the equality of men and women should be approached in a holistic manner with awareness of the positive interrelatedness of all human rights.

46. At times, freedom of religion or belief issues seemed to come into direct conflict with the issues of equality of men and women or vice versa. Harmful practices inflicted on women or girls could never be justified in the name of freedom of religion or belief. An extreme example was female genital mutilation, which led to lifelong health problems and traumatization. Religious leaders should play an important role by clarifying religious views and calling on followers to

end that cruel practice. The same held true for forced marriages, enforced “sacred prostitution”, widow burning, honour crimes, dowry killings and other manifestations of extreme disrespect. Freedom of religion or belief clearly did not protect such cruel practices.

47. Some observers had been led to believe that any progress concerning the equality of men and women indicated a defeat of religious freedom and that insistence on freedom of religion or belief hindered gender-related anti-discrimination policies. However, that was a misperception that often resulted in protection gaps and the failure to explore synergies between the two. Freedom of religion or belief in conjunction with freedom of expression helped open up religious traditions to systematic questions and debates. By empowering traditionally discriminated groups, including women, freedom of religion or belief could serve as a normative reference for questioning patriarchal tendencies, leading to more gender-sensitive readings of religious texts and far-reaching discoveries in that field.

48. Gender-related emancipation could take different forms. While some women abandoned their religious legacy, others sought to improve their situation from within their respective religious traditions, in particular by promoting and exercising alternative readings of religious sources. Whatever the technique, the advancement of human rights appreciated diverse processes as well as diverse paths to emancipation. Diversity should also be taken seriously when dealing with human rights issues in the intersection of freedom of religion or belief and gender equality, including an awareness of both inter- and intrareligious pluralism.

49. Women’s voices, in particular, should always be taken into account. Failure to recognize pluralism frequently led to stereotypes, which could result in further protection gaps and human rights abuses. To avoid that danger, freedom of religion or belief should, whenever possible, be systematically integrated into gender-related anti-discrimination programmes; and policies of promoting freedom of thought, conscience, religion or belief should systematically incorporate a gender perspective.

50. **Ms. Abubakar** (Libya) said that Libya was a State party to most international instruments relating to the protection of human rights, including the International Covenant on Civil and Political Rights,

the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, and the Convention on the Rights of the Child and its two Optional Protocols.

51. Libya was a Sunni Islamic country with no religious or sectarian pluralism. Family law in Libya did not discriminate on the basis of religion, nor did Libyan law discriminate between men and women as regards their rights and obligations. Legislators in Libya ensured that all laws passed in the country were in line with the teachings of Islam. The Special Rapporteur had exceeded the scope of his mandate with his assertion that the interpretation of religious traditions lay with religious leaders and not the Government. She asked what sovereign rights were left to the State if it could not govern the relations between members of its society, including between men and women. Every society had its own norms governing relations between men and women, regardless of religion. She wished to know how best to address such issues in religiously homogenous States and requested the Special Rapporteur to reaffirm in his report the sovereign right of each State, irrespective of its religious make-up, to choose the laws that governed its society.

52. **Ms. Torres** (United States of America) said that her Government strongly agreed with the emphasis in the report that individuals, not religious traditions or bodies of thought, held rights. And although the freedom of religion or belief did not shield any religion from criticism, States should work to eliminate negative stereotypes against individuals on the basis of their religion or belief. In that connection, she asked whether the Special Rapporteur agreed that Human Rights Council resolution 16/18 on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief provided an effective action plan in that regard.

53. Her Government shared the concern that a wide range of violations and abuses of the human rights of women, such as genital mutilation, early and forced marriage, denial of education and the freedoms of expression and association, were sometimes justified by religious interpretation. It was also concerned about the blanket restrictions or requirements placed on certain types of religious expression that had a disproportionate effect on women. In that regard, she

requested examples of best practices to ensure that States took the views of women and members of faith-based societies into account.

54. **Ms. Tschampa** (Observer for the European Union) said that the European Union welcomed the reflections made in paragraphs 30 and 38 of the report (A/68/290) with regard to harmful practices such as female genital mutilation, early and forced marriage and denial of property rights, and concurred that human rights violations could never be justified in the name of religion. It firmly supported freedom of religion or belief as a right that protected individuals rather than a religion or belief in itself. That was demonstrated by the recently adopted European Union Guidelines on the promotion and protection of freedom of religion or belief. The European Union was also a strong advocate and global voice for gender equality.

55. With regard to the search for practical synergies between freedom of religion or belief and equality between men and women mentioned in paragraph 74 (b) of the report, the European Union called upon States and stakeholders to encourage positive developments and uphold a holistic human rights approach when dealing with perceived or factual conflicts in that area. She asked the Special Rapporteur to give examples of such practical synergies. Lastly, her delegation also wished to know how a State could effectively and adequately ensure the protection of human rights without encroaching on the autonomy of religious institutions.

