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Chair: Mr. Braun (Luxembourg)

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

Agenda item 70: Promotion and protection of human rights (*continued*)

- (a) **Implementation of human rights instruments** (*continued*) ([A/74/40](#), [A/74/44](#), [A/74/48](#), [A/74/55](#), [A/74/56](#), [A/74/146](#), [A/74/148](#), [A/74/228](#), [A/74/233](#), [A/74/254](#) and [A/74/256](#))
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- (c) **Human rights situations and reports of special rapporteurs and representatives** (*continued*) ([A/74/166](#), [A/74/188](#), [A/74/196](#), [A/74/268](#), [A/74/273](#), [A/74/275](#), [A/74/276](#), [A/74/278](#), [A/74/303](#), [A/74/311](#) and [A/74/342](#))
- (d) **Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action** (*continued*) ([A/74/36](#))

1. **Mr. Okafor** (Independent Expert on human rights and international solidarity) said that, since the presentation of his report to the General Assembly in 2018, he had submitted to the Human Rights Council a report ([A/HRC/41/44](#)) in which he had considered the issue of the legality under both general international law and international human rights law of the criminalization and suppression of human rights activists and other actors who showed solidarity to certain migrants and refugees by assisting them in the exercise of their basic human rights. He had also presented to the Council reports on his visits to the Netherlands in November 2018 and to Sweden in April 2018 ([A/HRC/41/44/Add.1](#) and [A/HRC/41/44/Add.2](#)). He had participated in the second High-level United Nations Conference on South-South Cooperation, held in Buenos Aires from 20 to 22 March 2019, at which he had recalled the submission of the draft declaration on the right to international solidarity ([A/HRC/35/35](#), annex) to the Council in 2017 and had encouraged States of the global South to strengthen human rights

frameworks for South-South cooperation. He had conducted a country visit to Qatar in September 2019 and would present his report on that visit to the Council in 2020.

2. He was grateful to the Governments of Costa Rica and Malawi for their positive responses to his country visit requests. He was awaiting responses to requests sent to Barbados, Botswana, Chile, Ethiopia, Gabon, Ghana, India, Indonesia, Kenya, Mexico, the Republic of Korea, Senegal, South Africa, Sri Lanka and Trinidad and Tobago, and he encouraged those States to respond favourably in accordance with Human Rights Council resolution 35/3.

3. Introducing his report to the General Assembly ([A/74/185](#)), he said that he had engaged with the issue of the enjoyment, or lack thereof, of human rights-based international solidarity in global refugee protection. Given the relatively low total number of persons who had attempted to seek refuge within or outside their home countries over the past few years (only about 0.3 per cent of the world's population), the contemporary refugee protection "crisis", as it was characterized in the media and academe, could not be logically understood as a crisis of numbers, but was much more a function of the unwillingness of too many States to accept as many refugees as they could and should. It was therefore a crisis of equitable responsibility-sharing owing to insufficient international solidarity. Such solidarity was a principle based on the understanding that the challenge of refugee flows was international in scope. States must therefore embrace international solidarity as a core value driving and enhancing their coordinated efforts in promoting and respecting the rights of refugees.

4. In the report, he had discussed refugee-specific national laws that were positive demonstrations of human rights-based international solidarity, such as legislation that explicitly prohibited the extradition of refugees, legislation that provided that refugees should not be penalized for irregular entry into the country, and laws and practices aimed at ensuring the effective provision of international protection to refugees. There were nonetheless extensive human rights-based international solidarity gaps in the responses of States and other stakeholders to global refugee flows. For example, significant gaps persisted in compliance by some European Union member States with their obligations to refugees under the 1951 Convention relating to the Status of Refugees. The adoption of measures that limited or denied access to the territories of European Union member States to potential refugees, including through collective expulsions, was another problematic issue. Serious gaps also existed in the

expression of human rights-based international solidarity in refugee protection between the States of the global North and those of the global South. Although States of the global North contributed immensely to the pool of financial resources to fund the global refugee protection effort, States in the global South hosted nearly 90 per cent of the world's refugees.

5. In some cases, the principle of international solidarity was applied in ways that allowed certain States to fail to comply with their international legal obligations under the 1951 Convention and other regional refugee instruments, or under other international human rights instruments. Similarly, extremist political parties, vigilante groups and even paramilitary organizations had also taken action against those who acted in solidarity with refugees and migrants. Racist civil society groups, such as those of the "alternative right", continued to oppose any form of solidarity with refugees.

6. Given the importance of both international solidarity and global refugee protection, especially with regard to the imperative need to protect refugees around the world from serious and rampant violations of their rights, States, civil society and all other stakeholders must intensify their efforts to address the concerns raised in the report. The General Assembly should continue to play a role in ensuring that such action was taken and should ensure the adoption and robust implementation, and, if necessary, the revision and strengthening of the global refugee instruments.

7. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela), speaking on behalf of the Movement of Non-Aligned Countries, said that international solidarity and human rights were fundamental historic values upon which the Non-Aligned Movement was founded. Solidarity was a fundamental component of relations among nations in all circumstances. South-South cooperation was an expression of solidarity and cooperation among States that contributed to their national well-being with respect for sovereignty, national ownership and independence, equality, non-conditionality, non-interference in the internal affairs of other States, and mutual benefit. The response of the international community to pandemics and various natural disasters was similarly exemplary. He underscored the unity of the expressions of solidarity by members of the Movement with other non-aligned countries that were or had been harmed economically, politically or militarily or that had been adversely affected in terms of their security or by the politicization of human rights, and with countries whose peoples were suffering as a result of acts of aggression, including

external threats of use of force, or the imposition of unilateral sanctions or embargoes.

