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## Third Committee

### Summary record of the 36th meeting

Held at Headquarters, New York, on Friday, 26 October 2018, at 3 p.m.

*Chair:* Ms. Shikongo (Vice-Chair) . . . . . (Namibia)

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

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

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

1. **Mr. Cannataci** (Special Rapporteur on the right to privacy), introducing his report to the General Assembly (A/73/438), said that in March 2018 he had presented a report to the Human Rights Council (A/HRC/37/62) on his first three-year term as the first Special Rapporteur on the right to privacy. During the past year, he had consulted with non-governmental organizations, law enforcement agencies, intelligence services, data protection authorities, intelligence oversight authorities, academics, corporations and other stakeholders and had issued letters regarding practices that appeared to be inconsistent with the right to privacy. He had also conducted an official visit to the United Kingdom of Great Britain and Northern Ireland, as well as many informal visits to other countries. In addition, he had participated in various international events. In 2019, he would present reports to the Human Rights Council on his official visits to the United Kingdom, the United States of America and France, and he might also report on other issues such as privacy and gender. He would begin his official visit to Germany the following week.

2. The European Court of Human Rights had recently ruled that the regime for the bulk interception of communications established by the Regulation of Investigatory Powers Act 2000 of the United Kingdom violated the European Convention on Human Rights by not establishing adequate safeguards. Although the Act had been replaced in 2016, the judgment had far-reaching ramifications for other legislation.

3. The Telecommunications and Other Legislation Amendment (Assistance and Access) Bill 2018 currently before the Australian Parliament was fatally flawed. The Bill, which would allow the Government to demand that companies weaken encryption and other security features, was likely to endanger security; the means of implementation were technologically questionable, and it granted the State opaque and exceptional powers – essentially hacking powers – without judicial oversight or independent monitoring. Furthermore, it had been submitted to Parliament after an inadequate consultation period. His concerns were compounded by the Australian stance on remedy for serious invasions of privacy and the limited human rights and privacy protections in place. If enacted, the Bill could set a dangerous precedent. The text would undoubtedly be discussed in late November at the annual international intelligence oversight forum organized by the Special Rapporteur. Pointing to the need for an international approach to the challenges posed by encryption, he commended the position of the Government of the Netherlands, which recognized the inseparability of national action from its international context and the lack of options for weakening encryption products without compromising the security of systems that used encryption.

4. Other noteworthy legal developments included the introduction of a bill on data privacy in India and the passage of a data protection law in Brazil. The European Union had undertaken the first major modernization of its data privacy framework in more than 20 years, resulting, inter alia, in the General Data Protection Regulation. In addition, the Council of Europe had adopted the Protocol (Council of Europe Treaty Series No. 223) amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108), an international treaty ratified by more than 51 States Members of the United Nations.

5. The Special Rapporteur had brought forward the launch of the task force on the use by corporations of personal data in response to the Cambridge Analytica breach and the legislation pending in the United States and Australia. To assist the work of the task force on better understanding privacy, he had initiated an online

consultation on gender perspectives on the right to privacy in the digital era.

6. With regard to the task force on big data and open data, the report followed up on the findings presented in his previous report to the General Assembly (A/73/540). Since that time, an international consultation with individuals, civil society and the private and public sectors had been held in Australia in July 2018. The participants had discussed the limitations of de-identification for protecting unit-level data, including the case of a large Australian medical database that had been taken offline following reports that individual doctors and patients could be easily identified despite meticulous de-identification of the data prior to its release.

7. He recommended, *inter alia*, that open data should not contain unit-level records unless and until it could be unambiguously determined that aggregated data did not contain personal information or that disaggregated data could not be reaggregated. Work on international standards for privacy-preserving data sharing should continue and should be supported by Member States. Pending harmonization at the global level, all Member States should accede to Convention 108 by ratifying its amending Protocol and should implement them as soon as possible, giving priority to safeguarding personal data collected for national security purposes. Non-European Union States should also adopt the safeguards and remedies in the General Data Protection Regulation. In addition, Governments and corporations should respect indigenous data sovereignty frameworks. Lastly, the States should review all legal and policy frameworks on artificial intelligence for adequate protection of privacy and freedom of expression and should foster strong multidisciplinary collaboration on developing and strengthening such frameworks.

8. **Mr. Playford** (Australia) said that his Government welcomed international expert review of its legislation and policies. However, it considered the Telecommunications and Other Legislation Amendment (Assistance and Access) Bill 2018 to be compatible with the International Covenant on Civil and Political Rights. Domestic communications companies were already required to assist law enforcement and national security investigations. The Bill provided a framework to request or oblige providers to assist law enforcement where access to data was possible and preserved the effectiveness of encryption while providing law enforcement necessary access. Consultation had been ongoing for more than 18 months.

9. **Mr. Forax** (Observer for the European Union) said that his delegation appreciated the focus of the Special

Rapporteur on artificial intelligence, automation and machine learning and hoped that he would continue to explore those issues. The European Union was concerned about attempts to criminalize human rights defenders' use of secure communications. To adapt its privacy rules to the digital age and strengthen the right to privacy, it had recently adopted the General Data Protection Regulation and the Police Directive. He asked the Special Rapporteur how his proposed binding international instrument in the field of privacy would add value to existing national legislation.

