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## Third Committee

### Summary record of the 29th meeting

Held at Headquarters, New York, on Tuesday, 24 October 2017, at 3 p.m.

*Chair:* Mr. Gunnarsson . . . . . (Iceland)  
*later:* Mr. Idris (Vice-Chair) . . . . . (Eritrea)

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

**Agenda item 72: Promotion and protection of human rights** (*continued*) ([A/72/40](#) and [A/C.3/72/9](#))

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) ([A/72/127](#), [A/72/128](#),

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

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1. **Mr. Shaheed** (Special Rapporteur on freedom of religion or belief), introducing his report ([A/72/365](#)), said that nearly 60 per cent of States had reportedly experienced increases in government restrictions and social hostilities concerning religion or belief in 2015, and 75 per cent of the global population lived in States with restrictions in that area or with a high level of social hostility. Religious intolerance constituted both an unfavourable attitude towards persons or groups of a different religion or belief and the manifestations of that attitude in practice, which could take the form of discrimination, incitement to hatred and persecution.

2. The 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief established a critical link between manifestations of religious intolerance and respect for the right to freedom of religion or belief, as it was contingent on respect for the principles of equality and non-discrimination. Increases in unlawful government restrictions against religious groups remained one of the primary and most fundamental factors resulting in higher levels of religious intolerance in any given society. Some forms of discrimination were direct,

such as restrictions on religious observances or the prohibition of some or all religions or beliefs. Others were indirect, including laws that had a disproportionate impact on certain faith groups, such as zoning laws or travel bans. Anti-blasphemy, anti-apostasy or anti-conversion laws could also serve as platforms to enable intolerance. Over 70 States had anti-blasphemy laws, many of which had been adopted in the name of safeguarding social harmony and public order. In practice, however, those laws could be used to suppress dissenting views, in violation of international human rights standards.

3. In many cases, limits and denials of freedom of religion or belief stemmed from pressures within society, rather than government action. Non-State actors, especially terrorist organizations, continued to engage in violence, atrocities and hate crimes, often in the name of religion, against minorities and their places of worship, as well as women and children. Intolerant environments could be fed by an ideological commitment to impose a particular worldview or by religious privilege shaped by violent extremist interpretations of religious sources. Those violations were most often aggravated in situations with high levels of intolerance, weak rule of law and widespread fear. Verbalized expressions of hatred further intensified the climate of intolerance and were facilitated by social media and information technology, which provided a platform for stigmatization and negative stereotyping.

4. Manifestations of religious intolerance were made worse by trends to securitize or politicize religion or belief by States. While States must be empowered to carry out their obligations to counter terrorism and violent extremism, their role in fuelling and enabling an environment in which extremism could flourish was often overlooked. An overemphasis on security had often proven to be counterproductive and increased levels of religious intolerance. States could not treat security and respect for human rights as mutually exclusive, and Governments must ensure that programmes implemented in the name of protecting national security were not targeting, stigmatizing, profiling or disproportionately impacting religious or belief communities. Additionally, States should refrain from politicizing religion, and the international community must acknowledge that State and non-State reactions to globalization had rendered many societies more vulnerable to tribalism and xenophobia. Furthermore, the climate of intolerance against those perceived to be different or foreign was increasingly desensitizing the general population to incitement to discrimination or violence and other dangerous

practices. Laws and judicial enforcement could not eradicate religious intolerance and must be accompanied by thoughtful, responsive non-legal policy measures promoted by the State.

5. He hoped that the report would stimulate constructive engagement with existing United Nations mechanisms in order to narrow the gap between commitment and action for the full realization of the right to freedom of religion or belief. The implementation gap should be addressed through transparent, credible and accountable policies executed at the national and local levels. States should repeal all discriminatory laws, including anti-blasphemy laws, and should adopt and enforce criminal sanctions penalizing violent and particularly egregious discriminatory acts perpetrated by State or non-State actors. States must also uphold their obligations to protect the rights of members of religious minorities, as well as women, children, members of the LGBTI community, migrants, refugees, internally displaced persons and other vulnerable groups. United Nations tools developed for combating intolerance based on religion or belief had not been used to their fullest potential, and further steps were necessary to strengthen international processes for implementation. He encouraged all stakeholders, including States, faith leaders and civil society, to implement the recommendations outlined in Human Rights Council resolution 16/18, the Rabat Plan of Action and the Fez Plan of Action. States should also promote religious literacy, interfaith dialogue and religious freedom literacy, which could play a vital role in promoting respect for pluralism.