8. At the July 2019 Ministerial Meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries, the ministers had recognized solidarity as a broad concept encompassing sustainable international relations, peaceful coexistence, and the transformative objectives of equity and empowerment of developing countries.

9. **Ms. Fernández Fernández** (Cuba) said that cooperation among States did not necessarily mean that the principle of international solidarity was being instrumentalized. His delegation did not agree with a statement made in paragraph 48 of the report of the Independent Expert ([A/74/185](#)). The United States of America was not using international solidarity to stem the flow of migrants and refugees; rather, it was exploiting its position of power and dominance to impose xenophobic and racist policies. Those who built walls could never demonstrate international solidarity.

10. For Cuba, the principle of solidarity consisted not in giving away its surplus but in sharing what it had. On that basis, hundreds of thousands of Cubans had provided over the decades and would continue to provide to other peoples of the world services in areas such as health and education. The State and Cuban civil society attached importance to the promotion of international solidarity as a right of populations and individuals and to cooperation as an essential tool for the fulfilment of that right and a requirement for securing a democratic and equitable international order, in strict compliance with the purposes and principles of the Charter of the United Nations.

11. **Mr. Driuchin** (Russian Federation) said that his delegation shared the concern about the current "crisis of solidarity" of the international community in global refugee protection and about the significant gaps in the actions of States and other stakeholders in responding to global migration flows. Attempts to limit or deny access to the territories of European Union member States to potential refugees were of particular concern. The actions taken by extremist political parties, vigilante groups and paramilitary organizations to block refugees and migrants were a significant threat to international solidarity.

12. The Independent Expert had unfortunately lost sight of the fact that the root cause of the protracted migration crisis was primarily the irresponsible policy of external interference in the affairs of sovereign States. The Independent Expert should pay attention to that in his future work.

13. **Mr. Okafor** (Independent Expert on human rights and international solidarity) said that the notion that international solidarity was essential for the enjoyment of many human rights, not only in the context of migration, but also in relation to pandemics and natural disasters, was fundamental to his mandate. South-South cooperation, triangular cooperation, global cooperation and intraregional cooperation were all ways in which international solidarity could be expressed, as had been made clear in the draft declaration on the right to international solidarity. Preventive solidarity (cooperating to prevent pandemics and natural disasters) and reactive solidarity (responding to events such as typhoons or hurricanes) had also been addressed in the draft declaration, as they had close connections to human rights issues.

14. In his report, he had given examples of kinds of solidarity that, in his opinion, were not conducive to the enjoyment of human rights, such as solidarity among certain right-wing groups that opposed immigration and opposed refugees. Such solidarity did not advance the human rights of refugees. He had therefore begun to use a less problematic expression, namely, “human rights-based solidarity”, so as to exclude undesirable kinds of solidarity. In paragraph 48 of his report, he had endeavoured to make the point that the building of walls was not an expression of solidarity.

15. He shared the concern expressed about the increasing attempts to limit any kind of immigration. Even so-called legal migration was being attacked. Given the interconnectedness of the world, flows of refugees and migrants could not be ascribed only to domestic causes. Whatever the reasons for such flows, existing international law required all States and stakeholders to respect the well-established human rights of refugees and migrants. The actions of certain private groups and so-called civil society groups were very alarming.

16. **Mr. Voulé** (Special Rapporteur on the rights to freedom of peaceful assembly and of association), introducing his report (A/74/349), said that one of his priorities since assuming the mandate in April 2018 had been to explore the role of the rights to freedom of peaceful assembly and of association in sustainable development. In his report, he had examined the different ways in which the closing of civic space could be associated with negative development outcomes, including in the fight against poverty and economic inequality. In particular, he had explored how a restricted space for civic engagement exacerbated the exclusion of those living in poverty, including marginalized groups, and perpetuated the privileges of those in power.

17. It was widely recognized that civil society actors were key partners for development when they were free to exercise their rights to freedom of peaceful assembly and of association. During his official visits to Armenia, Sri Lanka, Tunisia and Zimbabwe, he had heard numerous accounts of civil society’s positive contribution to development.

18. Despite the global recognition of the value and importance of civic engagement for sustainable development, space for civil society participation had been closing around the world. Some States and actors in the global development community were neglecting or paying little attention to the threat posed by the closing of civic space to development programmes. The theory was that poverty eradication and sustainable development could be separated from the human rights obligations of States. Protests and criticisms from civic space were thus wrongly labelled as threats to development or poverty eradication, and those participating in them were wrongly perceived or accused of threatening public security and governance. In reality, the rights to hold peaceful protests, to express dissenting opinions and to influence public debates on governance or development were rights that enabled, not hindered, development.

19. In his report, he had summarized the different ways in which the closing of civic space had a negative effect on sustainable development and poverty eradication efforts. The closing of civic space gave rise to corruption, the exploitation of workers, reduced income, increased risk of conflict, acute economic crises and high economic instability. Restrictions on civic space also had a negative impact on resilience to climate-related events. Development and economic progress were therefore fragile without advancements in civic freedoms.

