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## Third Committee

### Summary record of the 24th meeting

Held at Headquarters, New York, on Thursday, 22 October 2015, at 3 p.m.

*Chair:* Ms. Kupradze (Vice-Chair) ..... (Georgia)  
*later:* Mr. Dempsey (Vice-Chair) ..... (Canada)

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*In the absence of Mr. Hilale (Morocco), Ms. Kupradze (Georgia), Vice-Chair, took the Chair.*

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

**Agenda item 72: Promotion and protection of human rights (continued) (A/70/40)**

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued) (A/70/56, A/70/111,**

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

**(A/70/313, A/70/332, A/70/352, A/70/362, A/70/392, A/70/393, A/70/411 and A/70/412; A/C.3/70/2, A/C.3/70/4 and A/C.3/70/5)**

1. **Mr. Forst** (Special Rapporteur on the situation of human rights defenders), introducing his report (A/70/217), said that fact-finding missions, which were carried out with the agreement of and for the benefit of the State concerned, constituted an essential element of his mandate. He had visited Burundi in November 2014 but had not been able to carry out any country visits in 2015, owing to a lack of cooperation from States. Bahrain, Belarus, China and Venezuela had ignored his requests, while the Philippines and Venezuela had failed to confirm dates. He hoped to receive confirmation from Hungary, Kyrgyzstan and Mexico regarding proposed visits in 2016. He urged Governments to facilitate visits but said that he would also explore creative ways to implement his mandate in situations where States refused to cooperate.

2. While some observers believed that the space for civil society was shrinking, the situation was not hopeless. The international community should strengthen its efforts to ensure that human rights defenders could carry out their work with fewer

sanctions and greater rewards. He aimed to assist States that valued human rights in doing more to showcase the value of defenders' activities and condemn violations of their rights. His discussions with over 500 defenders from 111 countries had revealed that their situation was deteriorating: not only did they continue to face attacks, threats, harassment and intimidation, but many States were now criminalizing their actions. The situation was complicated by the fact that some violations were carried out by non-State actors such as armed religious groups and transnational companies. However, primary responsibility for the protection of human rights, and by extension those seeking to enable others to enjoy their rights, lay with the State.

3. Particularly vulnerable groups included women human rights defenders, those defending the rights of lesbian, gay, bisexual, transgender and intersex persons, and defenders of rights relating to land, the environment and corporate responsibility. Defenders and their families were often isolated, stigmatized or portrayed as being anti-development, enemies of the State or terrorists in order to raise doubts about their legitimacy and their contribution to society. Many were arbitrarily detained, tortured or put on trial before military tribunals, and in many countries attacks against human rights defenders were never investigated. The lack of knowledge and capacity of Government authorities, in particular the judiciary, concerning the protection of human rights defenders directly contributed to the cycle of violence. There had also been a resurgence of the misuse of laws to improperly restrict actions by defenders, in particular journalists, bloggers and lawyers, and modern technology was being used to oppress defenders in new ways. Some States had taken the positive step of adopting new laws to protect defenders, but significant challenges remained with respect to their implementation.

4. His mandate should remain focused on the protection of those defenders who were most at risk; therefore, he intended to organize a specific consultation with defenders living and working in conflict or post-conflict zones. It would be crucial for him to work more closely with the holders of certain thematic mandates, such as Special Rapporteurs on the rights to freedom of peaceful assembly and of association, on the promotion and protection of the right to freedom of opinion and expression and on the

rights of indigenous peoples, as well as with country mandate holders. He also intended to work more closely with regional mechanisms, as human rights activists often emphasized the importance of those mechanisms but described mixed experiences with them in practice. Much more could be achieved if actions were better coordinated and if human rights defenders had greater involvement in the process. In addition, he would continue to work with regional stakeholders to strengthen the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders) and the guidelines issued by the European Union and the Organization for Security and Cooperation in Europe (OSCE).

5. Strategies and mechanisms to protect human rights defenders could not be meaningfully developed and implemented without the support, commitment and participation of States, which too often allowed serious violations to be committed with impunity. In response to the interest shown by some States in taking concrete steps to protect defenders and the requests from defenders for him to raise awareness of practical measures that could be taken to mitigate risks, his next report would focus on good practices in the protection of human rights defenders.

6. Reprisals against defenders cooperating with United Nations human rights mechanisms or regional organizations were increasing. He therefore welcomed the statement delivered by Ghana at the thirtieth session of the Human Rights Council on behalf of 62 States, which expressed strong concerns about reprisals and reaffirmed the right to cooperate with the United Nations and its human rights mechanisms. There was an urgent need to end all such reprisals, as the United Nations depended entirely on free and safe cooperation with civil society for its effective and legitimate functioning. Therefore, a United Nations senior focal point on the issue of reprisals should be established in the near future.

7. **Ms. Hjelde** (Norway) said that her delegation appreciated the Special Rapporteur's attention to particularly vulnerable defenders. In view of the worrying shrinking space for civil society around the globe, the General Assembly must send a clear and united message in support of human rights through the adoption of a clear and principled resolution on human

rights defenders. She encouraged all Member States to issue standing invitations to the Special Rapporteur and accommodate his requests for visits. The increasing discrepancy between human rights obligations entered into by States and the situation on the ground was deeply regrettable. Her delegation supported the important work of the Special Rapporteur undertaken in cooperation with Member States, the United Nations system and regional actors to address that challenge and encouraged him to continue to explore innovative ways to enhance the effectiveness of his mandate.