6. **Ms. Pryor** (United States of America) said that her delegation encouraged Member States to work with the Special Rapporteur to grant requests for country visits. As abuses by non-State actors continued at an alarming rate, Member States needed to redouble their efforts to protect religious freedom. The right to freedom of religion or belief should not be narrowly interpreted, used to undermine other human rights or be viewed solely through the guise of security or politics. States must take action to meet their obligations and address intolerant and discriminatory actions through mechanisms such as the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief. She asked what measures Member States should take to implement Human Rights Council resolution 16/18 in order to enhance protections for religious minorities.

7. **Mr. Koehler** (Germany) said that his country remained deeply concerned about the increase in

religious intolerance and the ongoing persecution of religious minorities in recent years. Germany reiterated the importance of protecting and promoting freedom of religion or belief worldwide and recalled the commitment by international community to work together to combat discrimination and other forms of intolerance. He asked what could be done to reverse the current trend towards government restrictions on religion or belief and related social hostility and how States, religious leaders and civil society organizations could promote an atmosphere of religious tolerance.

8. **Ms. Wagner** (Switzerland) said that several legal and political instruments existed to promote and protect the right to freedom of religion or belief; however, the main challenge was the lack of political will to implement them. The Rabat Plan of Action, for example, provided guidance for the implementation and interpretation of legislation, jurisprudence and policies to combat incitement to hatred. It also recommended policies that fostered free and open discussion, promoted respect for diversity and contributed to inclusion. She asked what positive practices could be established and promoted to encourage religious tolerance, equality and non-discrimination and how to promote the right to freedom of religion or expression for people who did not belong to the predominant religion or recognized religious minorities.

9. **Ms. Duda-Plonka** (Poland) said that Poland found it particularly worrisome that Government restrictions on religious groups had a direct impact on the level of religious intolerance in a society. States bore the primary responsibility to ensure respect and protection for freedom of religion or belief, and must implement effective policies and preventive strategies as well as abolish discriminatory legislation. The Special Rapporteur had proposed adequate criminal sanctions penalizing violent and discriminatory acts perpetrated by States and non-State actors against persons based on their religion or belief. How could States ensure that those sanctions were not disproportionate or counterproductive and would not perpetuate the climate of intolerance and the cycle of hatred and hostility?

10. **Mr. Goltiaev** (Russian Federation) said that the report of the Special Rapporteur was very timely, given the violence on the part of non-State actors, such as the Islamic State in Iraq and the Levant (ISIL), and attacks on religious minority communities, including Christians, Yazidi and Shiites. Given that terrorists were recruiting young people and actively promoting their radicalization, the Special Rapporteur should consider the role of education and the promotion of a

culture of religious tolerance in a forthcoming report. The Russian Federation had broad experience in supporting multi-faith dialogue and encouraging interactions among religious representatives and was prepared to share its relevant experience.

11. The report had included some issues that were beyond the scope of the mandate. His delegation failed to understand why sexual minorities and migrants had been included; it called upon the Special Rapporteur to remain within his mandate in future reports, as there were many problems that required his attention.

12. **Ms. Oehri** (Liechtenstein) said that, according to the report, increased migration was among the factors accounting for increases in religious intolerance, as it brought different religious communities into closer contact. Given that the international community would be negotiating the global compact for safe, orderly and regular migration in 2018, it would be helpful to hear the views of the Special Rapporteur on how the global compact should be designed in order to best protect migrants' right to freedom of religion or belief and to mitigate religious intolerance resulting from migration flows.

