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Chair: Mr. Saikal (Afghanistan)

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

Agenda item 74: Promotion and protection of human rights

- (a) **Implementation of human rights instruments** (A/73/40, A/73/44, A/73/48, A/73/56, A/73/140, A/73/207, A/73/264, A/73/281, A/73/282, A/73/309) (continued)
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- (c) **Human rights situations and reports of special rapporteurs and representatives** (A/73/299, A/73/308, A/73/330, A/73/332, A/73/363, A/73/380, A/73/386, A/73/397, A/73/398, A/73/404, A/73/447) (continued)
- (d) **Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action** (A/73/36, A/73/399) (continued)

1. **Mr. de Varennes** (Special Rapporteur on minority issues), introducing his report (A/73/205), said that more than three quarters of the world's 10 million recognized stateless persons belonged to minority groups, who were subject to discriminatory policies, practice and legislation which further marginalized them. Large minority populations, such as the Rohingya of Myanmar, were shockingly without citizenship and had limited or no access to public services, education and employment, and few prospects. Such conditions were fertile ground for radicalisation and other threats to peace and security. The largest groups of stateless persons were connected to a handful of specific minorities. That was a pattern that recurred in new contexts. For example, millions of persons belonging to religious minorities in India were at risk of being unable to formalize their citizenship status.

2. He commended the efforts of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the States members of the "Group of friends" of the UNHCR Campaign to End Statelessness

by 2024, in particular the issuance of the 2017 report on statelessness and minorities. More focused measures were needed by international organizations and human rights groups to recognize and address statelessness as a minority issue. Statelessness began with discriminatory practices and a disregard of the human rights of minorities considered "unworthy" of citizenship. He called on Member States, international organizations and other interested parties to assist in the development of guidelines for equal nationality rights for minorities as a matter of urgency, so as to pre-empt the main causes of statelessness before they escalated into humanitarian crises. In that regard, he commended the African Union for its progress in drafting a protocol to the African Charter on Human and Peoples' Rights on the specific aspects of the right to a nationality and the eradication of statelessness in Africa. That protocol could serve as an inspiration for a resolution to formally recognize as part of customary law the obligation of a State to grant citizenship to children born on its territory who would otherwise be stateless. He would submit a report on the issue of statelessness as a minority issue to the Human Rights Council in March 2019 and the topic would be examined by the Forum on Minority Issues in November 2019.

3. During the reporting period, he had conducted his first country visit to Slovenia where he had taken note of the Government's long-standing and positive measures in relation to minorities, such as the Hungarian and Italian communities in the country. He had recommended enhancing the national human rights system and addressing the marginalization of the Roma community, including through legislation that tackled discrimination and ensured access to basic services. The Government was invited to implement comprehensive legislation for the protection of all minorities, while respecting the currently established constitutional status of Hungarians, Italians and Roma. While the Hungarian and Italian minorities had well-established rights, there were still improvements to be made in relation to bilingual services and education. He had also recommended that sign language be given an official status.

4. He had visited Botswana in August 2018 and would submit the related report to the Human Rights Council in March 2019, although he had already made some preliminary recommendations. He had requested the Governments of Cameroon, Estonia, Latvia and Malaysia, among others, for an invitation to visit their countries in the near future and looked forward to a continuing dialogue. Concerning the situation of the anglophone minority in Cameroon in particular, he hoped that with the conclusion of the presidential

election, the issue of minorities could be discussed respectfully with a view to guaranteeing the human rights of all citizens and their participation in the development of the country. Lastly, he expressed regret that some of his colleague mandate holders would not be able to present their reports to the Committee during the seventy-third session of the General Assembly, despite their prior suggestions to adapt the calendar of meetings. All of the mandate holders attached great importance to their close collaboration with the Committee.

5. **Ms. Bogyay** (Hungary) said that her Government remained committed to promoting and protecting the rights of ethnic, religious and linguistic minorities within Hungary and internationally. It was vital to grant collective rights to minorities and protect their communal identities. The persecution of religious minorities, in particular Christians, who were subject to discrimination in many parts of the world, was a matter of concern. Her Government supported persecuted and displaced religious communities directly and locally in order to enable their safe return and reintegration into their homeland. Given that the fundamental right of minorities to receive education in their mother tongue was recognized in international human rights instruments, the law on education in the Ukraine was a matter of concern. The implementation of article 7 of that law, which narrowed acquired minority rights, had recently raised concerns at the international level and was unacceptable. Ukraine should implement the recommendations of the European Commission for Democracy through Law (Venice Commission). Her Government was also concerned about the Ukrainian law on the State language policy. The United Nations and the international community must take immediate steps to protect minority rights and languages. She asked what activities under the mandate of the Special Rapporteur addressed those concerns.

6. **Mr. Bastida Peydro** (Spain) said that the Special Rapporteur had an open invitation from his Government to visit Spain. Spain had recently ratified the Convention on the Reduction of Statelessness. The protection of minorities should be grounded in the rule of law, including respect for article 2 of the International Covenant on Civil and Political Rights, and be guaranteed by an independent judiciary. His delegation had taken note of the Special Rapporteur's call for an international forum on resolving major situations of statelessness involving minorities. He asked what mechanisms could help ensure that denial of citizenship did not constitute a form of discrimination.