8. **Ms. Fitzmaurice Gray** (Ireland) said that her Government strongly supported the role of human rights defenders and condemned all acts of violence and intimidation against them. The negative impact of counter-terrorism instruments on the work of human rights defenders, difficulties concerning their access to funds and increasing restrictions on their rights to peaceful assembly and to freedom of association, opinion and expression were of great concern. Her delegation was also disturbed by reports of reprisals aimed at discouraging human rights defenders from interacting with international human rights mechanisms. States should publicly affirm the value of the activities of defenders and denounce those who sought to call into question the legitimacy of their work. To combat impunity, prompt, effective and impartial investigations were essential, as was the effective enforcement of judgements punishing the perpetrators of abuse committed against defenders. She asked how States could best be held accountable for meeting their obligations in that regard and in relation to the empowerment of human rights defenders in general. She would also be interested to hear the views of the Special Rapporteur on how best to protect whistle-blowers.

9. **Ms. Flidrova** (Czech Republic) said that the Czech human rights and transition policy reaffirmed her Government's support for civil society as the basis of democracy, the rule of law and public participation. Human rights defenders were the connection between national civil society and the international system but were often ignored, mistrusted or denigrated. Noting that the defamation, harassment and violation of the rights of women human rights defenders was often rooted in traditional values and stereotypes, she asked for examples of specific measures taken to support women activists. Defenders of the rights of lesbian,

gay, bisexual, transgender and intersex persons were another particularly vulnerable group: they often became victims of blackmail, extortion and smear campaigns, and could face the death penalty in some States. Action must be taken to address the criminalization of their work in some parts of the world and the lack of protection accorded by judges, security forces and the community of human rights defenders.

10. **Ms. Tschampa** (Observer for the European Union) said that the Special Rapporteur had met with members of the Human Rights Working Group of the European Council in March 2015. She asked how the European Union could enhance the implementation and visibility of its Guidelines on Human Rights Defenders, as recommended in his report. She also requested further information concerning the evidence that an increasing number of States were restricting or hindering the work of human rights defenders and asked how the international community could support defenders exposed to increased pressure. Calling on Member States to reaffirm the value of the activities of human rights defenders and publicly denounce those who sought to delegitimize their work, she asked what the international community could do to ensure that the most at-risk groups of defenders were protected and heard.

11. **Ms. Węgrzynowska** (Poland) said that importance of the role of the Special Rapporteur could not be overestimated in the current climate of increasing restrictions on the liberties of human rights defenders. Her delegation was particularly concerned about the misuse of administrative measures and other indirect means of hindering the rights of activists, including by impeding their access to financing or by preventing them from broadcasting television and radio programmes. The right to freedom of expression offline and online was not only essential to the work of defenders but also a fundamental human right and the cornerstone of democracy, sustainable development and peace. Concerted action must be taken to protect civil society space and establish an enabling environment for human rights defenders, who provided objective expertise to the Third Committee and helped prevent human rights violations by providing early warning of emerging situations that could lead to grave human rights violations. She concluded by asking what the best practices were for resolving the issue of pending requests for country visits.

12. **Ms. Fontana** (Switzerland) said that the restrictions being placed on civil society space and human rights defenders in law and in practice had become increasingly severe in recent years. Her delegation strongly condemned all physical, psychological, social or economic harassment of defenders and the intimidation of those close to them. She asked what concrete measures could be taken to better protect women human rights defenders, who were particularly vulnerable to violence, prejudice and exclusion, and to increase recognition of their work. She asked the Special Rapporteur to share his observations and conclusions concerning the increasingly common reprisals against defenders cooperating with United Nations mechanisms and other international or regional organizations.

13. **Ms. Nescher** (Liechtenstein) said that Human Rights Council resolution 24/24 on cooperation with the United Nations, its representatives and mechanisms in the field of human rights should be implemented as soon as possible by all Member States. Noting the references in the report to the shrinking civil society space and the increasing use of new technology by States to monitor and curb the work of human rights defenders, she asked what positive or negative effects the emergence of blogging and other social media tools had had on the situation of human rights defenders, how the situation was changing and what channels remained open to defenders.

14. **Ms. Schneider Calza** (Brazil) said that her delegation fully agreed with his report's analysis of the risks and threats to human rights defenders and welcomed the focus on vulnerable groups of defenders. It also supported all initiatives to strengthen the protection of all defenders against threats from States and non-State actors. Given that the ability to work without having their telephone calls or emails intercepted was essential to protect defenders from reprisals, her delegation was convinced that coordination between the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the right to privacy would be of great benefit.

15. The media could also do much to publicize the work of defenders, but States should also consider their role in the stigmatization of defenders, while being careful not to jeopardize the freedom of the press. She asked the Special Rapporteur to discuss the positive

and negative impact of new technology, in particular social media, on the work of human rights defenders.

16. **Ms. Birštonaitė** (Lithuania) said that defending human rights was an extraordinarily dangerous activity in many countries. Attacks on journalists were of particular concern in the current context of the escalating armed conflicts in certain regions. She asked what steps should be taken to implement the existing international framework on the protection of journalists and ensure that perpetrators were identified and held accountable. She also encouraged States to create a safe and enabling environment for human rights defenders and asked how the international community could contribute to the implementation of the Special Rapporteur's recommendation that States should remove the obstacles that some domestic laws might place on the legitimate activities to promote and protect human rights conducted by defenders.