56. **Ms. Thowsen** (Norway) said that her Government fully endorsed the idea of the positive interrelatedness of freedom of religion or belief and gender equality. The aim of the freedom of religion or belief was not to protect religions, but instead to empower individuals. She asked for examples of strategies to develop a system of family law that respected gender equality while also taking into account the diversity of beliefs. In addition, she wished to know how States could reach out to women from religious minorities, who were not always very visible in society.

57. **Ms. Stephens** (United Kingdom) said that her Government welcomed the call for more work in exploring synergies between gender equality and freedom of religion or belief. It believed that the freedom of religion or belief should be clearly defined yet broadly construed to reflect inter- and intrareligious pluralism and fully support the rights of humanists,

atheists and the non-religious to manifest their beliefs. In addition, international human rights law should protect believers rather than beliefs. Religious communities that did promote gender equality within their own religions should be acknowledged, and States should create environments that encouraged communities working on gender equality.

58. She requested examples of successful strategies to eliminate negative stereotypes and also asked how the position of Special Rapporteur could be made more effective and what States could do to help him fulfil his mandate more effectively. Lastly, her delegation would appreciate clarification on whether the Special Rapporteur's main concerns were related to resource constraints or to the lack of positive responses to requests for country visits.

59. **Mr. Kandeel** (Egypt) said that most of the examples in the report of the Special Rapporteur focused on the rights of women. He asked whether exploring synergies between gender equality and the freedom of religion or belief would dilute the focus on the freedom of religion. He also enquired whether emphasis on the tendency to use religious beliefs to justify harmful practices against women would provide fuel to those parties who sought to give such practices a religious connotation.

60. **Ms. Belskaya** (Belarus) asked the Special Rapporteur if he agreed that the threat posed by growing secularism to religious freedom was as grave as that posed by interdenominational tensions and conflict. Her delegation also wished to know whether the Global Charter of Conscience, which had originated outside of the United Nations system, should be included on the priority agenda. Finally, she asked the Special Rapporteur to clarify whether Member States should tackle the matters addressed in the Global Charter of Conscience, or if current measures were sufficient to address those issues.

61. **Mr. Awal** (Indonesia) asked how efforts to balance the promotion of a gender perspective with regard to freedom of religion or belief could best be implemented without those efforts being perceived as violations of the basic tenets of religion.

62. **Mr. Bielefeldt** (Special Rapporteur on freedom of religion or belief) expressed concern at the fact that many States in various regions had entered reservations invoking religion to article 16 of the Convention on the Elimination of All Forms of Discrimination against

Women. He considered that a misunderstanding, as the interpretation of religion should be left to believers as rights holders, not only to Governments, which were guarantors of the human right to freedom of religion or belief. He disagreed with the representative of Libya saying that many countries were pluralistic and that it was important for both existing and emerging pluralism to be able to unfold freely and without discrimination.

63. The potential of Human Rights Council resolution 16/18 as an effective measure needed to be further explored, particularly in the context of the Istanbul Process negotiated by the former Secretary of State of the United States and the Organization of Islamic Cooperation. His next thematic report would tackle the root causes of collective religious hatred, and there would be room for analysis of that resolution. One best practice that he had noted on a visit to Sierra Leone was a strong tradition of interreligious dialogue where leaders clearly condemned female genital mutilation and other harmful practices which violated women's rights and which, as the representative of Egypt had rightly pointed out, should not be labelled as religious.

64. A good example of synergies was an organization founded by Muslim women in Malaysia who had established an intercontinental network of women believers who suffered from discrimination based on patriarchal interpretations of Islam and cooperated with the Committee on the Elimination of Discrimination against Women. Even if there was a conflict with regard to the autonomy of religious institutions and the protection of internal dissidents, priority must be given to protecting dissident voices effectively. States never had a mandate to reshape religious tradition.

65. He concurred with the representatives of Norway and the United Kingdom that freedom of religion or belief protected believers, not belief; and though the two were inextricably related, the human rights-based approach was consistently adopted. He had spoken of a possible need for family law reform as he considered it problematic when religious or family norms were enforced by the State. He therefore advocated disentangling — the word separating had negative connotations — religion and the State, though not necessarily following one particular model. The idea was to create space for religious pluralism to unfold freely, while not pushing religion into private sphere.

66. Whether secularism was a threat to freedom of religion or not depended on how that was understood. When interpreted as a short form for a constitutional arrangement that enabled diversity to emerge freely, it was positive. However, it could be a threat when narrow-minded, ideological conceptions of secularism were used to attempt to force religion into the private sphere, which was in violation of the right to public manifestation of freedom of religion or belief. He had been shocked at the hostility expressed during a debate on circumcision in Germany. It was therefore all the more important to ensure inclusivism and non-discrimination.

67. He saw the right to convert to another religion as a test question of freedom of religion or belief. People had the right to have respect for their convictions as well as their doubts about their authentic convictions. It was therefore vital for there to be free expression of the possibility to change religions. It was also vital to invest in education and interfaith communication, which, though often underestimated, were the only ways to overcome stereotypes and truly discover what communities had in common. He disagreed that his report was skewed more towards women's rights than freedom of religion. He had indeed focused on women's rights because there was much more room for synergy than widely thought, and it was important to counter the increasingly common misconception that the two were incompatible, which could undermine the very legitimacy of freedom of religion.