7. **Mr. Forax** (Observer for the European Union) said that the European Union was committed to guaranteeing

the rights of minorities, fighting discrimination and protecting the variety of cultures and languages that enriched Europe. The Council of the European Union conclusions on statelessness of 2015 had underscored the importance of identifying stateless persons and strengthening their protection, thus allowing them to enjoy fundamental rights and reducing the risk of discrimination. The Charter of Fundamental Rights of the European Union affirmed the fundamental rights of all people residing in the European Union, regardless of their citizenship status. The European Union recognized the importance of exchanging good practices and gathering reliable data in respect of stateless persons and establishing procedures for determining statelessness. In 2015, the European Migration Network had been designated as the platform for the exchange of good practices among member States. The European Union and its member States supported the UNHCR campaign to end statelessness by 2024 and encouraged further accessions and ratifications of the Convention relating to the Status of Stateless Persons in order to improve the situation of stateless minorities. Recalling that in his report, the Special Rapporteur stated that the reasons why minorities did not have access to citizenship were varied and that it was the national prerogative of States to establish laws on citizenship as long as they were in conformity with international human rights law, he asked how Member States could determine whether their requirements for granting citizenship constituted a form of discrimination. He also requested recommendations on addressing the denial of registration of children after birth in order to prevent childhood statelessness.

8. **Mr. Elizondo Belden** (Mexico) said that Mexico was one of the core group of States that put forward the resolution on rights of persons belonging to minorities to the Human Rights Council. His Government had carried out campaigns to enrol indigenous persons in the civil registry, and, in 2017, the national commission on the development of indigenous peoples had launched a programme to promote the right to identity, serving more than 100,000 people. Given the existing framework of registration campaigns and efforts to simplify birth registration requirements, he asked what additional actions the Mexican Government could take to help indigenous people and other minority communities avoid difficulties in proving their citizenship.

9. **Ms. Dravec** (Slovenia) said that her Government appreciated the Special Rapporteur's recommendations following his visit to Slovenia and looked forward to his final report. Noting that minorities could be categorized as belonging either to a historically established national

minority concentrated within a geographical area or to migrant communities which could be dispersed throughout a national territory, she asked how Governments could take those differences into account when developing protection legislation, given that the first group required the preservation of their ethnic and linguistic identity while the second group most benefited from social integration measures. She also requested examples of good practices to collect data and facilitate its disaggregation by ethnicity, language and religion in order to inform policymaking.

10. **Mr. Lafta** (Iraq) said that Iraq was one of the most diverse countries in terms of culture, religion and ethnicity, which contributed to its rich history. The protection of the rights of all was pursued through several measures. The Constitution guaranteed the rights of minorities; a quota for minority representation in Parliament had been established; and the registration of all minorities was guaranteed by law. A number of steps had been taken to promote the rights of Kurds in Iraq, including efforts to grant them citizenship and return their property. Kurdish had also been established as an official language of the country. The Government considered it a basic human responsibility to treat persons belonging to minorities as equal citizens. All had suffered the scourge of war and terrorism and were an integral component of the Iraqi State and society.

11. **Ms. Sukacheva** (Russian Federation) said that her Government welcomed UNHCR efforts to address the problem of statelessness, particularly in view of the vulnerability of national and linguistic minorities. She called on the Special Rapporteur to examine the particular type of statelessness present in Estonia and Latvia which had been produced by the designation of the category of “non-citizen”, a status that was not included in the Council of Europe Framework Convention for the Protection of National Minorities. The related legislation in those countries stated that non-citizens included past citizens of the former USSR and their children. Those laws had created legal turmoil that was being ignored by the European Union and the United Nations. She called on the Special Rapporteur to work with the authorities of Estonia and Latvia on those issues.

12. The aggressive policies of the Ukrainian Government, which sought mono-ethnic domination of a multi-ethnic country, should be a focus of the Special Rapporteur. Specifically, the law on education, which excluded a national minority from politics and education, and the actions of the Ukrainian Government aimed at instigating religious disputes were critical concerns in an already unstable environment. The international community must urge the Ukrainian

authorities to address the discrimination in the country. She encouraged the Special Rapporteur to speak to those authorities to improve the human rights situation in the Ukraine.

13. **Mr. Swai** (Myanmar) said the current Government had established the Ministry of Ethnic Affairs to promote culture and protect ethnic rights, which were a priority. However, his delegation wished to reiterate its position against the use of the term “Rohingya minority” in the Special Rapporteur’s report, as no such group had ever been included among the 135 ethnic minorities identified in the country, or even appeared in the census records from the British colonial period. The Government shared the concerns of the international community about the situation in Rakhine State, which had caused suffering to both communities involved. Owing to the complex and sensitive nature of the situation there, the Government was taking a holistic approach, prioritizing development and offering both short- and long-term solutions, including initiating a process to issue national identity cards and verify citizenship in accordance with the existing law. Citizenship had been granted to tens of thousands of people who had met the requirements. The Government affirmed that the right to self-identification should not jeopardize the larger interest of solving complex issues. Statelessness could be the cause of both informal and formal migration. However, the issue of citizenship was entirely the prerogative of a sovereign State as it entailed both domestic political and legal issues.