17. **Ms. Hindley** (United Kingdom) said that human rights defenders were increasingly faced with threats and barriers to their work. It was troubling that so many ostensibly democratic States were seeking to regulate individuals and organizations that defended the very rights essential to a functioning democracy. All Member States should review their legislation to ensure that they were not overburdening defenders with regulation or choking their funding, including foreign aid. Defending the rights of the most disadvantaged brought human rights defenders into conflict with States, transnational corporations, violent extremists and organized criminal gangs. It placed them and those close to them at risk. She encouraged Member States to provide funding to the "Lifeline" Embattled Civil Society Organizations Assistance Fund and other organizations, as her Government did, to provide support to defenders working in even the bleakest situations. She asked how States could ensure that national and international laws, in particular those designed to counter terrorism, did not negatively affect defenders, who were vital to the prosperity of States and the creation of full and vibrant societies. She would also be interested to hear what States, the financial sector and financial regulators could do to ensure that the banking mechanisms used by defenders remained available to them.

18. **Ms. Ramos** (Cuba) said that her delegation welcomed the recommendations to better protect human rights defenders, which were in line with the Declaration on Human Rights Defenders. Given that

article 20 of the Declaration provided that nothing therein should be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations (NGOs) contrary to the provisions of the Charter of the United Nations, she was interested to hear the views of the Special Rapporteur with regard to individuals who presented themselves as human rights defenders while openly promoting and defending actions that violated the basic principles of the Charter.

19. **Ms. Zahir** (Maldives) said that her Government was fully committed to strengthening the human rights situation in the Maldives, as evidenced by the inclusion of civil society representatives in its recently convened standing committee on the universal periodic review. The 2013 freedom of association law in her country established the right to peaceful demonstration without the need to obtain prior permission or consent. Her Government welcomed the constructive engagement of special procedures mandate holders and looked forward to a visit by the Special Rapporteur in 2016. She encouraged mandate holders to take into account the particular challenges faced by small States, including a shortage of manpower and expertise in the promotion and protection of human rights. Given the influence of the opinions of those mandate holders within the General Assembly and in the broader international community, they must ensure that their work remained neutral and non-speculative and base their decisions on established facts.

20. With regard to the references in the report to counter-terrorism policies and strategies being used to target human rights defenders, she urged the Special Rapporteur, Member States and the international community to take into consideration the crimes and severe violations of human rights perpetrated by persons sentenced on terrorism charges before labelling those sentences as acts of reprisal against human rights defenders.

21. Her delegation agreed that defenders were at times met with mistrust and that such difficulties were exacerbated by ignorance among defenders of the mechanisms they could use to boost their visibility and strengthen protection. She therefore requested examples of good practices that defenders and States could employ to develop productive and constructive engagement.

22. **Ms. Pérez Gómez** (Colombia) said that special attention should be given to women human rights defenders and defenders of the rights of lesbian, gay, bisexual, transgender and intersex persons. Her Government, which was committed to developing long-term policies to promote and protect defenders and their work, had developed a comprehensive policy to fulfil its human rights and international humanitarian law obligations, including by strengthening the national unit created to enhance the protection of human rights defenders. Achievements included the organization of a round table discussion on the right to social protest and the establishment of a programme to support women defenders and highlight their unique and significant contribution to peacebuilding.

23. She asked the Special Rapporteur to provide examples of good practices to enhance protection at the regional and local levels, where her country faced significant challenges. Recalling that the 2030 Agenda for Sustainable Development emphasized the role of youth as agents of change, she asked how the protection of youth defenders could be improved in her country and around the world. Her delegation felt that the promotion of information and communications technologies (ICTs) would be an essential part of that effort.

24. **Ms. Brooke** (United States of America) said that States which defended civil liberties would ultimately be on firmer ground than those that settled for achieving an illusion of order through the suppression of dissent. Her delegation was alarmed by the global trend of increasing restrictions on human rights defenders. In that regard, she asked what could be done about restrictive legislation and how reprisals against individuals who cooperated with the United Nations could be better addressed.

25. **Ms. Wynne-Hughes** (Canada) said that despite growing recognition of the vital importance of an independent and diverse civil society, human rights defenders continued to be the targets of threats, intimidation, harassment and sometimes deadly violence by both State and non-State actors. Her delegation was particularly concerned about the threats faced by women and indigenous defenders and those defending the rights of lesbian, gay, bisexual, transgender and intersex persons and persons with albinism. As Chair of the Community of Democracies Working Group on Enabling and Protecting Civil

Society, Canada worked with Governments and civil society to counter the adoption of unduly restrictive laws impacting the work of civil society. Her country also presented an annual award for exceptional courage and leadership in defending human rights and freedom. Her Government was committed to supporting Internet freedom and encouraged United Nations mandate holders to give particular attention and assistance to countries where human rights, including the rights to privacy, freedom of expression and freedom of association, were unduly restricted online.

26. Even multilateral forums were not immune from attempts to limit the voices of the human rights defenders, who played a vital role in ensuring that the work of the United Nations had an impact on the ground. Therefore, clear and appropriate references to civil society and human rights defenders should be included in resolutions, decisions and statements pertaining to all agenda items. She concluded by urging all States to fully support and recognize the vital role of civil society in the prevention of human rights violations and in empowering victims.