68. Polarization with regard to women's empowerment and freedom of religion or belief could lead to a fragmented human rights approach. He had therefore attempted to combine the two and to do justice to the tens of millions of women minorities who were exposed to human rights violations as a result of religion. Article 18, paragraph 3, of the International Covenant on Civil and Political Rights gave clear guidance on how to balance freedom of religion and gender equality. However, striking a balance should only be a last resort, and he hoped that there was room for positive interrelatedness and exploring synergies, as the antagonisms on which many perceptions were based were illusory.

69. **Mr. Rishchynyski** (Canada) said that Canada remained deeply concerned that, in many parts of the world, individuals were unable to worship and practice their faith in peace and security, including the Bahais, various Catholic, Christian and Muslim communities;

Jews; Falun Gong practitioners; and Tibetan monks. The many issues of concern included the harsh punishment and persecution of individuals accused of apostasy, heresy and other alleged religious offences. Canada rejected the premise that religions had rights; rights belonged to individuals, not groups, and therefore freedom of religion or belief protected believers.

70. Harmful practices such as female genital mutilation, child, early and forced marriages and honour killings could not be defended in the name of tradition. His country was therefore working with partners at bilateral, regional and multilateral levels to promote the dignity of the human being and the inherent right to profess and practice faith freely. Domestically, the Office of Religious Freedom had been established as a mechanism through which Canada could engage in respect of its overall foreign policy priorities. He therefore asked the Special Rapporteur to share his views on how his country and the United Nations could work more closely with such entities in Member States to promote the conclusions put forward in his report.

71. **Ms. Chen** Can (China) said that the Chinese Government pursued a policy of religious freedom and that the State protected normal religious activity. It was widely known that the Falun Gong was a cult. As regards the representative's reference to the freedom of religious belief for Tibetan monks, with some 1,800 facilities and over 46,000 monks their religious freedom was protected by law.

72. **Mr. Bielefeldt** (Special Rapporteur on freedom of religion or belief) said that while the persecution of religious minorities was a reality, it was important to remember that each religion could be a minority in a given part of the world, although some were particularly under threat. The Rabat Plan of Action was of particular importance, as it highlighted the chilling effect of blasphemy laws on freedom of expression and of religion or belief and called on States to repeal such laws. He appreciated the establishment of national bodies on religious freedom as it was important for States to have focal points with the appropriate expertise to understand the rather complicated right of freedom of religion that Government were sometimes hesitant to address.

73. However, it was not the business of the State to make distinction between "real religion" and "mere cults". As stipulated in article 18, paragraph 3, the Covenant, any restriction of the human right to

freedom of religion required precise criteria and clear empirical evidence. Limitations must be confined to a minimum, and the burden of argumentation was always on Governments that imposed them. It was a cause for concern when Governments made such distinctions.

74. **Mr. Elbahi** (Sudan) said that his Government had taken a number of measures to reinforce the right to freedom of religion and human rights in general, with special attention to those of women, girls and children. The Constitution was based on citizenship and freedom of religion and belief. Much progress had been made in education on human rights through various efforts, including a ten-year plan for the promotion of human rights, the recent adoption of anti-human trafficking legislation and a nationwide polio vaccination campaign. Furthermore, his country had signed several agreements with Arab countries and with South Sudan, as his Government respected the choice for self-government and was engaging with its South Sudanese counterpart on an equal basis.

75. A campaign had been launched to abolish some practices, including female genital mutilation, and to emphasize the need to protect girls from that practice. That cultural practice had been widespread in the past, but the campaign had begun to bear fruit. A unit to fight against violence against women and girls had also been established. Women also participated in political life, with some 20 per cent of seats allocated for them, and in the economic sphere, particularly through projects targeting rural women and women with disabilities. Several other projects were being implemented without discrimination, marginalization or exclusion and guaranteed freedom of religion and belief.

76. **Mr. Kandeel** (Egypt) noted that certain delegations had given a long list of alleged religious rights abuses. Such naming and shaming gave a false and baseless impression of moral leverage and he commended Special Rapporteur for not adopting that approach in his general comments.

77. **Ms. Chen Can** (China), recalling the Special Rapporteur's comment that States should not distinguish between real religion and cults, also recalled the statement of the representative of the United Kingdom that religious freedom should not be placed above other rights. The report had also made it clear that women's rights should not be compromised on the basis of religious freedom. However, cults did violate the rights of many citizens, and many other

countries had adopted a similar position. It was therefore inconsistent with internationally accepted practice to deal with cults in that way.

78. **Mr. Bielefeldt** (Special Rapporteur on freedom of religion or belief) said that he was curious to learn more about the developments in the Sudan. It would be an opportunity to conduct a country visit, which served not only to identify challenges but also to learn from good practices.

*The meeting rose at 12.35 p.m.*