14. **Ms. Vilde** (Latvia) said that her delegation wished to clarify the assertions made in the Special Rapporteur’s report with respect to issues of statelessness in Latvia. Latvia’s legislation on citizenship respected the principles of democracy and human rights and had been developed based on the recommendations of United Nations institutions, the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE). Categories of residents in the country included citizens, non-citizens, stateless persons, third-country nationals and refugees. There were currently 178 stateless people in Latvia and their status was regulated on the basis of the Convention relating to the Status of Stateless Persons. The persons of Russian origin and former residents of the USSR referred to in the report were not stateless persons but rather non-citizens. They could not be considered as stateless because they enjoyed the protection of the State in Latvia and abroad, as well as most of the social guarantees and political rights granted to citizens, including the right to permanent residency in Latvia and the ability to reside abroad and return freely. The only substantial difference in their rights were limitations on

the right to vote, participate in the civil service and occupy posts linked to national security. Non-citizens also had the opportunity to become citizens through a simple naturalization procedure. Their protection went beyond what was mandated by the Convention. Indeed, in its 2017 Global Trends Report, the UNHCR had included a footnote clarifying the distinctions between stateless persons and non-citizens in Latvia. She noted that the Russian Federation had not signed the Convention relating to the Status of Stateless Persons and urged the Russian delegation to focus on minority-related issues in its own country.

15. **Ms. Tichy-Fisslberger** (Austria) said that Austria had acceded to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. She asked what major outcomes were hoped for from the Forum on Minority Issues and what legal measures were most effective in addressing issues of statelessness.

16. **Mr. Aldahhak** (Syrian Arab Republic) said that the use of terms like “majorities” and “minorities” had disastrous consequences and benefited political agendas that threatened States’ sovereignty and the integrity of their territories. The Special Rapporteur’s report was unbalanced. For example, it did not provide the sources of the information contained in paragraphs 37 (a) and (d), nor did it mention the reasons for the loss of citizenship experienced by Palestinians and Syrians mentioned in paragraph 37 (e), namely, the Israeli occupation of Palestine and certain States’ practice of sponsoring terrorism. More than 125,000 Kurds in the Syrian Arab Republic had been granted citizenship. Ethnic, religious and cultural diversity was intrinsic to the culture, civilization and history of the Syrian Arab Republic and the greater region. The Government sought to preserve that diversity and protect people from bigotry, terrorism and the misuse of information for political means. Noting that some delegations had discussed the provision of humanitarian assistance on the basis of religion, he stressed that such assistance should be offered on the basis of human rights instruments and not given selectively.

17. **Ms. Banaken Elel** (Cameroon) said that Cameroon had great ethnic, linguistic and religious diversity, as well as two official languages, French and English. Ensuring harmony between all components of society was a continuous challenge for the Government. It had taken measures to guarantee the rights of all minorities, including the anglophone minority, for which specific legal provisions had been made. Notably, the Prime Minister of Cameroon hailed from the anglophone minority. The predecessor of the Special Rapporteur had visited Cameroon in 2013 and had

offered encouraging comments concerning the Government’s handling of minority issues. She asked for examples of good practices with respect to protecting linguistic minorities, particularly in contexts where they were confused with ethnic minorities.

18. **Mr. Yaremenko** (Ukraine) said that Ukraine was home to indigenous peoples as well as national minorities who preserved their linguistic diversity and cultures within the country’s internationally recognized borders. That ethnic and cultural diversity had never been a trigger of the ongoing conflict in the country. National minorities had in fact experienced harmful effects as a result of Russian aggression. The Government was committed to creating equal opportunities and had launched an education reform effort in 2017 with the adoption of a new law on education, which sought to transform the sector into an innovative environment where students could apply knowledge to the real world. That process had involved many stakeholders, including national minorities. The opinion of the Venice Commission on the education law had affirmed the legitimacy of Ukrainian policy and implementation of the Commission’s recommendations was ongoing. By being equipped with a high-level command of the country’s official language, the future prospects of Ukrainian citizens of Hungarian ethnicity would be enhanced. A draft law had been passed to extend the transition period before implementation of article 7 of the education law, and related amendments were under consideration by the Parliament. In addition, a draft law on secondary education had been subject to a public discussion which had included the Hungarian minority community.

19. **Ms. Tripathi** (India) said that the rights of minorities in India were safeguarded in the Constitution and were justiciable. The issue of citizenship was not a minority issue. The updating of the national register of citizens was a legal exercise, conducted in accordance with the directions of the Supreme Court, and duly monitored by that Court. The entire exercise was being conducted in a transparent manner and a process was also in place to address any grievances. She recommended allowing the judicial process to be completed before any conclusions were made based on an incomplete understanding of the issues.

20. **Mr. de Varennes** (Special Rapporteur on minority issues) said that it was essential to clarify that while decisions concerning citizenship were the prerogative of States, such decisions must comply with the fundamental rules of international law. Statelessness was defined by the absence of citizenship. If a group of individuals could not claim citizenship in any country, regardless of any other residency category that may

have established for them, they were still stateless. Given the extent to which statelessness was a minority issue, more specific tools and guidelines were needed in order for States to identify arbitrary and discriminatory requirements for citizenship and implement measures to ensure respect for human rights. In that regard, an international forum focused on that task would be a welcome development. Concerning the issue of stateless children, he noted that UNHCR had developed useful guidelines on equal citizenship, which touched on the issue of women that were unable to confer citizenship on their children. In response to the delegation of Mexico, he suggested cooperation with UNHCR to explore additional measures that could be taken to register indigenous Mexican people as citizens. A regional forum could also be useful in developing guidelines on the issue.