10. **Mr. Rohland** (Germany) said that his delegation shared the Special Rapporteur's concerns about systematic breaches of the right to privacy. Collecting data on people's political or religious views, activities or sexual identity could enable the targeted repression of specific groups. His Government looked forward to discussing the topic with him during his official visit.

11. **Mr. Duque Estrada Meyer** (Brazil) said that his Government firmly supported the Special Rapporteur's mandate and the development of international standards on the right to privacy. Noting that the principles of legality, necessity and proportionality could be very useful in evaluating issues related to the right to privacy, he asked what policies were appropriate for avoiding cross-border data breaches and what role the right to privacy played in preventing the spread of propaganda.

12. **Mr. Cannataci** (Special Rapporteur on the right to privacy) said that the Australian bill was an attempt to resolve important tensions, but experts considered it very dangerous. He encouraged the Australian Government to reconsider its position and stood ready to help it rework the bill to meet the proportionality and safeguard standards of human rights law.

13. The General Data Protection Regulation was indeed a positive development, but it did not address surveillance. Fortunately, the States members of the European Union were parties to Convention 108, which provided very clear and strict requirements for derogation from the right to privacy in the context of national security. The minimum international standard should be that public authorities might not interfere with the right to privacy except as provided for by law and as necessary and proportionate in the context of a democratic society. Given the vital role of privacy in democracy, States should closely examine their surveillance oversight laws for loopholes. Most of the States members of the European Union had not done so recently, and he was pleased that many would be attending the international intelligence oversight forum. Other States should attend if possible, and he was always available for consultation on the principles.

14. The draft legal instrument on Government-led surveillance and privacy would help to solve a number of problems, including the very important issue of jurisdiction in cyberspace. However, in the current political climate, there was probably inadequate will within the United Nations to push forward on it.

15. As to the issue of data collection and profiling, he had just come from the annual meeting of the International Conference of Data Protection and Privacy Commissioners, and he planned to hold meetings to discuss political profiling with digital technologies in 2019. Recalling the latest Facebook data breach and the Cambridge Analytica scandal, in which the leaked data of more than 85 million people had been used to influence at least two elections, he said that he was in direct communication with a number of public authorities, including the United Kingdom Information Commissioner's Office, which was expected to submit a report to Parliament in November 2018.

16. He hoped to be able to report more on data breaches and policy options at the seventy-fourth session of the General Assembly. He had established the task force on use of personal data by corporations because most data breaches involved data collected by corporations. There was also the issue of safeguards in the context of the cross-border sharing of intelligence data, which would be one of the topics addressed at the international intelligence oversight forum. Cross-border access to data was a complex issue because no country or group of countries could control what happened to data outside its borders. Legislation in the European Union and the United States took different approaches to the problem. It would be useful for the United Nations to develop detailed principles in that area, and he hoped to address the issue in a future report.

17. **Mr. de Souza Monteiro** (Brazil), speaking on behalf of the LGBTI Core Group, said that the Group worked within the United Nations framework to ensure universal respect for the human rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, with a focus on protecting them from violence. The Group thanked the United Nations High Commissioner for Human Rights and the Secretary-General for their vocal leadership in that area and expressed appreciation for the continued support of the Office of the High Commissioner for Human Rights (OHCHR) and the valuable work of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, including his second report to the General Assembly (A/73/152). The Group also wished to thank the Special Rapporteur on extrajudicial, summary or arbitrary executions for her emphasis on the threat faced by LGBTI persons and to

pay tribute to LGBTI human rights defenders, who played a critical role on the ground, often at considerable personal risk.

18. Even in the countries of the Group, LGBTI people continued to experience serious human rights violations and abuses, including murder. Standing against violence should never be a matter of controversy. The Group wanted to create an environment of dialogue within the United Nations where policies could be discussed among all Member States and stakeholders in an open, respectful and constructive manner, regardless of cultural differences. It was committed to seeking common approaches, bearing in mind that all persons were born equal in dignity and rights and entitled to the equal protection of the law.

19. **Mr. Wu Haitao** (China) said that security was the paramount human right. Therefore, Member States should uphold the purposes and principles of the United Nations Charter, strengthen collective and multilateral security mechanisms and foster a new vision of common, comprehensive, cooperative and sustainable security. Second, Member States should foster global development, which was essential for human dignity and the realization of other human rights, by opposing protectionism, safeguarding the multilateral trading system and promoting more open, inclusive and balanced globalization. Third, they should respect each other and resolve their differences on human rights through constructive dialogue. The United Nations human rights institutions should act as bridges of understanding, not stages for pressure and confrontation. Fourth, multilateral human rights institutions should discharge their responsibilities objectively in strict compliance with their mandates, promote the balanced development of all human rights, increase the representation and voice of developing countries, ensure greater protection for the rights of vulnerable groups and safeguard international equity and justice.

20. His Government was advancing human rights with Chinese characteristics by promoting mutually reinforcing progress in democracy and development. It firmly supported the basic norms of international law and opposed double standards and the politicization of human rights. It was committed to equal dialogue, exchange and mutual learning for common progress.