20. Many States had embraced dialogue and collaboration with civil society in their development and poverty eradication efforts. There were many examples of good practices in terms of creating an enabling environment for civil society to operate freely. Development actors should work with civil society to address the global trend of the closing of civic space. The idea that engaging with civic space issues was too political and would jeopardize the neutrality of institutions and programmes was short-sighted. The development community should ensure that civic space was a benchmark for development cooperation.

21. **Ms. Wagner** (Switzerland) said that her delegation welcomed the focus of the report on the importance for persons living in poverty of being able to exercise their rights of peaceful assembly and of

association. Poverty eradication and sustainable development could not be separated from the human rights obligations of States. The rights to freedom of peaceful assembly and of association were crucial because they enabled the poorest to make their voices heard. States should heed the recommendation that development actors should pay more attention to the situation of civil society in the countries in which they were active. She asked how businesses, which were also development actors and were encouraged to participate in the implementation of the 2030 Agenda for Sustainable Development, could contribute to the creation of favourable conditions for civil society in the countries in which they were operating.

22. **Ms. Příkrylová** (Czechia) said that her country fully concurred that the exercise of the rights to freedom of peaceful assembly and of association helped to create, strengthen and expand an enabling environment in which all actors, including civil society, could contribute meaningfully to the achievement of development goals. Her delegation would be interested to learn of positive examples of how the development community, including donors and international organizations, had facilitated dialogue between States and civil society actors on the enjoyment of the rights to freedom of peaceful assembly and of association of people living in poverty and those most marginalized.

23. **Mr. Habib** (Indonesia) said that Indonesia, in line with its Constitution, viewed the freedom of association and assembly as an important pillar in the promotion and protection of human rights. By law, the Government, through relevant policies, empowered civil society to be more sustainable and productive and to increase its contribution. Notwithstanding the challenges on the ground, Indonesia was in constant dialogue with all stakeholders to strengthen efforts to guarantee their freedoms in accordance with existing laws. He asked what the best policies were for Governments to adopt to create an enabling social environment for civil society participation.

24. **Ms. Kaljuläe** (Estonia), speaking on behalf of the Nordic and Baltic countries (Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden), said that the focus of the report on efforts to reduce economic inequalities and eradicate poverty in all its forms and dimensions was welcome. The shrinking of civic space, both offline and online, had clear costs in terms of development, including poverty eradication. States had a duty not only to abstain from unduly interfering with the rights to freedom of peaceful assembly and of association, but also to facilitate and protect those rights, both offline and online, in accordance with international human rights standards. She would be

interested to learn of positive measures that could be taken by all actors to create, strengthen and expand an enabling environment for the exercise of freedom of assembly and association by those living in poverty.

25. **Ms. Vasquez Muñoz** (Mexico) said that her country was committed to continued cooperation with the Special Rapporteur in the discharge of his mandate. It welcomed the adoption, in July 2019, of Human Rights Council resolution 41/12, by which the mandate of the Special Rapporteur had been renewed for a period of three years.

26. The freedom of peaceful assembly and association was an inalienable human right. The unobstructed exercise of the rights to freedom of peaceful assembly and of association was crucial for the implementation of development and poverty eradication efforts because it empowered people to organize around shared interests. Her delegation would be interested to learn more about knowledge-sharing on and the funding of research into the contributions of civil society to development and poverty eradication efforts, as well as the role played by the United Nations in that area.

27. **Mr. Mack** (United States of America) said that his country remained dismayed by the unlawful denial of the freedom of peaceful assembly and association in many Member States despite their obligations under international law. The denial of that right was often arbitrarily justified under the guise of “counter-terrorism” or “national security” legislation. In China, the authorities continued to deny the right to peaceful assembly and association throughout the country, including in Xinjiang, where more than 1 million members of Muslim minority groups had been detained in internment camps since 2017. The Chinese Government had also continued its nationwide campaign to close down churches and to target Buddhist monasteries and Tibetan cultural groups. In Iran, approximately 700 prisoners of conscience had been charged with national security crimes for merely seeking to organize community groups or peacefully protest. In Nicaragua, protests had been drastically reduced for fear of renewed government repression. In Uzbekistan, a bill on rallies, assemblies and demonstrations, if enacted, would establish excessive requirements for assembly permits. Togo had revised a law to establish onerous new restrictions on public demonstrations, undermining its democratic trajectory ahead of the 2020 presidential elections. In Kazakhstan, 4,000 individuals who had taken part in peaceful presidential election protests had reportedly been detained.

28. Affording the right of peaceful assembly and association did not weaken countries but rather strengthened governance. Noting that the Special Rapporteur had conducted a number of in-country consultations and had issued statements on developments of concern in several countries, his delegation would be interested to learn of trends and good practices observed over the past year and of recommendations for addressing areas of concern.

29. **Mr. Roijen** (Observer for the European Union) said that the European Union fully concurred that the unobstructed exercise of the rights to freedom of peaceful assembly and of association was crucial for the implementation of development and poverty eradication efforts, especially given the increasing economic inequalities around the world that were causing discontent and further exclusion. The European Union was concerned about increasing legal restrictions and government practices limiting civil society space around the world and firmly opposed any restrictions on the rights to freedom of association and of peaceful assembly. A safe and enabling environment for civil society participation, including for human rights defenders and community leaders in rural and urban areas, non-governmental organizations, grass-roots organizations, faith-based groups and labour unions, must be preserved. He asked the Special Rapporteur to highlight good practices and success stories from his research and field visits.