13. **Ms. Andreyeva** (United Kingdom) said that the United Kingdom had been working to increase understanding and respect between faith communities, collaborating with civil society and providing financing to address anti-Semitism and islamophobia, and was keen to share its experience. The legislative framework protected communities from hostility, violence and bigotry and was constantly reviewed to ensure that it remained effective and appropriate in the face of new and emerging threats. A new hate crime action plan had recently been published, which focused on reporting and improving support for victims, and working groups had been set up across the Government to address anti-Muslim hatred and anti-Semitism. The Equality Act required public bodies to have due regard for the need to eliminate discrimination, advance equality of opportunity and foster good relations. In that connection, she asked how the Special Rapporteur planned to encourage Member States to address discrimination by public bodies, in keeping with Human Rights Council resolution 16/18.

14. **Mr. Forax** (Observer for the European Union) said that freedom of religion or belief was an important component of the European Union human rights policy and was continuously included in political and human rights dialogue with partner countries in order to raise awareness. The European Union continued to support intercultural and interreligious dialogue in the spirit of openness, engagement and mutual understanding.

Given that the Special Rapporteur had expressed concerns over the increase in accusations of online blasphemy, it would be helpful to hear examples of good practices to address religious intolerance and its incitement on the Internet and social media. Furthermore, he wished to know which tools or mechanisms to combat religious intolerance were most lacking in visibility and how the international community could better engage with the mandate to provide support.

15. **Ms. Dissing-Spandet** (Denmark) said that Denmark would soon appoint a special representative for freedom of religion or belief. There was an urgent need to clarify the relationship between freedom of religion or belief and women's human rights. Religious beliefs and traditional practices were too often used to justify gender discrimination and harmful practices against women. Furthermore, key international bodies for addressing discrimination against women, such as the Committee on the Elimination of Discrimination against Women and the Working Group on the issue of discrimination against women in law and in practice, feared that any synergies between freedom of religion or belief and the human rights of women would be exploited to further violate the rights of girls and women. She wondered how that perceived conflict could best be resolved and how the Special Rapporteur would engage with those bodies to ensure that freedom of religion or belief was not seen as a potential threat to the human rights of women.

16. **Mr. Shandro** (Albania) said that his country looked forward to the Special Rapporteur's report on his visit, to be presented in March 2018. Albania agreed that anti-blasphemy laws should be repealed and that particular attention must be paid to upholding the obligation to protect the rights of vulnerable groups, religious minorities, women, children and the LGBTI community. In Albania, interreligious dialogue and freedom of speech had strengthened cooperation among different religious groups. As a result, cases of violence and religious discrimination had been eliminated. The Government had developed a pilot project to integrate religious culture in school curricula, with a view to reinforcing civic education through raising awareness of religious diversity.

17. **Mr. de Souza Monteiro** (Brazil) said that, as a multi-faith country, Brazil had a long-standing tradition of religious tolerance. According to a study by the Pew Research Center referenced in the report, Brazil was among the top five countries with the lowest levels of social hostility and government restrictions concerning religion. It was important to continue to explore opportunities for interreligious

dialogue in the international sphere, in which the United Nations Alliance of Civilizations could play an important role. Furthermore, migration should be treated as an opportunity to foster religious and cultural tolerance and understanding. He therefore wished to know how a culture of religious tolerance could benefit from the increasing migratory flows.

18. **Mr. Kelly** (Ireland) said that his delegation welcomed the statement in the report that the right to freedom of religion or belief did not give the individual as a rights holder the power to marginalize, suppress or carry out violent acts against other individuals and those in vulnerable situations, such as women or members of the LGBTI community, under the guise of manifesting their religion. Ireland was pleased that the Special Rapporteur intended to continue to highlight gender-specific abuses against women and girls with regard to the right to freedom of religion or belief and to engage with civil society actors, including existing regional and national human rights mechanisms, in carrying out his mandate. It would be helpful to elaborate on how civil society could play a positive role in supporting his work and how he planned to facilitate that engagement.

19. **Mr. Searl** (Canada) said that Canada was committed to working with Governments and multilateral and non-governmental organizations to champion human rights, respect for diversity and inclusive and accountable governance. The Government actively sought opportunities to share the lessons it had learned and to continue learning with others. In order to address the implementation gap between international commitments to combat religious intolerance and national practices, the report had underscored the importance of providing a platform for advocates of diversity, including online. Examples of best practices in that regard would be welcome.