21. China had met the basic needs of 1.3 billion people, reduced poverty, created jobs and built the world's largest education, social security, health care and grassroots democratic election systems. It intended to fully eradicate poverty and build a moderately

prosperous society by 2030, thereby creating strong impetus for the development of human rights.

22. In the international arena, China was working to foster an equitable human rights system based on equality, inclusiveness, mutual trust and learning, cooperation and win-win development, and it remained committed to promoting development unilaterally and multilaterally. It would soon present its report to the Human Rights Council for the third cycle of the universal periodic review and looked forward to engaging in constructive dialogue based on mutual respect.

23. **Ms. Eckels-Currie** (United States of America) said that her Government condemned the imprisonment by the Iranian regime of more than 800 people for peaceful civic activities, religious beliefs, violations of dress laws and other manifestations of freedom of expression, as well as the regime's torture and cruel treatment of prisoners of conscience and its discrimination against ethnic and religious minorities. It was gravely concerned by the violent ethnic cleansing committed against the Rohingya in Burma, as well as grave abuses committed against other ethnic minorities and growing restrictions on fundamental freedoms. In the Democratic People's Republic of Korea, it condemned pervasive human rights violations including extrajudicial killings, enforced disappearance, arbitrary arrests and detention, forced labour, torture and the detention of roughly 100,000 people in political prison camps.

24. Her Government condemned the Syrian regime and its Russian and Iranian enablers for their atrocities, including the use of chemical weapons and military strikes against civilians, and deplored the regime's ongoing arbitrary detention of more than 118,000 people, execution of more than 14,000 prisoners and torture, rape and assault of many more. In China, it condemned the detention of hundreds of thousands of Muslims, the arbitrary detention and torture of lawyers and human rights defenders and the denial of freedom of religion to Christians and Tibetan Buddhists.

25. The United States remained deeply troubled by Government pressure on the media and civil society in Russia and by the growing number of prisoners of conscience. The Russian Government should hold accountable those responsible for arbitrary detention, torture and killing, including of gay men in Chechnya, and it should release wrongfully imprisoned Chechen human rights defender Oyub Titiev. The United States condemned the aggression of Russia in eastern Ukraine and its repressive occupation of Crimea and called for the release of Volodymyr Balukh, Oleh Sentsov and all

other unjustly detained Ukrainians, as well as for an end to the reprisals against Crimean Tatars.

26. She expressed grave concern about the worsening human rights situation in Cambodia, including the crackdown on opposition parties, independent media and civil society, and called for the immediate and unconditional release of Kem Sokha and other political prisoners. Her Government was also deeply concerned about the situation in Venezuela, where people were starving as the corrupt Maduro regime enriched its top officials and perpetuated a humanitarian, economic and political crisis of its own making. The United States deplored the death in custody of Fernando Alban.

27. Her Government called on the Government of Cuba to cease imprisoning people for peaceful expression and association, to immediately release all political prisoners, and to respect the fundamental rights and freedoms of the Cuban people. It called on the Nicaraguan Government, which had reportedly been involved in the killing of hundreds of innocent people, to heed its citizens' call for democratic rule by holding free and fair early elections.

28. In Turkey, over 50,000 people were being held on grounds that appeared to be politically motivated, and the United States called for the release of all those wrongly detained, including United States citizens and foreign nationals employed by the State Department. Regarding the murder of Saudi Arabian journalist Jamal Khashoggi, her Government continued to seek all relevant facts and stressed the importance of holding those responsible accountable.

29. The United States remained gravely concerned about mass atrocities in South Sudan, including ethnically-targeted killings and widespread sexual violence. It also condemned the reported extrajudicial killings, arbitrary detentions and sexual violence in the Democratic Republic of Congo and called on the Government to hold credible, transparent, free and fair elections in December 2018. It remained concerned about ongoing serious human rights violations and abuses in Burundi, including some which the Commission of Inquiry had concluded were crimes against humanity, and called on Burundi to cooperate with all United Nations human rights procedures and mechanisms.

30. In Yemen, the United States was concerned by United Nations reports that the Houthis had used Yemeni civilians as human shields, as well as by the detention of activists, journalists and religious minorities and by airstrikes and other actions that impeded the delivery of commercial goods and humanitarian assistance. It continued to urge the Saudi-

led coalition to mitigate civilian casualties and to investigate allegations of torture and mistreatment in detention centres.

31. **Mr. Moraru** (Republic of Moldova) said that his country's national human rights policies and legislation were guided primarily by United Nations treaties and regional instruments, including the European Convention on Human Rights and its association agreement with the European Union. In addition to fulfilling its reporting obligations under United Nations treaties, Moldova held regular dialogues with the European Union on human rights. Its 2018–2022 national action plan on human rights incorporated the recommendations of the treaty bodies, the Council of Europe and the Organization for Security and Cooperation in Europe, as well as most of the pertinent recommendations from the second cycle of the universal periodic review in 2016. In recent years, Moldova had amended its Constitution to improve access to justice and had enacted legislation bringing national criminal law into line with Council of Europe standards. As of March 2018, disability determination could be based on psychological and social evaluations, rather than just on physical impairment. Moldova had a 40 per cent quota for women on candidate lists and in 2018 had adopted a national action plan for the implementation of Security Council resolution 1325 on women, peace and security.