27. **Ms. Shlychkova** (Russian Federation) said that her country had established a Presidential Council for Civil Society and Human Rights and was also supporting the work of advisory and coordinating bodies of NGOs at the federal and regional levels. Financial support to non-profit NGOs that were engaged in developing civil society institutions and projects to protect human rights and freedoms had now doubled to over 4 billion roubles from the annual federal budget. In September 2015, an annual national award of 2.5 million roubles had also been established to recognize outstanding achievement in human rights work.

28. Launching short monitoring missions to monitor implementation of the Special Rapporteur's recommendations would be questionable, as those recommendations were not mandatory for States. The main task of special procedures was not to carry out research or oversight, but rather to help States identify existing problems through constructive cooperation and dialogue. She also trusted that the Special Rapporteur had taken into account her delegation's previously expressed concerns about the issue of human rights defenders being incorporated into the United Nations agenda elsewhere.

29. The recommendations on effectively implementing the main freedoms for human rights defenders should be supplemented to include the right to freedom of movement, since there had been cases of certain countries within visa-free zones prohibiting the entry of human rights defenders and of some countries hosting international events preventing the entry of human rights defenders from NGOs.

30. The Special Rapporteur's approach of dividing human rights defenders into categories was ineffective and contrary to the fundamental principles of non-discrimination and equal treatment. All human rights defenders and all regions deserved equal attention. In that context, she asked how the Special Rapporteur was planning to develop contacts and cooperate with other Special Rapporteurs, especially those working on such issues as minorities, freedom of religion and belief, and combating torture. She wondered whether the Special Rapporteur would exchange relevant information with the other mandate holders and, taking into account their views, develop recommendations to improve the work and situation of human rights defenders.

31. **Ms. Hubschmid** (Costa Rica) said that her delegation was greatly concerned about the multiple obstacles faced by those who sought to peacefully defend the human rights and fundamental rights of others while placing their own safety and physical and emotional integrity at risk. The adoption of the Guidelines against Intimidation or Reprisals (San José Guidelines) and the appointment of focal points on intimidation or reprisals within each treaty body were a preliminary but definitive step towards combating the challenges faced by defenders on a daily basis.

32. Women defenders were not only at a higher risk of being subjected to harassment, defamation, online stigmatization campaigns and violence from their opponents; they also faced discrimination within their own organizations. In that regard, she asked the Special Rapporteur to describe specific measures that could be taken to enhance the promotion of gender equality and combat all forms of discrimination against women defenders.

33. **Mr. Forst** (Special Rapporteur on the situation of human rights defenders), responding to the questions raised by delegations, said that the purpose of his mandate was not to denounce States that did not respect human rights, but rather to assess situations on

the ground and enable States to learn from one another. He had already collected a good number of best practices developed by national human rights institutions, ombudsmen, civil society and a number of States in the course of his regional consultations, and he urged all delegations to assist in the preparation of his next report by responding to the questionnaire on good practices that would soon be online. He also intended to begin a more exhaustive and technical assessment of protection mechanisms in the light of his findings that mechanisms, such as the European Union Guidelines on Human Rights Defenders and the funds allocated to Freedom House for the relocation of defenders in danger, did not function as well as they should.

34. He concluded by highlighting the increasingly urgent situation of human rights defenders concerned with the extractive and mining industries and environmental issues, who faced threats from both States and non-State actors. In that connection, he was exploring the possibility of cooperating with the Working Group on the issue of human rights and transnational corporations and other business enterprises to implement new initiatives involving not only States, but also the international enterprises that were directly responsible for, or complicit in, human rights violations.

35. **Mr. Kaye** (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression), introducing his report (A/70/361), recalled that freedom of expression should not be found only in specific documents but must also exist in real life. Unfortunately, the instances where practice had not met promise over the past year were too numerous to count.

36. Although Article 19 of both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights guaranteed everyone the right to seek, receive and impart information, Governments could legitimately keep certain information secret when provided for by law or when considered necessary and proportionate to achieve a legitimate objective, such as national security. However, secrecy should not be used to prohibit public discussion when public interest in disclosure outweighed the risk of harm to a specific governmental interest. Nonetheless, it was common for Governments to restrict access to information beyond what was deemed necessary under the Covenant. It

then fell to sources and whistle-blowers to disclose such information.

37. Disclosures could be uncomfortable for Governments, political leaders or societies. His research indicated that, while many States understood that effective protections for sources and whistle-blowers were crucial to public debate and accountability in democratic societies, too often States resisted protections and called for penalties for disclosures, even those in the public interest. Whistle-blowers and confidential sources, who often took great personal risks to reveal information, should not be demonized. While some persons disclosing information might deserve to be held accountable, Governments must consider the foundational interests of democratic States, even when considering specific cases.

38. His report had benefited from almost a dozen submissions from civil society and twenty-eight from States, a review of national and international norms and practices, and a consultation held in Vienna in June 2015. All of the report's recommendations applied to the United Nations and other international organizations.

39. Regarding freedom of expression online, he said that he was preparing a major project on the responsibilities of private actors using the Internet and the protections they must be granted by Governments to ensure an open and secure Internet. Governments frequently put pressure on social media, search engines, news organizations, the telecom industry and Internet service providers to remove material, leading to processes that were difficult to follow closely or to appeal. While it was conceivable that websites could incite violence or discrimination, it was deeply concerning for the future of censorship that several Governments maintained blacklists of websites.