30. **Ms. Offermans** (Netherlands) said that the protection and promotion of the rights to freedom of peaceful assembly and of association, both online and offline, was key for the effective engagement and equal participation of citizens and civil society organizations, which, in turn, was fundamental to fostering development, stability and well-being. Assemblies and interactions that took place in the digital space, and the preparations and supporting measures for them, should have the same level of protection as assemblies and interactions in the physical space. Access to information and communication was an essential precondition for the exercise of the rights to freedom of peaceful assembly and of association and contributed to an open civic space. Donors and international institutions could play an important role in safeguarding an open civic space by establishing equal and strategic partnerships, in particular with civil society organizations. She asked how such relationships could be enhanced.

31. **Mr. Driuchin** (Russian Federation) said that his delegation had been somewhat surprised that the Special Rapporteur had chosen to research the topic of the impact of the exercise of the rights to freedom of peaceful assembly and of association on poverty

eradication. Poverty eradication was a multifaceted problem that extended far beyond the human rights dimension, and the exercise of the rights to freedom of peaceful assembly and of association was clearly not of primary importance in that regard. The link between the level of poverty and the exercise of social and economic rights, including the right to development, would be the first thing to consider when examining that problem from a human rights perspective, but that was a topic for other special procedures of the Human Rights Council to study. In future, the Special Rapporteur should choose his research topics more carefully so as not to go beyond his mandate.

32. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that, since 2013, some 44,000 demonstrations had been held across the Islamic Republic of Iran. Such a high number was a clear indication of the country's vibrant, democratic and open society. The overwhelming majority of the demonstrations had been peaceful. As in any rules-based society, calls for vandalism and destruction of public property, or the actual occurrence of such attacks, were not condoned. In the very few instances when containment measures had been employed during demonstrations, maximum restraint had been exercised by the police forces. The term "peaceful" should be viewed with caution. In a recent United Nations report, a demonstration in Iran had been described as peaceful, but one participant had, unprovoked, run his bus over police officers, killing and injuring several of them. The United States Department of State had glorified that man as a human rights defender. While Governments had a responsibility to protect and even encourage the peaceful expression of dissent, they also had a primary responsibility to maintain social peace and order.

33. **Ms. Xu Daizhu** (China) said that his delegation categorically rejected as groundless the allegation made against his country by the representative of the United States. There was no human rights issue in Xinjiang; her Government had simply taken counter-terrorism and counter-extremism measures and did not target any specific religious or ethnic groups. During several recent meetings of the Committee, the United States delegation had, on multiple occasions, attempted to name and shame China, igniting confrontation between the two countries. Turning a blind eye to its own human rights problems, the United States adopted double standards in the consideration of human rights issues. The United States must abide by the basic norms of international relations, take concrete measures to resolve its own problems relating to drugs, crime, immigration and indigenous issues, and put an end to interference in the internal affairs of other countries.

34. **Ms. Berry** (United Kingdom) said that peaceful protesters should never experience violence or intimidation from State authorities or third parties. The United Kingdom was concerned by the increasing use of surveillance tools designed to intimidate citizens and deter them from exercising their right to freedom of peaceful assembly. It was only through an open and free exchange of views that the most pressing global challenges could be tackled. In that regard, a rich civil society that was free to provide expertise and offer constructive challenges was vital. He asked how the international community could support the Special Rapporteur in ensuring that the rights to freedom of assembly and of association were seen as part of the work of the United Nations to ensure that no one was left behind.

35. **Mr. Voulé** (Special Rapporteur on the rights to freedom of peaceful assembly and of association) said that, by Human Rights Council resolution 15/21, he had been mandated to examine the reasons for restrictions on civil society. In his first report to the Council ([A/HRC/38/34](#)), he had noted that development was often cited as an argument for restricting civic space and suppressing demonstrations. In some countries, civil society associations were labelled as foreign agents and viewed as being opposed to development. It was within the scope of his mandate to seek to contribute to the creation of enabling conditions for civil society to participate in development and to change the perception that civil society was an enemy of development.

36. During his visit to Tunisia, he had seen how representatives of the Jemna community had, through the exercise of the right to associate, established a cooperative for date cultivation that had enabled the community to implement poverty eradication programmes. He would share that example with the Government to highlight the importance of encouraging such activities.

37. As development actors, businesses should contribute to the protection of civic space. Doing so would enable them to continue to conduct their business in the long term. Trade unions contributed to the eradication of poverty by enabling workers to raise questions and discuss issues relating to working conditions and wages. Businesses should therefore guarantee the right to form unions as part of their efforts to protect civic space. It was also important for businesses to hold effective and well-informed consultations with civil society. Unfortunately, many businesses had overlooked the principle of consultation with and consent of civil society and communities when carrying out their operations. Businesses should commit themselves to working with communities to promote

human rights and to ensuring that the complaints of communities were viewed not as a threat to business activities but rather as an indicator of how communities perceived businesses that would enable businesses to improve.

38. In his first report to the Human Rights Council, he had addressed the use of laws to restrict civic space on the grounds that the activities of civil society were a threat to national security, and restrictions on fundraising and the receipt of funding. The restrictions imposed by certain countries on organizations providing aid to refugees did not contribute to the eradication of poverty and the achievement of the 2030 Agenda.