21. Recalling that in his last report to the Committee, he had identified minority education as a priority of his mandate, he announced the organization of three regional meetings in 2019 on the topic, to be held in the regions of Europe, Asia, and the Middle East and North Africa. Given the timeliness of the issue around the world, clearer guidelines concerning the extent, scope and nature of the language and education rights of minorities were needed. He hoped that Member States would collaborate in the exchange of good practices at the meetings. In response to the delegation of Cameroon, he said that Canada offered examples of good practices and mechanisms that protected the rights of a linguistic minority and gave equal status to two official languages. Another priority of his mandate was to develop a response to the use of hate propaganda, notably via social media, to target minorities, in particular religious minorities. That was linked to the prevention of ethnic conflicts and situations where religious minorities were under threat.

22. **Mr. Forst** (Special Rapporteur on the situation of human rights defenders), introducing his report (A/73/215), said that he had visited Honduras and Moldova and thanked their respective Governments for their cooperation. He welcomed the invitation from the Government of Colombia to visit the country and hoped his interactions with the Governments of the Democratic Republic of the Congo and South Africa would result in visits to those countries in 2019. Since his last presentation to the Committee in October 2017, in addition to his official visits, he had been to more than 20 countries at the invitation of universities and non-governmental organizations and met with State officials to advise them on how his mandate could be used to better protect human rights defenders. He had

also issued more than 250 communications and 70 press releases, many jointly with other Special Rapporteurs.

23. The twentieth anniversary of the adoption by consensus by the General Assembly 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 was an apt time to recall that the Declaration marked a turning point in recognizing the vital and legitimate role played by individuals and organizations in promoting human rights. The Declaration also set out the responsibility of States to protect human rights defenders and provide them with an enabling environment for their work. Over the past 20 years, the diversity of defenders, which included women and indigenous peoples, had started to be appreciated, while the number of human rights networks, mechanisms and specialized organizations had multiplied at the national, regional and international levels. In parallel with those advances, threats, harassment, imprisonment and assassinations of human rights defenders had been consistently on the rise. Indeed, the current situation was more alarming than ever. The scale of attacks, including via insidious initiatives to undermine the legitimacy of defenders, increase legislation to stem civil society activities and call into question his own mandate, had been underestimated. Many historically democratic States were sinking into authoritarianism.

24. His report aimed to explore some of the questions that had remained unanswered since the adoption of the Declaration in 1998, such as how to counter unbridled authoritarian rhetoric and tackle the deep and systemic causes of the attacks on human rights defenders. He reminded delegations of the two important documents linked to the report. The first was an initial statement of vision to guide implementation of the Declaration for the next 20 years, which was the product of an ongoing series of meetings with experts. A final report on the outcomes of those meetings would be submitted in March 2020. The second was a global report describing challenges, threats as well as good practices relating to the protection of human rights defenders in nearly 140 countries, to be issued in December 2018. He would be attending the second Human Rights Defenders Global Summit in Paris from 28-31 October 2018, which he hoped would revitalize commitments to the Declaration. The General Assembly would also hold a High-Level Meeting on the twentieth anniversary of the Declaration on Human Rights Defenders in December 2018.

25. The only feasible response to the oppression of human rights defenders was a collective one. That would require an open dialogue between policymakers,

the business sector, the public and human rights defenders themselves. The working practices of intergovernmental organizations would also need to be adapted to better interact with defenders in the field. In July 2018, the chairs of human rights treaty bodies had adopted a joint statement supporting his mandate, and all special rapporteurs would soon adopt a similar statement.

26. He noted that some of his mandate holder colleagues would be unable to present their reports to the Committee during the seventy-third session. In that regard, he regretted that the proposals made in July 2018 to accommodate mandate holders had been rejected and expressed the hope that a better consultation process would be put in place in 2019.

27. **Ms. Cruz Yábar** (Spain) said that the protection of human rights defenders was a priority of Spain's foreign policy and one of its commitments as a Human Rights Council member. She asked for examples of measures that could effectively stem the reprisals taken against human rights defenders who cooperated with the United Nations human rights system.

28. **Ms. von Ernst** (Iceland) said that States' long-term prospects for security and prosperity were strengthened when human rights were defended. States had the primary responsibility for providing a safe environment for civil society and human rights defenders, including through the protection of the rule of law, due process and freedom of speech. Her Government was concerned about the attacks and abuses committed against environmental human rights defenders, especially as the scale of challenges they faced was difficult to measure. She asked what approaches were needed in order to enhance the rights of human rights defenders.

29. **Mr. Jelinski** (Canada) said that State officials were increasingly critical of human rights defenders, creating a dangerous working environment for them and closing civic space. Violations of the rights of defenders, their families and communities had life-long effects and undermined the foundations of democracy and the rule of law. The effects were even more pronounced when the defenders were members of marginalized groups, for example women, who faced an increased risk of sexual violence. His delegation supported the call to include all stakeholders to better support the rights of human rights defenders. Actions were also needed to implement legal and administrative frameworks. He asked how the international community could offer recourse to human rights defenders who had suffered abuse at the hands of the Governments that were bound to protect them.