20. **Mr. Alsendi** (Iraq) said that Iraq adhered to the International Covenant on Civil and Political Rights. The importance of freedom of religion or belief was enshrined in the Constitution, which preserved the Muslim identity of the majority of Iraqi citizens while respecting the religious freedom of other communities. Iraq had suffered attacks perpetuated by ISIL as it attempted to impose its terrorist agenda on the region. ISIL had engaged in the ethnic cleansing of Christians and Yazidi, forced them to convert to other religions and attacked religious sites. Religious communities had coexisted for centuries in Iraq, which was known for its social and cultural diversity, and the Government would strive to ensure the rights of all people. His delegation implored the international

community to combat extremism and eradicate and prevent terrorism.

21. **Ms. Matar** (Bahrain) said that Bahrain supported interreligious dialogue, and there were many religious communities in the country that coexisted in harmony, whether comprised of citizens or foreigners. Freedom of religion was a solution to many of the world's challenges, including terrorism, which knew no religion and threatened all people. For that reason, the Declaration of Bahrain called for diversity and tolerance and condemned incitement in the name of religion. Under the Declaration, the Government must respect religious minorities and could not discriminate against any community. Bahrain was proud to be an example of religious freedom and peaceful coexistence and would continue to promote tolerance.

22. **Mr. Maung** (Myanmar) said that Myanmar was a multi-ethnic society in which people of different faiths had coexisted for many years. The Government had been promoting a culture of peace and religious tolerance with the participation of different religious communities, and interfaith friendship groups had been set up across the country. In August 2017, an interfaith dialogue for peace, harmony and security had been held in Yangon, which 135 religious leaders and scholars from 32 countries had attended. A mass interfaith prayer ceremony for peace in Myanmar had recently been held across the country, and all religious communities had attended. The Constitution upheld the individual's right to freedom of religion or belief in worship, observance, practice and teaching.

23. **Ms. Mugaas** (Norway) said that Norway shared the view that the importance of religion as an identity marker had encouraged States to favour certain types of values or religious affiliations as essential to the assertion of natural status or citizenship. Governments must therefore make efforts to restore trust in public institutions in order to secure freedom of religion or belief. That was also one of the conclusions of the Trygve Lie Symposium on Fundamental Freedoms, organized by Norway and the International Peace Institute in September 2017, during the high-level debate of the General Assembly. The full enjoyment of freedom of religion or belief also required positive policy measures, including in the field of education.

24. **Mr. Shaheed** (Special Rapporteur on freedom of religion or belief) said that the human right to freedom of religion or belief encompassed theistic, nontheistic and atheistic beliefs, as well as the right to freedom from religion. His mandate was therefore very broad. The right to freedom of religion or belief must recognize the right to equality and non-discrimination.

With regard to women's rights, article 5 of the International Covenant on Civil and Political Rights stated that no right recognized in the Covenant could be used to destroy any other right and therefore protected the right to freedom of religion or belief from being used for any purpose that was not compatible with the human rights framework. In fact, freedom of religion or belief relied on other rights, such as freedom of expression, assembly and association. A rule of law that respected human rights and civil liberties was also fundamental.

25. It was natural for faith communities to advocate on behalf of coreligionists under persecution, but a multi-faith approach was always preferred, as it would have a wider reach, more credibility and possibly better outcomes. It also developed trust among communities and created a spirit of collaboration, upon which civil society actors and faith-based leaders could build. Cross-boundary communication and religious literacy were therefore essential to address the issues raised. In areas with low levels of religious literacy, people and communities tended to become vulnerable to ideas that were promoted in the name of religion but might actually be about violence or exclusion. Consequently, it was essential to invest in education and promote respectful education in all religious communities. When a State felt compelled to attach itself to one or some religions, it excluded others. That practice could lead to blasphemy laws or create classes of faith communities, which in turn fed into inequality, mistrust and possibly violence. The action points of Human Rights Council resolution 16/18 were designed to be implemented in ways that would advance respect for religion or belief from a legal and policy perspective. They provided clear guidance on what actions were required at the national and local levels to ensure respect for equality and non-discrimination and to foster an environment of positive engagement across different communities.