39. On the question of fostering cooperation between Governments and civil society, civil society should be seen not as an enemy but rather as an important actor that reminded Governments of their international obligations and of the views of communities. Cooperation with communities and civil society was needed to tackle climate change, for example, as no State could overcome climate change. Given its closeness to communities, civil society was able to capture the ways in which climate degradation was affecting them.

40. When civic space was closed and the freedom of association and the right to protest were not seen as democratic means of expression, citizens were given no choice but to resort to undemocratic means. It was the responsibility of law enforcement officials to ensure that individuals who became violent during a protest were removed and that those who wished to peacefully express their legitimate concerns could continue to protest. If only one or two individuals resorted to violence during a demonstration, that demonstration should not be labelled as violent.

41. It was important to continue to conduct research on the contributions of civil society. Reductions in poverty and violence had been seen in countries in which civil society was free. Although development could be observed in certain countries that resorted to violence against civil society, such development was not sustainable. The aspiration should be to achieve development that was shared and beneficial to all citizens. To achieve the 2030 Agenda, Member States should recommit to granting civil society and communities the freedoms to carry out their work, to criticize policies and to combat corruption, which was preventing important funding from reaching development programmes. The civil society representatives with whom he had met had stressed that they loved their countries and wanted to contribute to their development but that the laws in place prevented

them from carrying out their work. Everyone must be empowered to contribute to the implementation of the 2030 Agenda.

42. **Mr. Forst** (Special Rapporteur on the situation of human rights defenders), said that he was grateful to the Governments of Colombia and Mongolia for their cooperation during his official visits and reiterated his commitment to continuing dialogue and his offer of technical assistance to improve the situation of human rights defenders in those countries. He was also grateful to the Governments of Brazil and Peru for inviting him to conduct country visits. Since his previous presentation to the Committee, in October 2019, he had issued more than 260 communications and a total of 66 press releases, including joint communications and statements with other mandate holders. He had also participated in numerous conferences and meetings dedicated to the protection and promotion of human rights defenders.

43. Introducing his report ([A/74/159](#)), he recalled all the defenders who had been killed for defending fundamental rights and whose murderers were walking free. He had chosen to present his report in New York rather than in Geneva because combating impunity, or failing to address it and allowing it to spread, was above all a political choice. In some countries, 98 per cent of assassinations of human rights defenders went unpunished. Attacking that scourge required courage and considerable efforts, as it was without doubt one of the biggest contemporary challenges. The fight could be won only if the whole of society was mobilized and if the State, legal and police systems were systematically overhauled.

44. According to international human rights law, human rights defenders must have accessible and effective remedies for violations of their human rights, including their right to defend human rights, and to obtain appropriate reparation in the event of a violation. Furthermore, States had a general obligation to investigate allegations of human rights violations promptly, thoroughly and effectively. Human rights defenders faced additional barriers to access to justice, including a lack of political will, lack of State recognition of the work of human rights defenders and negligent practices regarding complaints.

45. In his report, he had identified six important guidelines for States, which, together with the principles set out in chapter IV of the report, constituted minimum requirements for compliance with due diligence in investigations of human rights violations against defenders, their family members and those who were close to them. He had also identified good practices by

States, such as the establishment of strong regulatory frameworks for the protection of defenders, specific frameworks to address impunity and prosecutors' offices that specialized in the investigation of human rights violations against defenders. Although the primary responsibility for combating impunity lay with States, he had also included examples of civil society initiatives that had contributed to ending impunity, such as the establishment of expert groups and observer missions.

46. **Mr. Elizondo Belden** (Mexico) said that his country categorically rejected and condemned all acts of violence against human rights defenders and firmly opposed all attacks aimed at limiting their rights to life, integrity or freedom or at hindering their work. A mechanism for the protection of human rights defenders and journalists had been in place in Mexico since 2012. At the request of his Government, the Mexico Office of the United Nations High Commissioner for Human Rights had assessed the mechanism with a view to identifying strengths, good practices and areas of opportunity. The Government was currently working to promote increased international cooperation to facilitate the work of the mechanism. His delegation would be interested to learn of the effects of international cooperation in the protection of human rights defenders and the role played by the United Nations in that area. How could such cooperation be increased and made more effective?

47. **Ms. Ní Chonchúir** (Ireland) said that her Government had been pleased to welcome the Special Rapporteur to Ireland for the Dublin Platform for Human Rights Defenders in October 2019. Ireland had long recognized the need to promote and protect those who defended the human rights of others and condemned all acts of violence and intimidation against them. In his report, the Special Rapporteur had drawn a distinction between human rights violations by State actors and those by non-State actors, including businesses. Her delegation would be interested to learn more about the role that businesses could play in ensuring respect for and the promotion of human rights.

48. **Ms. Rasheed** (Observer for the State of Palestine) said that occupied Palestine had witnessed Israel systematically unleashing, with complete and utter impunity, campaign after campaign against legitimate Palestinian and international human rights organizations and human rights defenders, with the aims of silencing and undermining any lawful resistance against the Israeli occupation and its illegal policies, and fuelling an atmosphere of hostility against human rights defenders working in Palestine. The revocation of the work permit for the Israel and Palestine Director at

Human Rights Watch, Omar Shakir, had been a recent violation by Israel of its human rights obligations that was emblematic of a pattern of actions aimed at seriously restricting the space in which organizations working for the protection and promotion of human rights in occupied Palestine could operate. She asked what measures could be taken to ensure accountability for those responsible for violations against human rights defenders in the context of the 50-year-long Israeli occupation.