30. **Mr. Playford** (Australia) said that by connecting the experiences of rights-holders to the obligations adopted by States, human rights defenders promoted accountability and transparency within the United Nations human rights system. His delegation supported the Special Rapporteur's assertion that all human rights defenders were entitled to protection from discrimination on any grounds, concurring that there was a need to ensure all defenders, including women defenders, indigenous advocates, and those working on controversial issues, were extended equal rights and protections. His delegation noted with appreciation the joint statement issued by human rights treaty bodies and the Special Rapporteur marking the twentieth anniversary of the Declaration on Human Rights Defenders and the Marrakech Declaration adopted by the Global Alliance of National Human Rights Institutions. Both statements were excellent examples of how the discourse on human rights defenders had evolved. His Government encouraged the Special Rapporteur to continue working with the treaty bodies, national human rights institutions and Member States to deepen awareness of human rights defenders' work.

31. **Mr. Forax** (Observer for the European Union) said that the European Union endeavoured to strengthen its implementation of the European Union Guidelines on Human Rights Defenders. The global survey conducted by the Special Rapporteur would contribute to understanding of the challenges faced by human rights defenders and provide information on risks faced, in particular by women, thus facilitating a better response. He asked for examples drawn from responses to the survey of States' best practices to support human rights defenders.

32. **Ms. Duda-Plonka** (Poland) said that given Poland's recent history of suffering under an oppressive Communist regime, the Government attached particular significance to improving the legal and physical protection of human rights defenders. A notable contribution in that regard was the Warsaw Dialogue for Democracy, which included the participation of human rights defenders from around the world and celebrated outstanding work in the field. She asked what practical measures the international community could take to encourage Member States that were reluctant to develop human rights mechanisms and legislation to broaden protections for human rights defenders.

33. **Mr. Kelly** (Ireland) said that his Government welcomed the global survey conducted by the Special Rapporteur and encouraged him to undertake such work more frequently. His delegation had noted with alarm that at least 1,000 human rights defenders had been killed over the past three years and agreed that the

magnitude of the violence faced was underestimated. He asked if there had been any progress in addressing reprisals taken against those who cooperated with United Nations human rights mechanisms.

34. **Ms. Fontana** (Switzerland) said that her delegation welcomed the conduct of the world survey on the situation of human rights defenders, given that the last such initiative had been completed in 2006. Noting that the survey results had revealed that Government officials were at times the source of negative discourse about human rights defenders, she called on Member States to ensure a safe and supportive environment for human rights defenders to conduct their work. She asked how diverse, positive, role-affirming accounts of the defence of human rights could best be produced and what the expectations from the Human Rights Defenders Global Summit were in that regard. She also wondered how the Special Rapporteur could strengthen cooperation with the Assistant Secretary-General for Human Rights to address intimidation and reprisals against human rights defenders.

35. **Mr. Elizondo Belden** (Mexico) said that his Government opposed any action aimed at undermining the work of human rights defenders. In 2012 Mexico had established a mechanism to implement measures to guarantee the life, integrity, freedom and security of human rights defenders and journalists. Human rights defenders were key partners in fostering public condemnation of rights violations and offering guidance to victims. Mexico reaffirmed its commitment to the Declaration, affirming that it was the basic responsibility of the State to create a safe and enabling environment for human rights defenders.

36. **Mr. Meier** (Liechtenstein) said that his Government was concerned about the shrinking civic space and increase in intimidation and assaults on human rights defenders. He asked for recommendations to increase accountability for such violence, which was often perpetrated with impunity.

37. **Ms. Kallas** (Estonia) said that her delegation commended the initiative to conduct the global survey of Member States. The adoption of legislation on technology to restrict civil society space was a matter of concern, as digital technology was increasingly indispensable to its work. In that regard, Estonia helped fund the Freedom Online Coalition, which provided rapid response to a range of threats to Internet freedom, including support for online activists under attack. She asked for recommendations on how better to advocate for human rights online. Noting that Estonia would be joining the Committee on Non-Governmental Organizations (NGOs), she asked for guidance on

increasing participation of non-governmental organizations in the United Nations human rights system.

38. **Mr. Luhan** (Czechia) said that the report had highlighted challenges faced by human rights defenders, including the misuse of global campaigns against money-laundering and terrorism to curtail the right to access funding and the adoption of cybercrime legislation to restrict the freedom of expression. Citing his call for a new 20-year vision on the protection of human rights defenders, she asked how national protective and coordination mechanisms could be used to inspire similar tools at the regional and international levels.

39. **Mr. Gonzalez** (Colombia) said that in August 2018, the President of Colombia had presided over the signing of a covenant on the life and protection of social leaders and human rights defenders, developed by civil society organizations, signifying priority given to the issue by the new Government. The President had also ordered the restructuring of the programme on the protection of social leaders and human rights defenders. Government efforts to strengthen prevention mechanisms included the launch of a new prevention and early warning system implemented jointly by the ombudsman's office and the President's office. The Government attached great importance to the proposed visit by the Special Rapporteur and had proposed dates for it to be completed by the end of 2018.

40. **Mr. Garcia** (France) said that his Government affirmed its support for the mandate of the Special Rapporteur. Member States must be unflagging in their efforts to counter the threats against human rights defenders, in particular women, in a growing number of countries. Some 150 human rights defenders and an additional 250 participants would attend the Human Rights Defenders Global Summit in Paris later that month with the goal of drafting an action plan for the next 20 years. His delegation commended that civil society initiative, which recalled the 1998 Human Rights Defenders Summit, also held in Paris.