26. Before pointing the finger elsewhere and externalizing concerns about freedom of religion or belief, individuals, communities and States must be introspective and aware of what was occurring in their own societies and communities so as to evaluate their own progress and learn from their own best practices and challenges. While his report had focused on the increase in religious intolerance, there was also unprecedented religious diplomacy. An increasing number of States were investing in promotion of religious freedom and engaging on the issue, which promised to create the kind of understanding that was required for collaboration across different communities and societies.

27. **Mr. Kaye** (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression), introducing his report ([A/72/350](#)), said that the framework for protecting and promoting freedom of opinion and expression was under serious threat, and the crisis had deepened worldwide since his previous report. Access to information was an essential component of good, open governance and rule of law. However, international organizations, including the United Nations, fell far behind Governments in creating legal frameworks and processes to promote and enable access to information. Most organizations had taken steps to make information available online, but it should also be possible for individuals to request information that would not otherwise be disclosed. While some organizations had crafted access-to-information policies that sought to meet the demands of transparency, the United Nations did not have such a system-wide policy, despite years of high-profile scandals that had underscored the lack of accountability.

28. An effective access-to-information policy should include an open multi-stakeholder adoption process; proactive, clear, searchable and secure disclosures; comprehensive policies with binding rules; clear rules about what information could be withheld; effective complaint and appeals mechanisms; strong implementation, review and monitoring systems; and independent whistle-blower protections. While the Secretary-General had taken steps to improve protections for whistle-blowers, the United Nations could and should go further. Protections must include disciplinary sanctions against those who retaliated against whistle-blowers and should be monitored and promoted by a new office devoted to accountability, rather than the Ethics Office. The General Assembly, the Human Rights Council and other intergovernmental organizations should promote the adoption of access-to-information policies through resolutions and other governance mechanisms and ensure the development of monitoring and oversight functions. Furthermore, Member States should encourage intergovernmental organizations to adopt strong access-to-information policies. Freedom of information was strongly in the interests of the United Nations and other international organizations, as their image and effectiveness depended upon openness.

29. With regard to the global scourge of disinformation and propaganda, unfortunately, the term "fake news" had lost its force, as it had been adopted by some leaders as a tool to attack journalism, criticism and democratic opposition. Disinformation and propaganda were undermining the public trust in

information, the media and public institutions. Governmental or quasi-governmental actors were behind much of the disinformation, operating on a digital field that enabled it to spread quickly and easily and to mask its origins. Together with colleagues from the Organization for Security and Cooperation in Europe, the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights, he had issued the annual joint declaration on freedom of expression in March 2017. It stated that disinformation fell within the bounds of freedom of expression, given that public authorities denigrated, intimidated and threatened the media in an attempt to blur the lines between disinformation and media products containing independently verifiable facts. State actors should not make, sponsor, encourage or further disseminate statements that they knew to be false or that demonstrated a reckless disregard for verifiable information. While it was distressing to see Governments conduct disinformation campaigns, the standards of free expression must be paramount in any attempt at regulation.

30. With regard to his thematic work on the private sector in the digital age, private companies facilitated an unprecedented global sharing of information and ideas, especially through social media and search engines. He was currently examining the impact of content regulation by private actors on freedom of expression, appropriate private company standards and processes, and the role that States should play in promoting and protecting freedom of opinion and expression online. He had issued a public call for submissions and hoped that Member States would assist in clarifying the responsibilities of social and search companies under human rights law.

31. **Mr. Ariturk** (United States of America) said that international organizations, including the United Nations, should strive to be more open and transparent and should improve public access to their records. Lack of transparency undermined trust and often led to a lack of accountability and to opportunities for corruption. Increased openness would help to address those challenges by shedding light on the activities of international organizations. His delegation therefore continued to call for stronger whistle-blower protections. The United States had long prioritized open access to information and had passed the Freedom of Information Act in 1967, under which the Government could only withhold information when its release could foreseeably harm certain narrow interests. He asked what best practices on freedom of information had been implemented by international organizations.