49. **Mr. Leval** (France) said that the protection of human rights defenders was a foreign policy priority for his Government. The international community must tackle the threats faced by human rights defenders in a growing number of countries, collectively ensure their security and combat all the ways of silencing them, ranging from administrative harassment to arrest, torture, forced disappearance and assassination. Governments must adopt policies and laws to combat impunity for those who attacked the fundamental rights of human rights defenders.

50. **Ms. Nemroff** (United States of America) said that her country was deeply concerned that human rights defenders around the world continued to face harassment, intimidation and attacks for carrying out work that was integral to protecting democracy. In Venezuela, the Government continued to arbitrarily arrest, detain, torture and kill people who opposed the Maduro dictatorship. In Zimbabwe, intimidation, harassment, abduction and physical attacks against human rights defenders were steadily rising. In China, the Government continued its campaign against dissent by harassing, imprisoning and torturing those who promoted human rights and the rule of law, including the government accountability advocate Huang Qi. The Chinese Government had also sought to stifle the voices of civil society outside China, including at the United Nations in Geneva and in New York. In Iran, the regime had imprisoned approximately 700 prisoners of conscience and human rights defenders, including Nasrin Sotoudeh, whose only crime was providing legal support to members of civil society.

51. In Syria, the Assad regime had systematically detained, tortured and killed human rights defenders as part of its campaign to silence legitimate calls for reform and thwart efforts to ensure justice and accountability for atrocities committed by the regime, some of which rose to the level of crimes against humanity and war crimes. In Russia, human rights defenders routinely faced harassment, intimidation, undue surveillance, smear campaigns, political prosecution and violent attacks, especially in Chechnya. Meanwhile, the Russian occupation authorities in Crimea sought to

eliminate all opposition to the attempted annexation, including by unjustly imprisoning dozens of Crimean Tatar human rights defenders on baseless terrorism pretexts and forcibly transferring them to Russia. In Burma, activists, journalists and students who criticized the Government or the military were all too often imprisoned. The Government of the United States reiterated its call for the release of filmmaker Min Htin Ko Gyi and others.

52. **Mr. Al Khalil** (Syrian Arab Republic), speaking on a point of order, asked the representative of the United States to comply with United Nations practice.

53. **Ms. Bernacki** (Australia) said that her Government was committed to ensuring that all individuals, including human rights defenders, enjoyed the same human rights protections online and offline and were able to defend human rights in safe environments in which diversity was recognized. Her delegation would be interested to learn of best practices for addressing digital attacks against human rights defenders and holding perpetrators to account.

54. **Mr. de Souza Monteiro** (Brazil) said that his Government had been implementing measures to strengthen its national programme for the protection of human rights defenders, the mandate of which had been expanded to encompass journalists and environmentalists. The programme followed the guidelines laid out in 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. Brazil supported the mandate of the Special Rapporteur and looked forward to welcoming him to Brazil in 2020. His visit would be an important opportunity to exchange information and good practices to support Brazil in its endeavours to combat impunity and to further enhance its national programme.

55. **Ms. Košir** (Slovenia) said that it was the primary responsibility of States to protect the human rights of all, including human rights defenders and their families. When violations occurred, access to justice and impartial courts was crucial to ensuring the protection of human rights defenders. She asked how to best protect human rights defenders in rural areas, in particular women human rights defenders from local rural communities, and what the most appropriate measures or mechanisms were for ensuring their protection.

56. **Ms. Moore** (United Kingdom) said that human rights defenders must not be threatened, smeared or targeted, whether online or in the real world. All States should provide full and proper access to justice for those

targeted for their work, whether the crime took place online or offline. Given the importance of strong justice systems in ensuring that there was no immunity for those who targeted human rights defenders, she asked how human rights defenders could be supported in countries in which access to justice was lacking.

57. **Ms. Sánchez García** (Colombia) said that her country had demonstrated its commitment to upholding the right to life and physical integrity of human rights defenders and social leaders in many ways, including through the creation of a special investigative unit to handle relevant cases, the establishment of a police unit to tackle organized criminal groups responsible for violations against human rights defenders and the implementation of measures to protect human rights defenders by the national protection unit. As a result of implementation of the action plan on prevention and protection for human rights defenders, social leaders and journalists, the number of killings had gone down by 33 per cent. She asked what steps could be taken within the United Nations to better tackle the problem.

58. **Ms. Grewal** (Canada) said that her Government had recently published guidelines on supporting human rights defenders with the aim of supporting efforts to deliver better outcomes for those defenders. Globally, there was considerable work to be done to ensure that investigations were not sexist or racist and did not lead to revictimization, in particular for children, women and lesbian, gay, bisexual, transgender and intersex persons, who faced additional obstacles to access to justice and encountered challenges linked to gender discrimination. She asked whether there were any current best practices in terms of evaluating State policies to support human rights defenders.

59. **Ms. Carlé** (Belgium) said that her delegation noted the recommendation that enterprises should respect the Guiding Principles on Business and Human Rights by exercising due diligence to ensure respect for the human rights of human rights defenders. In May 2019, Belgium had organized an international peer learning meeting in Brussels on the implementation of those principles through national action plans. The event had been attended by national experts from more than 30 countries and representatives of the Working Group on the issue of human rights and transnational corporations and other business enterprises, the Council of Europe, the European Union, the Organization for Economic Cooperation and Development and the Office of the United Nations High Commissioner for Human Rights.