41. **Ms. Dravec** (Slovenia) asked how the various laws and policies in existence could be translated into practices to ensure a safe environment for human rights defenders. She also wondered how reprisals against defenders who cooperated with United Nations entities could be addressed if the States concerned did not cooperate. Lastly, she asked for examples of root causes of violations of the rights of human rights defenders, in addition to impunity.

42. **Ms. Wiig** (Norway) said that her delegation urged Member States to give high priority to the upcoming

General Assembly High-Level Meeting on the twentieth anniversary of the Declaration on Human Rights Defenders. Her delegation appreciated the report on key trends and challenges revealed by the global survey and looked forward to the related world report to be presented in December. She asked for that report to be made available on the website of the Office of the United Nations High Commissioner for Human Rights (OHCHR) as a tool for use by all stakeholders.

43. **Mr. McCulley** (United States of America) said that human rights defenders must be able to exercise their fundamental freedoms of expression, movement and peaceful assembly. Interference in such work hindered responses to human rights crises, including those arising from mass displacement. His delegation welcomed the Secretary-General's report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/39/41), which drew attention to the reprisals committed against human rights defenders in 38 countries. His Government was monitoring those allegations. In that regard, his delegation wished to draw attention to the victims of reprisals committed by State actors in Bahrain, Bangladesh, Cameroon, China, Cuba, Djibouti, Egypt, Iran, Nicaragua, the Russian Federation, South Sudan, Syria, Tajikistan and Venezuela. He urged the Governments of those countries to provide fair trial guarantees.

44. **Mr. Anthierens** (Belgium) said that a vibrant civil society was a basic element of the international human rights system and a cornerstone of democracy. Much work remained to be done to create a safe and enabling environment for human rights defenders. Efforts should continue at all levels to improve support for an increasingly diverse community of human rights defenders.

45. **Ms. Sukacheva** (Russian Federation) said that the Special Rapporteur's report referred to obligations the Declaration placed on States and non-State actors. In that respect, it was important to recall that the Declaration was not legally binding; considering its provisions as obligations was therefore inappropriate. It was unacceptable to exclude the category of human rights defenders from a State's jurisdiction. The State had the prerogative to regulate all legal matters in its territory, including the dissemination of information and access to sources of financing. The Special Rapporteur should note that it was inappropriate to create a hierarchy among those defending human rights by defining any of them as more vulnerable. While her delegation agreed with his assertion that abuses of persons cooperating with the United Nations should be condemned, it also questioned why he remained silent

regarding other forms of repression, such as the limitations imposed on non-governmental organizations seeking to participate in human rights-related events by States hosting United Nations organs and the pressure exerted on many organizations by the United Nations Secretariat to interpret events through a particular political lens. That primarily affected non-governmental organizations from the Republic of Crimea.

46. **Mr. Chu Guang** (China) said that the Chinese Constitution and law guaranteed the rights of citizens. His Government encouraged organizations and individuals to undertake human rights promotion and protection activities that were within the national legal framework. Citizens were equal before the law; human rights defenders should therefore not be treated as a special group to be granted special rights and legal status. Anyone who committed unlawful acts under the banner of human rights, to the detriment of the rights of the majority and at the cost of law and order, would be brought to justice. His delegation had taken note of and was concerned about the groundless assertions set out in the Special Rapporteur's report concerning ways in which China punished criminals. It encouraged the Special Rapporteur to conduct his work in an impartial manner, in accordance with his mandate, and using reliable information in order to engage in constructive dialogue with Member States. In response to the delegate from the United States of America, he said that the United States Government should express its human rights concerns through increased attention to the violations committed against minorities in its country, in particular discrimination against Asian-American minorities.

47. **Ms. Shaheen** (United Arab Emirates) said that, as affirmed by the Special Rapporteur in his report, her Government sought to respect the principle that limitations on rights must be prescribed by law and be reasonable, necessary and enacted solely for the purpose of securing respect for the rights of others and meeting the requirements of public order and general welfare. In order to meet its human rights obligations, her Government had established an independent national human rights institution to monitor and promote human rights in the country and work closely with United Nations human rights mechanisms. Her delegation underscored the call to further clarify the definition of human rights defenders, as that would help States develop their understanding of their obligations and ensure that the concept of human rights defenders was not subject to misuse, and stood ready to engage with other stakeholders on that issue.

48. **Mr. Castillo Santana** (Cuba) said that the Government of the United States held itself up as a

defender of human rights when it had in fact perpetrated some of the greatest and most shocking human rights violations in the world and within its own borders. The United States had dropped out of the Human Rights Council yet now sought to slander Cuba with the aim of justifying its criminal, nearly 60-year embargo against Cuba. Human rights defenders in Cuba were offered a number of guarantees to conduct their work. However, the term “human rights defender” would not be applied to individuals who were paid by the United States to carry out acts aimed at subverting the constitutional order in Cuba. His delegation also rejected the attempts to present common prisoners as human rights defenders and to prepare false lists of arrests in order to advance a subversive policy. In that regard, concerning the report of the Special Rapporteur, his delegation wished to draw attention to paragraph 35, where the only country mentioned with reference to the abuse of media to spread negative propaganda about human rights defenders was the United States.