32. **Mr. Ríos Sánchez** (Mexico) said that his country recognized the policies adopted by some agencies, such as the United Nations Educational, Scientific and Cultural Organization and the United Nations Environment Programme. The United Nations must begin to develop dynamic and flexible access-to-information policies, with the involvement of Member States, civil society and the media. Mexico reaffirmed its commitment to collaborate on the development of such a policy within the United Nations and other intergovernmental organizations and to share its experience in that regard. He emphasized the importance of strengthening accountability mechanisms in order to provide easy, prompt, effective and practical access to information.

33. **Mr. Mahidi** (Austria) said that information-rich environments helped to promote good decision-making and meaningful public debate, as well as build credibility and public trust. Austria agreed that increased transparency would send a broader message of understanding that public knowledge was critical. The Special Rapporteur had suggested that whistle-blower protections should be monitored by an accountability office. His delegation therefore wished to know why that would be more suitable than the current structure and whether any organizations could serve as a model of good practice on working with whistle-blowers.

34. **Mr. Goltiaev** (Russian Federation) said that the Special Rapporteur should consider the fact that, under various pretexts, some States closed popular mass media, including social networks, limited television broadcasting channels and reduced the information platform in minority languages, as was the case in Ukraine. The accusation of propaganda was a very convenient way for a State to repress information and fill the information space with its own opinions, as was the case in the United States with the Russia Today news channel. With regard to international organizations, the Special Rapporteur should pay special attention to the statements and data released by the United Nations High Commissioner for Refugees, which sometimes shifted focus to manipulate public opinion. His delegation failed to understand why a separate division should be created to consider reports of violations, as it would be duplicating the work of some mechanisms and would involve additional expense.

35. **Ms. Tasuja** (Estonia) said that greater transparency in United Nations agencies would strengthen credibility and decision-making by facilitating further engagement with civil society representatives. Additionally, Sustainable Development

Goal 16 promoted accountable and inclusive institutions at all levels. Given that some information could not be disclosed for security reasons or an individual's right to privacy, United Nations agencies must establish procedures to ensure that the disclosed information served a legitimate purpose and was absolutely necessary. The Special Rapporteur had recommended that an independent body should be part of the review process for appeals and complaints. It would be helpful to elaborate on the work, mandate and expertise required of such an independent body.

36. **Mr. Forax** (Observer for the European Union) said that proper access to information in international organizations helped to promote better decision-making, meaningful public debate and greater transparency, which improved accountability and public scrutiny and promoted good governance. Nevertheless, there could be legitimate limitations to accessing information, including confidentiality constraints and a lack of resources. The European Union welcomed the steps taken by the Secretary-General to promote whistle-blower protections and encouraged more action in that area. The United Nations and other international institutions must address the concerns raised in the report to ensure greater transparency and to deal swiftly with allegations of wrongdoing or inappropriate conduct. He would like to hear more about the greatest remaining obstacles to the development of access-to-information policies.

37. **Ms. Węgrzynowska** (Poland) said that freedom of information should apply to non-State actors as well as Governments. Poland fully supported transparency and openness and understood the need for access-to-information policies within the United Nations, as well as other international and intergovernmental organizations. It would be helpful to elaborate on recommendations to ensure effective whistle-blower protections.

38. **Ms. Přikrylová** (Czechia) said that the report recognized the close connection between the right to freedom of expression and the right to take part in public affairs. Strengthening international organizations and enhancing public participation in their work was crucial, as they served an important role in expanding the rule of law. While organization leaders had recognized the importance of public participation, policies had not been established to promote the right to information in day-to-day operations. She would like to know how Member States and civil society could be engaged in developing rigorous access-to-information policies.

39. **Ms. Al-Emadi** (Qatar) said that people had the right to access information from good sources. In Qatar, national institutions played an important role in protecting the right to freedom of expression. In that connection, the National Human Rights Council had recently organized a conference in which more than 20 organizations had participated. Nevertheless, some tried to suppress that freedom in Qatar by calling for broadcasters and news outlets to be closed. The international community must be aware of attempts to spread misinformation and must not allow modern technology to be used for electronic piracy, which threatened international peace and security.