60. **Ms. Wessel** (Norway) said that, in line with its commitment to implement the Declaration on Human

Rights Defenders, her country agreed that there was a need for increased attention and decisive action to combat impunity in order to ensure a safe and enabling environment for and the protection of human rights defenders. Given the importance of political will in making real progress against impunity, her delegation would be interested to learn of best practices for creating or strengthening such will and asked what role the United Nations and the international community could play in that regard.

61. **Ms. Příkrylová** (Czechia) said that the Special Rapporteur had rightly recommended a differentiated and intersectional approach, which involved recognizing that individuals needed different levels of protection and that human rights defenders did not fall into a single category. He had highlighted soft law instruments that had been developed with a differentiated approach in mind. She asked how tools such as the Latin American Model Protocol for the Investigation of Gender-related Killing of Women could extend beyond just one region to serve as an inspiration for similar tools at the national, regional and international levels.

62. **Ms. Joubli** (Switzerland) said that the guidelines for ensuring due diligence in the investigation of violations of the human rights of human rights defenders set out by the Special Rapporteur were particularly useful for ensuring the right to access to justice and the independence of investigative bodies and legal authorities. All concerned States should immediately apply those guidelines. Impunity for crimes against journalists unfortunately prevailed, as demonstrated in the report of the Special Rapporteur. Certain follow-up mechanisms, such as those established by the United Nations Educational, Scientific and Cultural Organization and the Council of Europe, offered a good overview of the crimes committed against journalists and the progress of investigations. She asked how efforts to combat impunity for human rights violations against journalists and human rights defenders could be better combined.

63. **Mr. Roijen** (Observer for the European Union) said that the European Union was particularly concerned about the increase in attacks on human rights defenders dedicated to environmental protection. According to the non-governmental organization Global Witness, 168 such defenders had been killed in 2018. Upholding a safe and enabling environment for civil society and human rights defenders was a key component of a democratic society. There was a continued and increasing need to build greater visibility and recognition of the important role of human rights defenders, even more than 20 years after the adoption of

the Declaration on Human Rights Defenders. The European Union shared the concerns regarding obstacles to access to justice for human rights defenders and barriers that might apply to certain groups of human rights defenders who, by virtue of their age, gender or their defence of the rights of a particular group, might be particularly vulnerable to the effects of impunity. The European Union welcomed the recommendations for combating impunity set out in the report.

64. **Mr. Dunkel** (Germany) said that his country was fully committed to protecting human rights defenders and to holding perpetrators of human rights violations against them to account. Germany would continue to support measures to create and maintain a safe and enabling space for human rights defenders and called on all States to do the same. It was appalling that human rights defenders, in particular women human rights defenders, increasingly faced both offline and online threats, including threats of sexual violence. States must do everything in their power to put an end to that development and to bring the individuals committing those crimes to justice. He asked how Member States could ensure that human rights defenders were protected online.

65. **Ms. Adza** (Indonesia) said that, in her country, every person, whether a human rights defender or a human rights offender, was equal before the law. Valuing the contributions of human rights defenders to the promotion and protection of human rights, the Government continuously promoted dialogue and raised awareness at all levels to end stigma associated with the work of human rights defenders. The existing legal framework enabled all human rights defenders to report any violation of their human rights. Her delegation would be interested to learn more about the work of the specialized bodies composed of independent, qualified professionals recommended by the Special Rapporteur.

66. **Mr. Driuchin** (Russian Federation) said that the effective protection of human rights defenders could be ensured only by a competent and independent justice system on the basis of fairness and impartiality. That applied equally to the protection of the rights of both ordinary citizens and persons carrying out professional or other activities. There seemed, therefore, to be no justification for artificially placing human rights defenders into a separate vulnerable group, notwithstanding their important role in contemporary society. All unlawful activities should be subject to comprehensive, objective investigations, and the perpetrators should be brought to justice.

67. **Ms. Kipiani** (Georgia) said that her Government was committed to ensuring the engagement of civil

society organizations in all phases of policymaking processes for the promotion and protection of human rights in Georgia. Unfortunately, the Government was deprived of the opportunity to implement its policies in Abkhazia and the Tskhinvali region of Georgia, which were occupied by Russia and where civil society representatives suffered from severe human rights violations and human rights defenders continued to be silenced. The complete absence of international monitoring mechanisms was resulting in the further deterioration of the humanitarian and human rights situation. She asked how, as the United Nations continued to strengthen its system-wide response to intimidation and retaliation, United Nations entities should respond to existing challenges in regions where the presence of international monitoring mechanisms was denied, in order to ensure that acts of intimidation and retaliation against human rights defenders were investigated with due diligence and that the perpetrators were brought to justice.

68. **Mr. Zinken** (Netherlands) said that his Government strongly condemned all forms of reprisals and violence against human rights defenders and underlined the importance of adopting a common stance against human rights violations wherever they occurred. The United Nations and Member States should facilitate and encourage the participation of human rights defenders in United Nations forums. Human rights defenders could play an important role in drafting appropriate plans, strategies and legislation on human rights. The Netherlands welcomed the recommendation that States should eliminate de facto and de jure barriers that impeded access to public information and to justice, taking into account the diversity of human rights defenders. Ensuring a differentiated and intersectional perspective in the investigation of threats and attacks against human rights defenders played a vital role in countering the current impunity. He asked how States could integrate such an approach into their policies.