40. Encryption and anonymity were the only tools providing some individuals with the means to exercise freedom of expression online, yet both were under threat from surveillance, corporate tracking and Governments worldwide. Governments must promote widespread encryption and protect the universal right to anonymity online. The targeted surveillance activities of intelligence and law enforcement services, both in their jurisdictions and possibly extraterritorially, made encryption and anonymity particularly important.

41. Lastly, while he looked forward to a number of country visits in the near future, he was disappointed that, for over two years, Indonesia had failed to respond to requests to confirm dates for a country visit.

42. **Ms. Schneider Calza** (Brazil) said that her country had been highlighting the importance of protecting sources of information, including their anonymity. Basic protections were critical to freedom of expression and accountability. Acts of reprisal against whistle-blowers must be investigated to prevent a culture of silence developing in institutions. She asked which mechanisms and good practices, such as protection programmes and visa concessions, were available for the protection of whistle-blowers and sources of information in the long and short term. What role could the United Nations have in strengthening international standards for the protection of whistle-blowers and sources of information?

43. **Ms. Fontana** (Switzerland) said that any restriction on access to information should be justified. Switzerland was concerned by the restrictions that many countries had placed on journalists, bloggers and other persons disclosing information, and was adapting its national legislation to guarantee better protection for whistle-blowers in order to avoid reprisals. She asked what the best practices were for including such protection measures in national legislation. Although many countries had legislation protecting whistle-blowers and sources of information, it was necessary to implement such legislation effectively and to change opinions in politics and among the public. She asked what specific measures could be taken to improve the perception of whistle-blowers and bring about greater recognition of their activities.

44. **Ms. Brooke** (United States of America) said that her country had a strong legal and cultural framework to promote and protect freedom of expression. Any content-based restrictions in the United States generally required compelling Government interests and consideration of the least restrictive measures to protect that interest. The United States had laws, regulations and policies providing confidential means for the disclosure of information. Whistle-blowers were safeguarded against reprisals for making protected disclosures and could be entitled to remedies, including monetary damages. As a free press was crucial to Government accountability and an open society, she asked what more the international community could do to support journalists and media



workers in countries where they were constantly threatened with violence.

45. **Ms. Tschampa** (European Union) said that more must be done to end the targeted killings, intimidation, imprisonment and censorship of journalists and bloggers for reporting the truth. Measures must be put in place to protect whistle-blowers from harassment or reprisals. She asked the Special Rapporteur how he planned to advise Governments to improve their strategies to protect whistle-blowers and prevent the killing of journalists.

46. **Ms. Tasuja** (Estonia) said that her country was concerned about breaches of privacy and anonymity, particularly due to advances in technology. She asked what Member States could do to protect freedom and privacy online, especially for journalists, and what measures Member States could take to ensure that national security concerns did not contradict the rights to privacy and confidentiality online.

47. **Ms. Nescher** (Liechtenstein) recalled that some countries had legislation criminalizing the denial of genocide, although some recent court decisions implied that genocide denial should only be punishable if expressed in a specific context conducive to violence or the repetition of similar crimes. She asked the Special Rapporteur to comment on that situation from the perspective of his mandate. She also asked the Special Rapporteur how he viewed the calls for legislation to curb hate speech on social media and whether he was currently in discussions with major social media companies.

48. **Ms. Węgrzynowska** (Poland) was concerned that whistle-blowers faced disproportionate restrictions and criminal charges when revealing State information, contrary to article 19 of the International Covenant on Civil and Political Rights. Disclosing criminal offences, corruption or abuse should be treated as protecting public interests and must not result in prosecution, intimidation, harassment or any form of accountability. She asked what measures could be taken to prevent acts of reprisal or penalties against whistle-blowers.

49. **Ms. Hjelde** (Norway) said that her country was concerned that persons exposing wrongdoing were often subjected to reprisals and asked what concrete measures could be undertaken by States and other stakeholders to combat that trend. Laws guaranteeing confidentiality should extend beyond professional

journalists and protection should be based on functions, not a formal title.

50. **Ms. Hindley** (United Kingdom) said that the work of a free press was essential but was becoming increasingly dangerous, with 64 journalists worldwide having been killed to date during the current year. The support staff of journalists and all media actors engaged in journalistic activity online or offline must be afforded the same rights as journalists themselves. The Government of the United Kingdom was the most transparent in the world, according to the World Wide Web Foundation. By placing as much information as possible in the public domain and by enabling citizens to request and receive information under freedom of information laws, her Government had empowered journalists and citizens alike. It encouraged other States to adopt a similar approach.

51. She asked what the most effective measures were to improve the safety of journalists and other media actors and what States could do to end impunity for crimes perpetrated against journalists.

52. **Mr. Doujak** (Austria) said that encryption and anonymizing programmes were options to ensure the protection of sources of information but could not replace a clear legal framework defining any restrictions on confidentiality controlled by the judicial authorities. He asked how the Special Rapporteur would assess that relationship and what lessons had been learned regarding his recommendation that laws guaranteeing protection should be based on function, not on a formal title.

53. **Mr. Dvořák** (Czech Republic) said that his country paid special attention to the right to access information, which was vital for equal participation in public and political affairs. He asked how States could actively promote respect for that right and what they could do to support the efforts of civil society in that regard.

54. **Ms. Pérez Gómez** (Colombia) said that her country was taking preventive and protective measures to ensure that journalists and media actors were able to carry out their work and build a more informed society. As freedom of expression and opinion was important for strengthening democracy, Colombia had dedicated enormous time and money to protecting journalists, media professionals in the first quarter of 2015.