32. While striving to continually improve the human rights situation in the country, Moldova was also anxious to contribute internationally to the advancement of human rights. It attached great importance to its candidature for the Human Rights Council for 2020–2022.

33. **Mr. Playford** (Australia) said that his Government was committed to promoting and protecting the international rules that supported stability and prosperity and to enabling cooperation on global challenges. It considered that the Human Rights Council played an invaluable role in promoting and protecting human rights but remained open to alternative approaches. In 2018, Australia had used its first year on the Council to foster advocacy and engagement on human rights. It had proposed a pledge of constructive engagement for incoming Council members, and it had increased civil society engagement in the Council by funding the participation of two representatives of Australian non-governmental organizations in the Council's thirty-eighth session. During the Equal Rights Coalition Global Conference on LGBTI Human Rights and Inclusive Development, Australia had partnered with Canada to present a discussion on the intersecting challenges faced by indigenous people who also identified as LGBTI, and during the Council's thirty-

ninth session, it had presented a streamlined biennial resolution on national human rights institutions which, for the first time, explored how such institutions fostered inclusive societies and supported the 2030 Agenda for Sustainable Development.

34. Most recently, Australia had launched a whole-of-government strategy for working with its partners worldwide to abolish the death penalty. It remained committed to seeking novel ways to protect and promote human rights both at home and abroad.

35. **Mr. García Moritán** (Argentina) said that neither peace nor sustainable development were possible without due respect for human rights. In 2017, Argentina had launched a national human rights plan consistent with its international commitments and the 2030 Agenda, and in the past two years, it had hosted the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, the Working Group on Arbitrary Detention, the Special Rapporteur on torture and the Special Rapporteur on the right to food. Argentina was committed to strengthening the Human Rights Council, where it would be serving its fourth term beginning in 2019.

36. The human rights of older persons rested on an inadequate patchwork of treaties which should be supplemented by a specific and binding universal instrument. Recalling that all human beings were born free and equal, he urged stronger action to ensure the recognition and realization of the rights of LGBTI persons, beginning with their right to life. His country's commitment to the abolition of the death penalty was non-negotiable, and it was pursuing a variety of initiatives to that end. It welcomed the accession of Gambia to the International Convention for the Protection of All Persons from Enforced Disappearance and once again called on all States to accede to that instrument.

37. **Mr. Zhemeny** (Kazakhstan) said that his country attached great importance to its obligations under the key international human rights treaties and was up to date in its treaty body reporting. It had issued a standing invitation to the special procedures mandate holders in 2009 and would be hosting the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism in May 2019. It looked forward to discussing its previously submitted reports with the Committee on the Rights of Persons with Disabilities and the Committee on Economic, Cultural and Social Rights.

38. The treaty bodies were a fundamental pillar of the international human rights system. To function

effectively, their members must be independent and impartial, and their concluding observations should more accurately reflect the dialogue between the delegations and the committees. While the treaty bodies addressed many cross-cutting issues, each should focus on its own mandate. It was also necessary to respect the equality of the six official languages.

39. **Ms. Suzuki** (Japan) said that the joint statement arising from the June summit between the United States and the Democratic People's Republic of Korea was a positive step, and her Government welcomed the ongoing diplomatic efforts. Japan would take all necessary measures to negotiate directly with the Democratic People's Republic of Korea on outstanding bilateral issues, including the need for the immediate return of all abducted Japanese citizens.

40. Her delegation welcomed the initial assessments carried out by the Office of the United Nations High Commissioner for Refugees and the United Nations Development Programme in northern Rakhine State in preparation for practical assistance. Myanmar itself should investigate the alleged human rights violations so that the independent commission of enquiry would have the information it needed to conduct a credible and transparent investigation. In view of the importance of a stable democracy and human rights protection in Myanmar, the international community should continue to encourage the Government to adopt concrete measures and patiently support its efforts.

41. In Syria, Japan provided humanitarian assistance to all people in all areas and called on the parties to the conflict to comply with international human rights and humanitarian law. The lull in the fighting since the signing of the memorandum on Idlib by Russia and Turkey should be used to push forward the United Nations-led political process. Political progress was important to foster an environment where refugees and internally displaced persons could return voluntarily, safely and peacefully.

42. In Yemen, a ceasefire and renewed peace talks were urgently needed to stem the continued deterioration of the human rights and humanitarian situation. Japan urged all parties to do their utmost to minimize the suffering of the Yemeni people.

43. **Ms. Sandoval** (Nicaragua) said that the promotion and protection of human rights was a vital complement to development, peace and security and should take the form of constructive, non-confrontational, non-politicized dialogue based on the principles of impartiality, objectivity and non-selectivity and on respect for the cultural and religious characteristics of each country.

44. Nicaragua honoured its commitments under the human rights treaties and rejected all interference in its internal affairs. It was a regional bulwark of stability with positive indicators for economic, political and social development, poverty reduction, gender equality and public safety, and it acted as a containment wall against international organized crime, terrorism and narcotrafficking. In recent years, it had enjoyed sustained annual economic growth of more than 5 per cent and had cut poverty and extreme poverty in half. Her Government reaffirmed its commitment to peace and would continue to foster genuine reconciliation among the people of Nicaragua.