69. **Ms. Xu Daizhu** (China) said that her Government encouraged civil society organizations and individuals to engage in activities for the promotion and protection of human rights in accordance with Chinese law. Given the lack of a universally accepted definition of the term “human rights defenders”, it was a term that was often abused. Everyone was equal before the law; anyone who violated the law must be punished according to the law. Treating human rights defenders differently by allowing them to go above the law tarnished the spirit of the rule of law and would lead only to greater impunity.

70. Her Government was gravely concerned by the remarks of the Special Rapporteur concerning China. The person mentioned in the report was not a human

rights defender, but rather was purporting to defend human rights while engaging in unlawful actions. The Special Rapporteur should act with impartiality and objectivity and stop interfering in the judicial affairs of Member States and making irresponsible remarks.

71. Her delegation noted with regret that the United States consistently resorted to double standards in the consideration of human rights issues. In order to achieve its hidden goals, the United States whitewashed terrorists and criminals by labelling them human rights defenders to help them engage with the United Nations as they carried out their separatist activities. It was because the United States and other countries politicized the concept of human rights defenders that the concept was not widely accepted by Member States. The United States should stop making erroneous remarks and using human rights defenders to interfere in other countries' affairs.

72. **Ms. Banaken Elel** (Cameroon) said that her Government had established an institutional and legal framework that protected all Cameroonians equally from threats, attacks against their physical integrity and arbitrary arrests, which were all punishable under the Criminal Code. Access to justice was guaranteed for all persons without any group or category of persons having pre-eminence over others. She asked what measures should be taken to combat all forms of impunity in the absence of formal legal recognition of the category of human rights defenders – a category that did not enjoy international consensus – taking into account the equality of all before the law. Cameroon was opposed to all forms of arbitrary arrest and detention. Her delegation would be interested to know whether the Special Rapporteur had conducted or planned to conduct research on the legal grounds that had led to the arrest of human rights defenders.

73. **Mr. Al Khalil** (Syrian Arab Republic) said that certain delegations seemed to be ignoring the elephant in the room, namely, the United States aggression against Syria. The United States continued to occupy part of his country and to impose unilateral measures against it.

74. **Mr. Forst** (Special Rapporteur on the situation of human rights defenders) said that his mandate was one of technical cooperation with States. It was not for him to condemn States but to share his expertise with them to help them to develop tools, laws and mechanisms to protect defenders and to pre-empt attacks against defenders. In the past six years as Special Rapporteur, he had visited more than 60 countries on both official and academic visits, engaging, on each occasion, in discussions with ministers and administrative officials

to find a solution to the attacks faced by defenders in the country.

75. In his report, he had stressed that the primary responsibility for combating impunity lay with States. However, other actors also had important roles to play in that regard, for example, transnational corporations operating in countries of the South. Under the Guiding Principles on Business and Human Rights, businesses had a duty to remedy business-related human rights abuses committed in the countries in which they operated. He commended the work of the Forum on Business and Human Rights, at which States and international businesses met to address the issue of attacks against defenders and the development of guidelines that could steer businesses in their efforts to combat impunity.

76. He had been working with the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on the issue of online attacks and the use of social media to threaten defenders, in particular women defenders and young defenders. The research produced by those Special Rapporteurs would support the efforts to convince the businesses running those digital tools to do more to ensure the protection of defenders.

77. It was of particular concern that the rights of defenders living in isolated areas were not given sufficient attention by the international community. In that regard, he recalled the European Union Guidelines on Human Rights Defenders and the Guidelines on the Protection of Human Rights Defenders of the Organization for Security and Cooperation in Europe. Several countries had also developed their own guidelines on the protection of defenders. However, defenders living in isolated areas were often not known and consequently did not benefit from the protections under such guidelines. Isolated defenders who worked on issues such as sexual and reproductive rights or gender identity and sexual orientation bore the brunt of attacks and threats in many countries. When they sought justice, they were often rejected because they worked on issues that were considered to be too sensitive.

78. To build the political will to attack the root causes of impunity, States should communicate with each other and help parliaments in other countries to develop laws conducive to combating impunity. Regional organizations such as the African Commission on Human and Peoples' Rights and the Inter-American Commission on Human Rights and transregional organizations such as the International Organization of la Francophonie had roles to play in that regard.

79. He was grateful to those Governments that had supported his efforts during his country visits and encouraged the Governments of Colombia and Mexico to arrange follow-up visits on an unofficial basis to verify whether the recommendations made in his report had proved useful.

80. His next report to the Human Rights Council, to be presented in March 2020, would address the issue of defenders living in conflict and post-conflict situations, humanitarian crisis situations and fragile States. He would include recommendations on how to better combat impunity, protect defenders and mitigate the risks faced by defenders in those countries.

81. For those who still had doubts regarding the designation of “human rights defenders”, he recalled that more than 20 years previously all States had adopted by consensus a common definition of defenders in the Declaration on Human Rights Defenders. As for the criticism that human rights defenders did not require special protection, the opposite was in fact true. Defenders supported the promotion and protection of human rights and of the values enshrined in the Universal Declaration of Human Rights; that was the main reason that they needed to be better protected and that more attention should be given to mechanisms for their protection.

The meeting rose at 5.35 p.m.