40. **Ms. Rasheed** (Maldives) said that unhindered access to information was essential to public trust and accountability. Her delegation felt that it was important to maintain the intergovernmental character of the United Nations. Member States therefore had a right to seek and obtain information, and mechanisms should be established to make that information readily available. The Constitution of the Maldives unequivocally guaranteed the right to freedom of opinion and expression to all of its citizens. With a view to increasing transparency and accountability in government institutions, the Right to Information Act had been enacted in 2014, under which information officers had been appointed in all government offices and regular audits were conducted.

41. **Ms. Gintere** (Latvia) said that intergovernmental organizations often conducted their day-to-day operations far from the gaze of the media, which was a matter of concern. Despite the related challenges, transparency would provide an opportunity to highlight the positive aspects of their work that were often overlooked. Latvia was firmly committed to the protection of freedom of expression, both online and off-line, and promoted transparency with the use of modern technology. It would be interesting to hear the views of the Special Rapporteur on the role of information and communications technologies in promoting transparency and access to information in international organizations.

42. **Mr. Torbergson** (Norway) said that access to information was integral to the right to freedom of expression. International organizations must be transparent and facilitate public interaction in order to maintain their legitimacy and credibility. Civil society must be able to cooperate with the United Nations system, for example, by playing a more visible role in the work of the General Assembly. His delegation was encouraged by the steps that had been taken to protect whistle-blowers and welcomed the Secretary-General's emphasis on transparency. The right to unhindered



access to international human rights bodies was clearly articulated in international human rights law.

43. His delegation expressed concern about acts of intimidation and reprisals against individuals and their families as well as organizations that cooperated or sought to cooperate with the United Nations, its representatives and mechanisms. He asked the Special Rapporteur to share lessons learned from existing access-to-information policies within international organizations.

44. **Ms. Wagner** (Switzerland) said that Switzerland supported the call to encourage international organizations, especially the United Nations, to adopt access-to-information policies that would meet the standards of international human rights law. Sustainable Development Goal 16 demonstrated the correlation between access to information and good governance, human rights and government accountability. The Special Rapporteur had suggested that the policies of intergovernmental organizations should permit non-disclosure only when disclosure could harm a legitimate interest. She wondered how those policies could apply to vulnerable individuals, such as human rights defenders, to protect sensitive information. Furthermore, it would be helpful to hear his recommendations with respect to the reforms being undertaken by the Secretary-General.

45. **Mr. Castillo Santana** (Cuba) said that some of the recommendations contained in the report were incompatible with the nature of intergovernmental organizations, especially the United Nations, in which Member States alone were responsible for developing and monitoring policies. It would be useful to hear more on the recommendation that the General Assembly and the Human Rights Council should develop monitoring functions.

46. **Mr. Burin des Rozières** (France) said that access to information, which was a human right, was key to ensuring the accountability and effectiveness of public institutions. The digital revolution required States, private actors and international organizations to strengthen efforts to promote access to information and to protect freedom of expression on the Internet. He wondered what concrete actions States could take to assist international organizations in developing access-to-information policies. As a member of the group of friends on the protection of journalists, France called upon the United Nations to strengthen its commitments in that regard, including by establishing a mechanism under the Secretary-General. He wished to know how the international community could ensure more effective protections for journalists.

47. **Ms. Widodo** (Indonesia) said that public accountability had been one of the main pillars of bureaucratic reforms in Indonesia. At the regional and national levels, civil society participated in planning and implementing public programmes. Increased accountability was especially relevant in United Nations reforms, which should enhance the effectiveness of the Organization and the implementation of its programmes, including the use of funds and budgetary allocations. She asked how the United Nations could strengthen its internal monitoring mechanism to ensure that its work complied with the Charter.

48. **Ms. Hwang Yoosil** (Republic of Korea) said that freedom of information was essential to ensure the participation of civil society in the activities of international organizations. She asked the Special Rapporteur to identify the obstacles that the United Nations might face in developing and adopting access-to-information policies and the ways in which Member States and civil society could help to address those obstacles.