45. **Mr. Kim Song** (Democratic People's Republic of Korea) said that the most egregious human rights abuses occurred in countries with rampant social inequality where national sovereignty had been trampled, such as Syria, Iraq, Libya and the occupied Palestinian territory, as well as in Western countries with discriminatory practices. Meanwhile, the Western countries responsible for the situation abused the promotion and protection of human rights to seek regime change. At every session of the General Assembly, the United States and other countries, including Japan, which had committed crimes against humanity during its occupation of the Korean Peninsula, railroaded through a resolution condemning his Government for fictitious human rights issues in order to isolate and discourage it. Yet those same countries blocked the delivery of humanitarian aid supplies, in grave violation of his people's right to life and development. His Government demanded the immediate lifting of the Security Council sanctions and categorically rejected politically motivated 'human rights' resolutions targeting the Democratic People's Republic of Korea. It would continue its strong response to such human rights pressure.

46. The Government put the interests of its people first and was working to raise their standard of living by revitalizing the national economy. Thanks to its efforts, they lived in freedom and full enjoyment of their human rights. His country complied with its international human rights obligations in good faith and had recently concluded interactive dialogues with the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women.

47. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that the United States continued to commit human rights violations at home and abroad. At the national level, those violations included the detention of children in cages, the separation of young children from their parents, hate speech by high-ranking politicians, disproportionate incarceration of members of minority groups and police brutality against minority youth. At

the international level, the United States conducted overt and covert operations aimed at destabilizing legitimate Governments, took unilateral actions, defied international law and gave unreserved support to the atrocities of the Israeli regime. On 3 October 2018, the International Court of Justice had ordered the United States to lift its genocidal sanctions against his country, which were crimes against humanity and in direct violation of the Universal Declaration of Human Rights.

48. In Europe, political parties and populist leaders with extremist agendas were gaining ground, and racism and xenophobia had reached new heights. In Canada, discrimination against racial and religious minorities was rampant, and indigenous peoples continued to be overrepresented in prisons as a result of historically inadequate attention to their education, employment and basic needs. Israel continued to enforce racist policies of intimidation, aggression, occupation and colonization while holding millions of civilians hostage in Gaza.

49. His Government was disappointed by the persistence of double standards, selectivity and politicization in the field of human rights, including country-specific resolutions and mandates. It was committed to constructive cooperation with OHCHR and had invited the High Commissioner to make an official visit. The Islamic Republic of Iran had recently defended its periodic reports on implementation of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, and it was preparing its periodic reports to the Committee on the Elimination of Racial Discrimination and the Committee on Economic, Social and Cultural Rights. With respect to the universal periodic review process, it had presented a voluntary midterm report and was currently preparing its third report.

50. In November 2018, the Movement of Non-Aligned Countries had convened a high-level meeting on the tenth anniversary of the Tehran Declaration and Programme of Action on Human Rights and Cultural Diversity. In the outcome document, ministers had reaffirmed their opposition to unilateralism and unilateral coercive measures imposed by certain States.

51. **Mr. Tenya** (Peru) said that, taking lessons from the past, his Government endeavoured to promote political dialogue and civil society participation, which were essential for an inclusive and peaceful society. His country's institutional structure provided a sound foundation for improving judicial independence and due process and for combating all forms of discrimination. As a founding and current member of the Human Rights Council, Peru was fully committed to building the

institution in accordance with the principles of legitimacy, non-discrimination and non-selectivity. His Government fully supported the activities of OHCHR and wished the new High Commissioner, Michelle Bachelet, every success.

52. To combat extreme poverty, which weakened democracy and impeded the full and effective enjoyment of human rights, Peru was implementing social policies that had made concrete improvements in education, health, child nutrition and basic services. It supported the mandate of the Special Rapporteur on extreme poverty and human rights and was a sponsor of the biennial resolution on that subject.

53. **Ms. Hartery** (Canada) said that the international community faced grave challenges, including forced migration, climate change, terrorism, economic inequality and economic, social and political exclusion. To meet them, it needed to embrace diversity, engage in genuine collaboration and inclusion and find ways to ensure that everyone was heard, including the vulnerable and the marginalized. The universal periodic review was an essential tool for States to hold each other accountable and help each other do better. The review mechanism had helped Canada to face the ways in which it had fallen short, notably on the rights of indigenous peoples. However, country-specific resolutions also played an important role, highlighting situations of immediate concern. Resolutions on specific human rights issues helped to ensure that human rights norms evolved appropriately. Canada would continue to strive for a world where all human beings were equal in dignity and rights and to work with all stakeholders to meet the challenges ahead.