49. **Ms. Ershadi** (Islamic Republic of Iran) said that national legislation should serve as the primary framework by which human rights defenders carried out their work, a position which was consistent with the Charter and international law. States had the primary responsibility to ensure that the human rights of all citizens were respected and promoted, and as such, support for human rights defenders was justifiable. However, terrorist groups, those involved in separatist activities and violent extremist groups should be prevented from acting under the guise of human rights defenders and abusing their role and cause. While the activities of defenders could serve to promote various dimensions of human rights in society, that did not mean that recognized groups should be granted a platform to enjoy preferential treatment while promoting alleged rights that were not universally recognized. The Islamic Republic of Iran stood ready to cooperate with human rights mechanisms.

50. **Mr. Moussa** (Egypt), in response to the delegation of the United States of America, said that the accusations made were baseless. Information had been provided regarding the allegations of reprisals for cooperation with United Nations entities; however, the individual in question had committed crimes punishable by law and had been duly arrested and prosecuted. As had been expressed in a memorandum to the High Commissioner for Human Rights in September 2018, cooperation with the United Nations did not provide an individual with immunity. No double standards or impunity would be applied in respect of offences.

51. **Mr. Forst** (Special Rapporteur on the situation of human rights defenders) said that, while the information

provided by his world survey would not necessarily be welcomed by all, he considered it a key tool for informing Member States about the situation of human rights defenders. He urged Member States to request OHCHR to make the full report available online. The main objective of the Human Rights Defenders Global Summit was to draft a declaration and action plan for the next 20 years. He hoped many of the participants would also be invited to the High-Level Meeting on the twentieth anniversary of the Declaration on Human Rights Defenders in December 2018 in order to share those outcomes and recommendations on protection measures. A report of the Secretary-General detailing key actions the United Nations could take at the regional level to better protect defenders would soon be issued. From his own numerous country visits, he had concluded that the United Nations could improve its activities at the country level. He encouraged Member States to push for global strategies that would include entities such as the United Nations Development Programme (UNDP) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) in actions to raise awareness of the situation of defenders.

52. While the Declaration was not legally binding, it contained clear references to legally binding, universally agreed instruments which set out rights such as the freedom of expression and the right to receive funding, including foreign funding. He asked Member States on the Committee on Non-Governmental Organizations to consider inviting him to their discussions, as he received communications from non-governmental organizations regarding their lack of access to that Committee and to United Nations premises. Regarding vulnerable categories of human rights defenders, he noted that his report to the Human Rights Council in 2019 would focus on the situation of women defenders.

53. **Ms. Bennoune** (Special Rapporteur in the field of cultural rights), introducing her report (A/73/227), said she was grateful to the Government of Poland for the invitation to visit the country. She expressed regret that some of her Special Rapporteur colleagues would be unable to interact with the Committee and hoped that a better consultation process would be followed in 2019.

54. The Universal Declaration of Human Rights asserted that no derogation could be made from human rights on the basis of group affiliation or the status of the territory of residence. The universality of human rights was the cornerstone of human rights law, regularly reaffirmed by States in new legal standards, and a foundational aspect of the human rights system. It greatly enhanced the lives of all human beings,

including by guaranteeing their cultural rights, and was a critical tool for human rights defenders around the world. However, universality was under sustained attack from many directions, including by those who misused culture and cultural rights justifications. The seventieth anniversary of the Universal Declaration offered an opportunity to respond with a foundational renewal of universality with a broad youth constituency.

55. Respect for cultural diversity had also been threatened by those who sought to impose monolithic identities and advocated various forms of supremacy and discrimination. Cultural diversity was still wrongly understood as being in opposition to universality, including by Governments and other actors who misused it as an excuse for human rights violations. The principles of universality and cultural diversity were mutually reinforcing and interlocking. In the current polarized climate, a sophisticated multi-directional stance was needed. The universality of human rights must be defended from those seeking to use cultural claims as a weapon against rights, while at the same time, cultural rights and respect for cultural diversity should be defended when under attack. That was an important way to implement article 27 of the Universal Declaration, which guaranteed the right to take part in cultural life without discrimination. Universality was particularly under threat in respect of women's cultural rights. Those must be rigorously defended, especially at a time where some leaders openly denigrated women and denied their equality. Equality and universal human rights should not be overridden by culture or what was claimed to be culture. Cultural rights were not an excuse for violations of other human rights and did not justify discrimination or violence.

56. Universality was not an idea belonging to any one country, culture, region or religion. The Universal Declaration did not constitute an imposition of the values or cultures of any one region of the world. Rather, it represented a foundational challenge to entrenched systems of racial and sexual discrimination. Indeed, not a single State had voted against the Universal Declaration in 1948. It had become not only a vital international legal standard, but also one of the most important pieces of intangible cultural heritage created during the twentieth century and, thus, part of the cultural heritage of all humankind. It required vigilant protection.

57. There were both ardent defenders and opponents of the universality of human rights in all regions. The rhetoric of universality often resonated most strongly with those who were most marginalized and discriminated against. Many forms of relativism undermined human rights culture and meaningful

universality. Those included the refusal to recognize entire categories of rights, such as economic, social and cultural rights. A robust universality must include civil, cultural, economic, political and social rights, include the rights of all people and enable full implementation of rights.