49. **Ms. Matar** (United Arab Emirates) said that her country reiterated its support for freedom of opinion and expression and stressed the importance of understanding the difference between freedom of expression and hate speech. The United Arab Emirates condemned any active incitement, including extremism and terrorism, by State media outlets that continued to actively encourage violence and engage with terrorist groups under the guise of free speech.

50. **Mr. Kaye** (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression) said that intergovernmental organizations, especially large organizations like the United Nations, were far removed from the day-to-day lives of individuals around the world, and therefore had no natural constituency to push for access-to-information policies. However, in the absence of such policies, intergovernmental organizations would find it more difficult to gain the support needed over time. Other obstacles to developing access-to-information policies included organizational inertia and the desire to protect secrets, which was no longer tenable.

51. Whistle-blower protection was an accountability mechanism that needed to be promoted by managers and senior officials. It must involve strong internal processes that led to change within the organization, and there must be sanctions for any kind of retaliation. When internal mechanisms were insufficient, a public safety valve must be in place to allow individuals with evidence of wrongdoing, human rights abuses or other

sources of waste or fraud to go public, typically through the media, and be protected for doing so.

52. It was important to have an office with the appropriate expertise whose principal mission was to protect whistle-blowers. Furthermore, the Ethics Office relied in part on the 2013 Standards of conduct for the international civil service, published by the International Civil Service Commission, which called for civil servants to be loyal to their organizations. It was not appropriate for that to be a fundamental principle of the mechanism dealing with whistle-blower protection.

53. With regard to the engagement of Member States and civil society in developing access-to-information policies, the organizations with robust policies had held effective consultations and convenings. Those processes allowed for valuable contributions to be made and aligned with the Charter. Regarding the protection of human rights defenders, any access-to-information policy would have exceptions. While those exceptions must be very narrow to allow full access, they would undoubtedly include protections for the rights and reputations of individuals, especially human rights defenders, where publicity could put them at risk.

54. *Mr. Idris (Eritrea), Vice-Chair, took the Chair.*

55. **Mr. Bohoslavsky** (Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights), introducing his report ([A/72/153](#)), said that the system of investment arbitration had not been designed to enforce financial obligations or to provide an avenue for the claims of speculative hedge funds and non-cooperative creditors. In the absence of a robust international framework to regulate sovereign debt restructuring, however, holdout creditors and vulture funds sought to use investment arbitration to enforce sovereign debt instruments, which could negatively impact human rights and debt sustainability.

56. Investment arbitrators had regrettably been reluctant to consider human rights when deciding disputes between creditors and defaulting, and bilateral investment treaties did not contain standards or guidelines to enable debt restructuring to be judged holistically. While States and the international community were making great efforts to prevent or minimize vulture and holdout litigation, investment arbitrators appeared to be providing a new avenue for those creditors, as neither financial law nor human rights law played a meaningful role in investment arbitration. Systemic financial risks needed better and

well-coordinated responses from global institutions and international law.

57. International debt disputes should be solved in a transparent, fair and timely manner through an international sovereign debt workout mechanism, informed by the Basic Principles on Sovereign Debt Restructuring Processes. Bilateral and multilateral investment agreements should be subjected to human rights impact assessments, and States should ensure that negotiations were conducted in an open and transparent manner. Furthermore, investment agreements should include explicit provisions that referred to the human rights obligations of investors and host and home States. In the context of investment dispute settlement, arbitration tribunals must consider human rights law as applicable for the interpretation of investment treaties, and investment arbitration must be transparent.

58. With regard to the work of his mandate, he had been asked to organize expert consultations to develop guiding principles for human rights impact assessments for economic reform policies and to map existing impact assessment tools. He had requested contributions in that regard and would present an interim mapping study in his next report. In March 2017, he had presented a report to the Human Rights Council on the effect of austerity-related labour market reforms on labour rights. He had also conducted country visits to Panama, Switzerland and Tunisia in 2017 and would visit Brazil and Ukraine in 2018.

*The meeting rose at 5.10 p.m.*