55. **Ms. Zahir** (Maldives) said that basic protections for freedom of expression were necessary. Although progress had been made in the Maldives in that regard, including through the stationing of information officers in public offices and training in public awareness programmes, it was necessary to draw further on international best practices. In that context, she requested further about such practices, particularly in order to minimize concerns about the sharing of national security information.

56. **Ms. Hubschmid** (Costa Rica) said that vulnerable groups such as children and persons with disabilities should have specific conventions to protect their right to access information. Global cooperation was vital to guarantee freedom of opinion and expression in view of the human rights violations suffered by people exercising those rights. She asked how the United Nations could better protect vulnerable groups globally.

57. **Ms. Ramos** (Cuba) stressed the importance of protecting the confidentiality of journalistic and other media sources. She also asked what international protective measures could be taken to counter the massive violation of citizens' private information by foreign Governments and companies.

58. **Ms. Shlychkova** (Russian Federation) said that Russian law protected the confidentiality of sources of information for journalists. It was difficult to overestimate the influence of the media in forming public opinion and therefore it was important to ensure that information was reliable, that rights and freedoms were being used responsibly and that private life was being respected. In that context, she called on the Special Rapporteur to follow the approach outlined in the International Covenant on Civil and Political Rights and to avoid any arbitrary interpretations. In that regard, she recalled the special duties and responsibilities that gave rise to the restrictions enshrined in article 19, subparagraphs 3 (a) and (b), of the Covenant.

59. While such issues as promoting freedom of expression in the media and protecting journalists and their sources were now being widely discussed at many regional and international organizations, unfortunately there was still no consensus definition of the term "journalist" or support for attempts to expand the category of professional journalists to include other persons engaged in the collection and dissemination of

information. In the quest for a suitable definition, the report of the Special Rapporteur had referred to the approaches taken by the Council of Europe and the OSCE Representative on Freedom of the Media. However, she wished to recall that the latter approach was merely a personal view expressed by the OSCE Representative, rather than a consensus position adopted by OSCE member States. No such reference should therefore have been included in his report.

60. It was necessary to consider what information was safe to disclose "in the public interest", as that phrase could be interpreted broadly. Moreover, the drafting of good laws did not necessarily mean that they would be effectively enforced. In the Snowden case, for example, journalists from a well-known newspaper had been put under pressure by the authorities of one country in spite of its laws protecting source confidentiality. Some countries were also attempting to restrict media plurality and, as a result, the diversity of sources of information. Accordingly, her delegation believed that the next report of the Special Rapporteur should address such issues as the closure of media outlets and television channels, and the blacklisting and persecution of dissenting journalists.

61. **Ms. Charrier** (France) said that while ICTs had had increased people's ability to exercise their freedom of expression and to act as whistle-blowers and human rights defenders, they had also brought new threats and challenges. The recommendations from the Special Rapporteur could help States to adopt best practices in order to address those challenges. She therefore called on all States to engage in a constructive dialogue with him.

62. France was resolutely committed to freedom of expression throughout the world, including the defence of freedom of the press, the protection of journalists and their sources, and the rights of bloggers, human rights defenders and "cyber dissidents" on the Internet. The right to seek, receive and impart information, the right to a private life and the right to freedom of assembly and association must be protected in the real world and on the Internet.

63. Anonymization tools were important, given the increase in violations of the rights of bloggers, human rights defenders and whistle-blowers online. In that context, she asked the Special Rapporteur how protecting freedom of expression could be reconciled

with preventing hate speech and cybercrime. Which policies or tools could allow States to meet both those goals while respecting international law and human rights?

64. **Mr. Kaye** (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression), responding to the questions raised, said that existing legal developments formed the basis for his recent reports. A number of best practices had been identified with respect to the protection of whistle-blowers and journalists. With regard to the latter, it should be recalled that article 19 of the International Covenant on Civil and Political Rights protected the right of everyone, not specifically journalists, to seek, receive and impart information and ideas through any media, regardless of frontiers. The purpose of his mandate was to protect that universal right, which meant expanding the definition of individuals who participated in the collection and dissemination of information.

65. It was crucial to protect journalists from violence in conflict and non-conflict situations and to fight impunity in such cases. The United Nations Educational, Scientific and Cultural Organization had done a significant amount of reporting in that area; however, with the International Day to End Impunity for Crimes against Journalist fast approaching, States had the opportunity to revisit their legislation and practices to address impunity for attacks against journalists.

66. Articles 19 and 20 of the Covenant provided the standards for his assessment of hate speech, including in the context of anonymization technology, combined with his own evaluation of the close connection between the language used and the risk of incitement. Although the potential threats posed by anonymization tools were valid, their value should also not be forgotten when considering restrictions. For example, the only way that members of vulnerable or marginalized groups could often communicate, express themselves or learn about their heritage was by exploring such questions anonymously online or with the aid of encryption.

67. There were two components to the best practices observed that were used to protect individuals from reprisals. The first was to ensure that all Governments had the necessary legislative framework in place. Second, because legislation and practice were not

always congruous, it was crucial to bring both into alignment, thereby making it possible to provide reparations and accountability in the event of reprisals. Protecting individuals from reprisals was not only a Government responsibility, but also one for the United Nations system and other international organizations.