54. **Mr. Moussa** (Egypt) said that, despite the adoption of numerous international human rights instruments, much work remained to be done to translate that global framework into tangible improvements in the situation of human rights and fundamental freedoms in many parts of the world. Violence, extremism and terrorism were on the rise, and millions continued to live in extreme poverty, in conflict zones or under foreign occupation. Furthermore, racism, xenophobia and Islamophobia were becoming increasingly prevalent, particularly in Europe, and Egypt was deeply concerned about the resurgence of extremist right-wing political parties in certain European Union member States, as well as the failure of some European countries to uphold fully the human rights of refugees and asylum seekers. Moreover, certain States that claimed to be staunch defenders of human rights and fundamental freedoms continued to seek to promote their narrow political interests by using those rights and freedoms as a pretext for interference in other States' internal affairs, which



undermined the global human rights system and eroded its credibility.

55. His delegation believed that implementation of the international human rights agenda must take place on the basis of an intergovernmental dialogue and in accordance with the principles of impartiality, universality, non-politicization and non-selectivity. Human rights must never be used in a selective manner with a view to interfering in Member States' domestic affairs or to impose cultural values that ran counter to the religious, cultural and social traditions of States. It was also important to adopt a comprehensive approach to human rights issues that addressed civil and political rights, economic, social and cultural rights, and the right to development.

56. **Mr. Carazo** (Costa Rica) said that his country believed in human rights as an end in themselves and as a means to achieve a more just society. Democracy, sustainable development and respect for human rights were intertwined, and strengthening them required a whole-of-society approach. Costa Rica was deeply concerned at the persistence of massive human rights violations motivated by religion, ethnicity, origin or gender and at their repercussions, including massive forced migration. It was equally concerned about violent State crackdowns on social movements.

57. For the purposes of prevention, early intervention and accountability, it was important to strengthen the independence of national human rights institutions. The promotion and protection of human rights also depended on the regional human rights systems and the United Nations human rights system, including the special procedures, the treaty bodies and the universal periodic review, which must be strengthened to address new realities and challenges. With regard to preparation for the 2020 review of General Assembly resolution 68/268 on treaty body strengthening, Costa Rica recommended that work commence as soon as possible, with well-defined deadlines that would allow for open and inclusive discussion of concrete measures for strengthening the system.

58. His Government valued the people-centred approach of the 2030 Agenda and advocated its application to environmental obligations. To that end, it had launched the *Coalición Para Todos y Todas* initiative to promote gender equality and human rights in multilateral environmental agreements.

59. **Mr. Pecsteen de Buytswerve** (Belgium), speaking also on behalf of Albania, Australia, Austria, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Iraq, Ireland, Italy, Latvia,

Lithuania, Luxembourg, Mexico, Montenegro, the Netherlands, Panama, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden, Switzerland, Tunisia, Ukraine and the United Kingdom, said that the treaty body system was a cornerstone of universal human rights protection, and urgent efforts were needed to keep it from collapsing under its own weight. The States reiterated their strong support for General Assembly resolution 68/268 on strengthening the treaty body system, and they welcomed the improvements that had been introduced. One of the most pressing challenges was to harmonize and streamline working methods. Unfortunately, the simplified reporting procedure was only being implemented by a limited number of treaty bodies on a pilot basis, and the procedure and requirements for its use varied from one to the other. The treaty bodies should ease the burden on the States by staggering their reporting obligations and by avoiding duplication of the subjects raised, and they should harmonize their working methods not only for State party reviews but also for individual communications and other work.

60. The States welcomed the recent report of the Geneva Academy, which provided an initial basis for further discussion on optimizing the system. They encouraged all States parties to submit their reports on time, and they looked forward to engaging with all stakeholders in the 2020 review in a spirit of transparency and objectivity.

61. **Ms. Elmarmuri** (Libya) said that her Government had recently amended the Libyan Code of Criminal Procedure in order to align it with international human rights instruments. It had also enacted a number of laws to strengthen and uphold human rights principles, including laws on the establishment of political parties, the right to peaceful assembly and the prohibition of torture and forced disappearances. Libya had also taken steps to strengthen the rights of women, promote gender equality and uphold the rights of persons with disabilities, including their right to political participation. Libya continued to provide free education and healthcare services to all its citizens.

62. While underscoring its commitment to all human rights instruments to which Libya was a party, the Government reaffirmed its sovereign right to make a reservation to any provision of an international instrument that ran counter to its national laws or the Libyan Constitution. Libya also rejected all attempts by States to introduce concepts that were not addressed in existing international human rights instruments and on which no international consensus had been reached in the resolutions of the Third Committee.

63. Libya firmly rejected all forms of terrorism and underscored that terrorism was a global phenomenon that should not be associated with any religion or religious doctrine. Libya continued to combat a number of armed terrorist groups, including Islamic State in Iraq and the Levant (ISIL), whose actions undermined national and regional stability and security. Coordinated action by the international community was sorely needed to eradicate those groups and Libya would continue to work closely with its partners in the region and beyond to achieve that objective.

64. Libya was a transit country for many illegal migrants and the Government was striving to deal effectively with significant ongoing migration flows across its territory, which continued to pose serious social, economic and security challenges. The Government was also making every effort to ensure respect for the rights of migrants while also combating the activities of human traffickers.

65. **Ms. Ahmed** (Sudan) said that it was difficult for States to promote and protect human rights without also addressing related challenges, including entrenched poverty and inequality, unemployment, disease and migration. The Sudan therefore called on the international community to redouble its efforts to implement the 2030 Agenda for Sustainable Development, which placed human rights at the core of the development process.