58. Cultural relativism suggested that some had lesser or different rights and used culture to restrict rights. In contrast with cultural diversity, cultural relativism had destructive, sometimes lethal consequences and had been repudiated by international law. The Convention on the Elimination of All Forms of Discrimination against Women was the human rights treaty subject to the most reservations, many of which were based on cultural relativist pretexts for not implementing women's equality. It was reprehensible that relativist arguments even found their way into United Nations resolutions. So-called sensitivities did not overrule the international human rights obligations of States. No historical, social, cultural or religious "sensitivities" could justify the criminalization of a particular sexual orientation or gender identity, nor could they justify racial discrimination. To effectively challenge cultural relativism, she called on States to review laws that discriminated against anyone on the basis of cultural or religious arguments and bring them in line with universal human rights standards; and refrain from using culture, cultural rights or tradition to justify violations of international human rights.

59. Cultures had many positive implications for the enjoyment of universal human rights. Cultural diversity was a necessary condition for and the result of the exercise of cultural rights by all. The histories of forced assimilation that had been imposed on indigenous peoples, minorities and people living under colonialism, and the disdain directed at their cultural resources must be recognized. The diversities within diverse human collectivities should also be recognized. For example, all States should offer provisions and mechanisms to protect those who decided to step outside given cultural and religious frameworks, such as non-religious persons. That diversity of diversities shattered the myth of homogeneous cultural blocs and questioned the authority of any person or institution to impose an interpretation on cultural resources. To improve respect for cultural diversity, States should recognize and value cultural diversity within the framework of universal human rights and avoid abusively restricting its expression; recognize and respect cultural dissent, syncretism and cultural mixing, and the right to re-interpret cultures; and reaffirm the importance of secularism and the separation of religion and State.

60. **Mr. Forax** (European Union) said that the European Union reiterated its support of the universality of human rights. It was important to recognize the value of cultural diversity and its relationship to universality. Culture and tradition must not be used to justify human rights violations. Member States must take renewed measures to implement article 27 of the Universal Declaration of Human Rights and the right of individuals not to participate in cultural roles and practices must also be respected. He asked how human rights education could enhance participation in cultural life and promote the universality of human rights.

61. **Ms. Sukacheva** (Russian Federation) said that the Special Rapporteur had taken an unusual approach to determining the topic of her report, which contained contradictory ideas. It was unclear why it was critical to link cultural traditions and customs to the universality of human rights. From a legal standpoint, the Special Rapporteur's attempt to establish criteria on the legal standing of traditions and cultural heritage was questionable at best. The mandate given to the Special Rapporteur by the Human Rights Council did not include such quasi-judicial aspects. Customs and traditions were derived from religious precepts that shaped the human values which constituted the foundation of modern life and bound entire nations. Those values were reflected in the Universal Declaration of Human Rights. Furthermore, it was regrettable that the Special Rapporteur had surprisingly designated the family as a discriminatory and outdated institution. The critical role of the family was enshrined in the Universal Declaration and Human Rights Council resolutions. The Special Rapporteur was attempting to force her views and recommendations, which came from one particular cultural paradigm. In that regard, her delegation called on the Special Rapporteur to adhere to her established mandate.

62. **Ms. Bennoune** (Special Rapporteur in the field of cultural rights) said that human rights education was vital to the promotion of universality and cultural diversity and should be funded and integrated into education programmes at every level. The discourse of cultural relativity had become popular in academia in certain parts of the world. In that regard, academic institutions must find ways of proposing challenges to cultural relativity through their programmes and curricula.

63. Her mandate was derived from international standards, including article 27 of the Universal Declaration of Human Rights, article 15 of the International Covenant on Economic, Social and Cultural Rights, general comment No. 21 of the Committee on Economic, Social and Cultural Rights

and conventions concerning cultural rights and heritage of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Her work and understanding of cultural rights were grounded in those instruments. Regarding her comments on the family, she noted that while the family could play a positive role with respect to human rights, it was also regrettably a site of rights violations, notably of women and children. The fact that abuse happened within a family did not exempt it from the application of universal human rights norms.

64. While the debate concerning traditional values had been ongoing for some time, the term had not been clearly defined. The Human Rights Council Advisory Committee had noted that tradition was often invoked to justify maintaining the status quo, which benefited those with power and privilege, while the most disenfranchised had the most to lose from a traditional values approach to human rights. It was essential to recall that culture evolved over time, in accordance with concepts of human rights and dignity. Practices currently considered repugnant, such as slavery, alien domination and systemic racial discrimination, had been justified in the past with recourse to traditional values. An aspect of cultural rights was the ability to make new cultural choices in accordance with contemporary values and leave some practices behind.

65. **Mr. Khane** (Secretary of the Committee) said that he had taken note of the comments made by Special Rapporteurs and other mandate holders over the course of several meetings expressing their regret that not all of the mandate holders' preferred dates and times for presentation to the Committee could be accommodated. In that regard, he noted that there was a total of 65 special procedures mandate holders that interacted with the Committee, which posed major scheduling challenges. It was regrettable that the mandate holders had used their time to criticize the Bureau, and the Secretariat by association, as all of their preferences had been noted and attempts made to accommodate them during the complex scheduling exercise. He pointed out that while it had been reported that six mandate holders would be unable to appear before the Committee, in fact, there would be four or possibly fewer that would not present during the session.

The meeting rose at 12.40 p.m.