68. *Mr. Dempsey (Canada), Vice-Chair, took the Chair.*

69. **Mr. Bielefeldt** (Special Rapporteur on freedom of religion or belief) introduced his report on the elimination of all forms of religious intolerance (A/70/286), which focused on the rights of the child and his or her parents in the area of freedom of religion or belief.

70. **Ms. Kirianoff Crimmins** (Switzerland), recalling that freedom of religion or cultural values could never be invoked to justify ancestral practices that violated human dignity, such as female genital mutilation or child marriage, asked the Special Rapporteur what steps the United Nations and Governments could take to stamp out such practices, protect religious minorities, guarantee freedom of religion and ensure that certain States did not criminalize apostasy.

71. **Ms. Phipps** (United States of America) asked the Special Rapporteur to provide examples of recent successful efforts to curb harmful practices and uphold best practices that others could emulate. Did the Special Rapporteur have suggestions for model legislation to address discriminatory practices?

72. **Ms. Fitzmaurice Gray** (Ireland) said that the best interests of the child should be central to discussions in cases of family crisis. Her delegation shared concerns about the restricted enjoyment of the freedom of religion or belief for people belonging to minorities, converts, dissidents, critics, atheists or agnostics, members of non-recognized groups and others. In that regard, she asked the Special Rapporteur how States and religious communities could ensure freedom of religion or belief for children and parents who belonged to minority religions and non-recognized groups, particularly in educational settings.

73. **Ms. Tschampa** (Observer for the European Union) said that the European Union was strongly committed to promoting freedom of religion or belief and looked forward to engaging with all delegations on the relevant resolution that it would present at the current session. She asked the Special Rapporteur to

elaborate on what he meant in his report by “the evolving capacities of the child” and to clarify who should be tasked with measuring such capacities. She also wished to know how States could effectively comply with his recommendation to pay more attention to violations of the rights of the child and his or her parents in the area of freedom of religion or belief.

74. **Mr. Doujak** (Austria) said that religious socialization played a crucial role for children, whose capacities were evolving as they gradually became aware of the dimension of religion or belief. In that context, he asked the Special Rapporteur how States, under international law, could ensure that children fully enjoyed their right to freedom of religion or belief while simultaneously limiting the risk of radicalization from misguided notions.

75. **Ms. Shlychkova** (Russian Federation) said that effective enjoyment of the right to freedom of religion or belief played an important role in maintaining peace and stability in society. State institutions should act as facilitators by promoting the conditions for inter-religious dialogue and the unfettered development of religious communities.

76. As a country with a diversity of religions and ethnic groups, the Russian Federation was aware that policies on religious freedom must be implemented in a sensitive and balanced way. Her delegation fully agreed with the approach taken by the Special Rapporteur regarding children’s right to religion and parents’ right to raise their children according to their own religious beliefs: it was important to avoid extremes, including unrealistic calls to provide an environment for a religiously “neutral” upbringing. Moreover, it was important to comply with the obligation under the International Covenant on Civil and Political Rights to respect the liberty of parents to ensure the religious education of their children in conformity with their own convictions, provided of course that no serious physical or mental harm was caused as a result.

77. However, parents and societies must also create the conditions for harmonious and comprehensive child development, taking into account the child’s age and growth in consciousness. The Russian education system provided information on different religions as part of the curriculum and gave children the option to study additional modules either on specific religions or on secular ethics. She hoped that the Special

Rapporteur would facilitate an exchange of best practices on freedom of religion and belief in general, and more specifically in the context of religious instruction for children.

78. Lastly, she said that respect and mutual understanding among representatives of different religions was an important issue that should be addressed by the Special Rapporteur in his next report.

79. **Ms. Hjelde** (Norway) asked the Special Rapporteur to elaborate on his recommendation that article 14 of the Convention on the Rights of the Child should be interpreted in line with all other religious standards on the freedom of religion or belief. What challenges did the international community face in that respect?

80. Greater attention should be paid to children belonging to linguistic or religious minorities. At the same time, children should be protected against abuses perpetrated by parents or others from their religious community, even when such acts were grounded in culture, tradition, practice or religion. In that context, she asked measures could be undertaken to overcome existing obstacles to the full and effective realization of the rights of children belonging to minorities, including indigenous children.

81. **Ms. Pritchard** (Canada) said that the freedom of religion or belief could never be used as a pretext to legitimize such harmful practices as child, early or forced marriage. Canada had played a leading role in efforts to end those practices, including through the development of the first relevant standalone resolutions in the General Assembly and the Human Rights Council. Canada also dedicated significant resources to advancing and safeguarding the rights of children, particularly those of the girl child.

82. Protecting children from violence, exploitation and abuse was a priority, in particular given the ongoing atrocities committed by the terrorist group known as Islamic State in Iraq and the Levant (ISIL), which included the persecution of religious and ethnic communities and the sale of children into sexual slavery.

83. In the light of rising persecution globally, Canada prioritized the promotion and protection of religious freedom. Societies that protected freedom of religion or belief were more likely to protect all other universal rights and fundamental freedoms, including freedom of

association, freedom of expression and equality between men and women. Canada's Office of Religious Freedom defended religious communities that faced persecution and promoted freedom, democracy, the rule of law and human rights. To create partnerships and spur coordinated action, Canada had convened the first meeting of an international contact group on freedom of religion or belief in June 2015. The meeting had brought together countries committed to focusing on that issue, including through the coordination of joint advocacy activities and the exchange of best practices.