66. The Sudan reaffirmed its commitment to strengthen human rights and fundamental freedoms and sought to uphold the rights of women, persons with disabilities, children and aged persons in its national development plans and strategies. The Government had established the Sudan National Commission for Human Rights, which operated in accordance with the Paris Principles. Furthermore the Sudan and the United Nations were implementing a joint action plan to end and prevent the recruitment and use of children during conflict, and the Sudanese Armed Forces had recently been removed from the list of parties that commit grave violations affecting children in situations of armed conflict.

67. The Sudan welcomed the recent visits of the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Special Representative of the Secretary-General for Children and Armed Conflict and the Independent Expert on the situation of human rights in the Sudan, who had all supported ongoing efforts by the Sudanese Government to uphold human rights across the country. There had been a notable improvement in the security situation and respect for human rights in Darfur, and the Sudan was

implementing a campaign to collect arms from that region and maintain the ceasefire among parties to the conflict there. The Sudanese Government urged the international community to provide it with adequate assistance to enable it to meet the pressing needs of the more than one million refugees from neighbouring countries who had sought refuge on its territory.

68. The Sudan would continue to work closely with OHCHR and warmly welcomed the adoption in September 2018 of Human Rights Council resolution 39/22, which noted the improved human rights situation in the Sudan and the need to provide the country with technical assistance and capacity-building. The Sudan underscored that the universal periodic review mechanism of the Human Rights Council was the most appropriate forum for constructive dialogue on the situation of human rights in Member States and completely rejected all politicization, selectivity and double standards in the field of human rights. Her country also rejected all efforts to compel States to accept new rights or human rights concepts on which no international consensus had been reached and which ran counter to the religious sensitivities and cultural traditions of States.

69. **Ms. Inanç Örnekol** (Turkey) said that her Government remained deeply concerned about the rise of xenophobic nationalism, anti-Semitism and Islamophobia across Europe, as well as the proliferation of far-right and anti-migrant narratives and violence in Western countries. Turkey had always endeavoured to comply fully with its international human rights obligations and to build democracy, and having lifted the state of emergency, it would pursue the strengthening of fundamental rights and freedoms while striving to regain momentum on the extensive reform process begun in the early 2000s. It would also continue to cooperate with all relevant human rights bodies, including OHCHR and the special procedures.

70. Freedom of expression, assembly and association were safeguarded under the Turkish Constitution. Despite the security measures required to address serious threats of terrorism, her Government attached the utmost importance to preserving the pluralistic nature of Turkish civil society and media and to protecting the work of human rights defenders. Following the coup attempt by the Fetullahist Terrorist Organization, Turkey had acted in full compliance with its own law and with its international obligations. Turkish investigations were conducted according to due process, and legal remedies were available. It was regrettable that the countries making accusations against Turkey, which claimed to be champions of democracy,

had chosen not to support its democratically elected Government.

71. **Ms. Chuchotthavorn** (Thailand) said that her Government was building partnerships with civil society, the private sector, academia, youth and other stakeholders to achieve the Sustainable Development Goals. It was continuing to incorporate international human rights standards into its own laws and policies, and it was finalizing the fourth national human rights plan (2019–2023), which would encompass LGBTI persons and human rights defenders. Its human rights agenda aimed to improve the Thai human rights system and to encourage institutions to promote human rights. In April 2018, it had welcomed the Working Group on the issue of human rights and transnational corporations and other business enterprises, and it was developing a national action plan in that area. Thailand had acceded to the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29), and it was currently drafting a law on the prevention and elimination of forced labour. It was committed to the implementation of the United Nations Standard Minimum Rules for the Treatment of Prisoners and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders. Technical cooperation and capacity building were essential to help countries implement international human rights standards.

*Statements made in exercise of the right of reply*

72. **Mr. González Behmaras** (Cuba) said that the representative of the United States had left the room after making an accusatory statement, which was yet another example of how the United States politicized and manipulated human rights. The United States representative had said nothing about the various human rights topics addressed by the Committee because she had no interest in the Committee other than as a platform for launching accusations against insubordinate developing countries. The United States did not have the moral authority to give lessons on human rights. It would first need to answer to the world for the use of arbitrary detention and torture at Guantanamo Bay; come to grips with racism, discrimination and supremacist and xenophobic ideas in its own territory; abandon its pretensions of hegemony; stop criminalizing migration; catch up on the ratification of international human rights instruments and denounce the atrocities committed against the Palestinian people. It would also need to respect fully the right of the Cuban people to self-determination, end its attempts to subvert the legitimately established constitutional order in Cuba and lift the 56-year economic, commercial and financial embargo, which was the primary obstacle to economic

development in his country. The inaction of the United States on all of those issues demonstrated its disinterest in human rights and its disrespect for the international community.

73. **Mr. Al Khalil** (Syrian Arab Republic) said that the representative of the United States of America had no right to lecture other States on the importance of international law and human rights while her own Government continued to perpetrate systematic human rights abuses against civilians worldwide, in clear violation of the Charter of the United Nations. For decades, people in the Syrian Arab Republic and throughout the Middle East had suffered grave violations of their human rights as a consequence of the actions of the United States, which, inter alia, continued to provide logistical and financial support to terrorist groups in Syria while impeding all efforts to reach a political solution to the crisis in that country. Such conduct was contrary to the obligations of a permanent member of the Security Council, the fundamental responsibility of which was to maintain international peace and security. Furthermore, as a member of the so-called “international coalition”, the United States was responsible for the deaths of thousands of innocent Syrian civilians and had destroyed much of Syria’s vital infrastructure, including hospitals, schools, dams, roads and even homes for persons with disabilities. It also continued to use internationally prohibited weapons, including white phosphorus, and had completely destroyed the Syrian city of Raqqah. The Syrian Arab Republic strongly condemned those criminal actions and reiterated its call on the United States to end its serious violations of international law and comply fully with its obligations under relevant human rights instruments and the Charter of the United Nations.

74. **Mr. Ri Song Chol** (Democratic People’s Republic of Korea) said that the allegations of the United States delegation were based on deep-seated hostility towards his country, and not on genuine concern for human rights. In July 2018, the United States had enacted the North Korean Human Rights Reauthorization Act of 2017, which was designed to undermine his country’s system of government and belied the joint statement signed by the two countries a month earlier, which had committed them to building new relations based on mutual trust. As for human rights, the United States was a human rights wasteland of racial discrimination and sexual violence where tens of thousands of people were killed by gun violence every year and the police arbitrarily executed innocent citizens. The United States should realize that bashing his country’s human rights record would get it nowhere, and it should work to atone

for its disgrace as the world's leading violator of human rights.

75. As an aggressor and criminal State, Japan had no right to talk about human rights. Moreover, the Democratic People's Republic of Korea had already settled the abduction issue. Japan had imposed brutal colonial rule on the Korean Peninsula for 40 years, abducting and massacring millions of Koreans and imposing sexual slavery on 200,000 women and girls. Far from apologizing for its crimes and providing compensation, Japan attempted to minimize them. There was no statute of limitations on such crimes against humanity, and Japan should make a full apology and offer compensation before it was too late.

76. **Mr. Chu Guang** (China) said that the United States accusations against China were baseless and politically motivated, and he invited the Committee to consider the human rights situation in the accusing country. The United States had prohibited the nationals of six Muslim countries from entering because of Islamophobia, and it was continuing to use torture on prisoners in the notorious Guantanamo Bay prison. The rights of minorities, especially Asians, were systematically violated in the United States. Exclusion and discrimination against immigrants were on the rise, as were the detention and repatriation of migrants. Child sexual abuse was common, and child marriage in the name of freedom of religious belief was widespread. Such egregious human rights violations were unknown in China. The United States should improve its own human rights situation.

77. **Ms. Sukacheva** (Russian Federation), responding to the statement made by the representative of the United States, said that Crimea and the city of Sevastopol had joined the Russian Federation as a result of free and fair elections. Russia was not involved in the conflict in south-east Ukraine; the Government of Ukraine had made allegations of Russian involvement simply to justify inflicting terror on its own people.

78. The United States was hypocritical in making accusations regarding Syria. Russia was actively contributing to the counter-terrorism activities of the legitimate Government of Syria at that Government's request. On 19 October, the United States-led coalition had bombed a mosque in eastern Dayr al-Zawr province, killing around 70 people. It was also reportedly using white phosphorus munitions. Her delegation hoped for a suitable response from the international community and an independent and transparent international investigation.

79. **Ms. Suzuki** (Japan) said that the allegations made by the representative of the Democratic People's

Republic of Korea contained incorrect figures and were groundless. Since the end of the Second World War, Japan had consistently respected democracy and human rights and had contributed to the peace and prosperity of the Asia-Pacific region and the world. Japan invited the Democratic People's Republic of Korea to bring true peace to north-east Asia by setting aside distrust and by deepening cooperation. If the delegation continued to raise the same issues, she would not exercise the right of reply, but that should not be interpreted as acquiescence.

80. Furthermore, the abduction issue had not been settled. Under the agreement reached in Stockholm in May 2014, the Government of the Democratic People's Republic of Korea had promised to carry out a comprehensive and thorough investigation into the fate of all Japanese nationals, including the abductees. Her delegation urged it to implement the Stockholm agreement and to return the abductees to Japan as soon as possible.

81. **Mr. Ri Song Chol** (Democratic People's Republic of Korea) said that, in June 2018, the Japanese customs authorities had seized souvenirs bearing the flag of his country from Korean students returning to Japan after visiting their homeland, in flagrant violation of their human rights and international law. As previously stated, the abduction issue had already been resolved, and the statute of limitations did not apply to the Japanese crimes against humanity.

82. **Ms. Suzuki** (Japan) said that Japanese regulations prohibited the import of goods made in or shipped from the Democratic People's Republic of Korea, except for the hand luggage of travellers returning to Japan. The aforementioned rule applied equally to all importers; therefore, any allegation of discrimination against the students was unfounded. Her delegation did not agree that the abduction issue had been resolved.

*The meeting rose at 5.55 p.m.*