84. She asked the Special Rapporteur to explain how States could better work together to reverse the existing trend of religious restrictions and hostilities.

85. **Ms. Torres de Oliveira** (Poland) asked the Special Rapporteur what efforts State parties to the Convention on the Rights of the Child should undertake to ensure recognition of the principle that parents had the primary responsibility for the upbringing and development of their children, including with regard to the freedom of religion or belief.

86. **Mr. Al-Obaidi** (Iraq) said that terrorist groups active in Iraq had carried out acts of extreme violence at holy sites and in public places. The first victims of such attacks were civilians, in particular women and children. ISIL had sought to impose its sick doctrine and to kill those who did not share those beliefs. It was also kidnapping citizens belonging to religious minorities, especially Yazidi women and children, forcing them to convert and using physical and sexual violence against them. Iraq had tried to document such crimes, as far as possible, so that the perpetrators did not go unpunished.

87. **Mr. Ríos Sánchez** (Mexico) asked the Special Rapporteur to provide further details on the situation of agnostics and atheists.

88. **Mr. Storrar** (United Kingdom), noting an increase in attacks based on belief, religion or lack of belief over the past year, said that the freedom to practice, change or share one's faith or belief without discrimination or violent opposition was a human right that should be enjoyed by all. Societies that guaranteed freedom of religion or belief were generally stronger, fairer and more confident. In societies where that freedom was protected, and discrimination against others on the basis of their religion or belief was

considered unacceptable, it was much harder for extremist views to take root. He asked the Special Rapporteur what more States could do to ensure that children learned to value individuals with different beliefs.

89. Often, where freedom of religion or belief was violated or abused, other rights followed. That phenomenon had been observed recently with the horrendous abuses committed by ISIL in Iraq and Syria. The world was also witnessing an alarming increase in attacks against individuals that chose a humanist or non-theistic lifestyle. What more could the international community do to protect such individuals?

90. **Ms. Hullmann** (Germany), recalling that harmful practices could never be justified as legitimate manifestations of freedom of religion or belief, asked the Special Rapporteur to describe positive examples of how parents, community leaders and religious figures could be mobilized to adopt a human rights-based understanding that protected children.

91. **Mr. Uğurluoğlu** (Turkey) said that Turkey was a traditional supporter of the resolution on freedom of religion or belief. It appreciated the Special Rapporteur's efforts to open a channel of communication between the religious leaders of the Turkish Cypriot and Greek Cypriot communities with a view to achieving a lasting, just and comprehensive solution to the Cyprus issue.

92. Violence in the name of religion sought to destroy ideas of peaceful coexistence and cooperation among peoples. His delegation wished to highlight the important role played by religious leaders in delegitimizing such violence through messages to their followers.

93. The current humanitarian crisis, the largest since the end of the Second World War, had the potential to strengthen such trends as islamophobia, xenophobia and discrimination in receiving countries. Would the Special Rapporteur explain how the international community could address that risk?

94. **Mr. Bielefeldt** (Special Rapporteur on freedom of religion or belief), responding to the questions raised, said that he had observed a trend of fragmentation within the field of human rights, which had led to the false impression that they could be examined separately or selectively. On the contrary, human rights

were interrelated and interdependent. For example, discussions of children's rights were meaningless without introducing the topic of parental rights and vice versa. He had indeed cooperated with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and his next thematic report would reflect on the interrelatedness of those two rights.

95. Many of the delegations had asked specifically about the types of vulnerabilities faced by children, including age, gender, social status and whether they belonged to minority groups. However, such complex vulnerabilities could not be adequately addressed without taking a holistic human rights-based approach that went beyond legal mechanisms and cyclical monitoring processes to include training, awareness-raising and the participation of religious leaders and their communities. He had observed such an example of positive engagement in 2006 at the Al-Azhar University Conference of Scholars in Cairo, where participants had pointed out that the practice of female genital mutilation not only lacked a religious basis but should also be condemned from a religious point of view. Instead of merely condemning harmful practices in the abstract, specific counter-narratives and counter-arguments were needed to delegitimize them, as well as policies to overcome them. Broaching such controversial topics required courage on the part of religious communities and States.

96. Schools were an important aspect of his country visits. Though students could enjoy their right to education in schools, they were a place where authority was exercised by teachers, State authorities and peer pressure. Indigenous children, converts and those belonging to minority groups were very vulnerable in schools. As such, States should ensure that no child was exposed to indoctrination and if religious instruction was offered, it should be optional in practice. For that reason, appropriate monitoring was crucial.

97. There was often little awareness that family law was a source of many discriminatory practices, including threats against converts or non-recognized minorities. The treatment of converts, in particular, was indicative of the level of understanding of freedom of religion within a society. That freedom could not exist unless the right to change was also available. Even the freedom to remain within one's own religion would not be a true manifestation of the freedom of

religion or belief unless individuals also had the right to reconsider, think, talk, communicate, persuade or be persuaded. However, some countries even criminalized such actions through legislation and countries without such laws often targeted children.

98. In conclusion, he said that he was pleased to have participated in interreligious talks in Cyprus, which had paved the way for the re-establishment of relations between the various members of Cypriot society. He welcomed, in particular, the participation of young people, who had held their own meetings in the buffer zone. That had helped to broaden ownership of the situation and to provide much needed hope.

*The meeting rose at 5.55 p.m.*