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Chair: Mr. Braun (Luxembourg)

Contents

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

- (a) Implementation of human rights instruments (*continued*)
- (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)
- (c) Human rights situations and reports of special rapporteurs and representatives (*continued*)
- (d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

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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)
- (b) **Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (continued) (A/74/147, A/74/159, A/74/160, A/74/161, A/74/163, A/74/164, A/74/165, A/74/167, A/74/174, A/74/176, A/74/178, A/74/179, A/74/181, A/74/183, A/74/185, A/74/186, A/74/189, A/74/190, A/74/191, A/74/197, A/74/198, A/74/212, A/74/213, A/74/215, A/74/226, A/74/227, A/74/229, A/74/243, A/74/245, A/74/255, A/74/261, A/74/262, A/74/270, A/74/271, A/74/277, A/74/285, A/74/314, A/74/318, A/74/335, A/74/349, A/74/351, A/74/358, A/74/460, A/74/480 and A/74/493)
- (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. Ünver** (Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families), introducing the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (A/74/48), said that the world was witnessing movements of people that were unprecedented in human history. The migration journey was more dangerous and often more life-threatening than ever. Migration was rarely entirely voluntary, and migrants comprised a range of people with differing protection needs. It had never been more crucial to advance human rights in migration, including through the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

2. There were currently 271.6 million migrants in the world, almost half of whom were women and about 38 million of whom were children, the majority of whom were living in the global South. An estimated 30,000 migrants had drowned in the Mediterranean in the past

three decades, and international attention had been drawn to their plight during the migration surge of 2015. The statement concluded by the European Union and Turkey on 18 March 2016 had been helpful in minimizing the loss of lives at sea, decreasing the number of irregular crossings and combating migrant smuggling networks. Under the law of the sea, ships must collect people in need, but a series of refusals to allow migrants to disembark from ships had imperilled that international doctrine. Programmes to save migrants, such as the Italian Mare Nostrum Operation, had unfortunately been replaced by border guarding projects.

3. States should end the criminalization of irregular migration. Its criminalization directly harmed migrant women and girls, including by forcing them to undertake more precarious journeys, which put them at a heightened risk of violence, trafficking, slavery and other serious human rights violations.

4. The adoption of the Global Compact for Safe, Orderly and Regular Migration demonstrated that the discussion had moved from one of whether human rights applied to migrants to one of how the human rights of migrants should be upheld. As the international community moved towards the implementation of the Global Compact, the Committee and its partners had a unique opportunity to make it a priority to increase the number of States parties to the Convention. As at 12 April 2019, the closing date of the thirtieth session of the Committee, there were 54 States parties to the Convention. During the period covered by the report, three additional States had ratified the Convention: Benin, the Gambia and Guinea-Bissau. Fiji had since ratified the Convention, bringing the number of States parties to 55.

5. During its twenty-ninth and thirtieth sessions, the Committee had considered six reports of States parties, namely, those of Albania, Guatemala, Libya, Madagascar, Mozambique and Tajikistan, and had adopted concluding observations with respect to those reports. It had adopted four lists of issues, on the periodic reports of Bolivia (Plurinational State of), Bosnia and Herzegovina, Cabo Verde and Colombia. The Committee had also adopted three lists of issues prior to reporting, with respect to Azerbaijan, Sao Tome and Principe and Venezuela (Bolivarian Republic of).

6. The previous Chair of the Committee had participated in the thirtieth and thirty-first meetings of the Chairs of the human rights treaty bodies, which had culminated in the adoption of a position paper on the future of the human rights treaty body system. The Committee had been supportive of the treaty body

strengthening process and had continued to harmonize and strengthen its working methods in line with the recommendations of the meetings of the Chairs. The resources provided for the functioning of the treaty body system did not keep pace with the growing importance of the system. There had been a risk of session cancellations owing to the cash flow problems caused by the failure by some Member States to pay their assessed contributions to the regular budget. The General Assembly should seriously consider the matter and ensure that the necessary time and resources were provided for the Committee to effectively discharge its mandate.

7. The Committee continued to benefit from the essential support of civil society organizations, national human rights institutions, United Nations specialized agencies and United Nations country teams. The Committee had achieved some good results in its efforts to seek strategic partnerships, as evidenced by the number of side events and speaking engagements to which Committee members had been invited during the reporting period. It had also undertaken joint initiatives with the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women, the Special Rapporteur on the human rights of migrants, the Working Group on Arbitrary Detention, the International Organization for Migration, the United Nations Children's Fund, the United Nations Entity for Gender Equality and the Empowerment of Women and civil society actors.

8. Following its twenty-ninth session, the Committee had adopted a concept note and issued a call for inputs from stakeholders for the development of a new general comment on the rights of migrant workers and members of their families to freedom from arbitrary detention. Committee members had been promoting the Convention and the human rights of migrant workers by participating in conferences, meetings, workshops and side events of United Nations entities and other international organizations, providing advice to States parties on treaty implementation and the reporting process, and contributing to publications on the human rights of migrant workers and other migration-related issues.

9. At its thirtieth session, the Committee had held a meeting with representatives of States members of the Economic Community of West African States (ECOWAS), following which the Committee had sent letters to all ECOWAS States that were signatories to the Convention and all ECOWAS States that were not parties to the Convention requesting them to consider either ratifying or acceding to the Convention. From 12 to 14 September 2019, at the invitation and with the

financial support of the Government of Azerbaijan, the Committee had held its first regional meeting outside Geneva.

10. The potential of the Convention to bring about change at the national and international levels had not been exploited to the fullest, owing largely to the lack of ratification by States of destination. It was incomprehensible that, in a world that was seeing some of the largest migratory flows in history, there remained a lack of political will to ensure that appropriate priority was given to the protection of the human rights of migrants. Although the Global Compact was a non-legally binding cooperation framework, it was nonetheless based on the international human rights treaty framework. The Committee therefore hoped that States would undertake to implement those commitments in line with their international human rights treaty obligations. All States that had not yet done so should ratify the Convention to ensure that migrant workers and members of their families enjoyed the same protection from discrimination and human rights abuses as other groups in vulnerable situations.

11. **Ms. Sánchez García** (Colombia) said that, during the presentation of the third periodic report of Colombia to the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, the challenges faced by her country in dealing with massive migratory movements, primarily on the borders with Venezuela and Ecuador, had been highlighted. To date, 32 per cent of recent migrants from Venezuela (more than 1.4 million people) had arrived in Colombia. The Committee had recognized the efforts of her Government to ensure the provision of services to the migrant population. Colombia would continue to implement its strategy for addressing migration from Venezuela and other measures with a view to protecting the rights of migrants and their full integration. The children of Venezuelan fathers who were at risk of statelessness would be recognized as Colombian citizens. The Committee had noted that the constitutional and legislative framework included provisions to combat discrimination and xenophobia. It had also recognized the efforts of Colombia to assist its nationals abroad and highlighted the progress made towards improving and increasing consular services.

12. **Mr. Roijen** (Observer for the European Union) said, with regard to the decision of the Committee to establish a working group on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Global Compact for Migration (decision 30/6), his delegation would be interested to learn more about the focus and goals of the comparative analysis of the

Convention and the Global Compact to be conducted by the working group and about the possible drafting of a general comment.

13. **Ms. Inanç Örnekol** (Turkey) said that, as a country that had a considerable number of migrant workers abroad and that hosted a large number of foreign workers, Turkey attached importance to the work of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. Her country had been a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families since 2004. Turkey had made significant contributions to the negotiations on the Global Compact for Migration. To address the challenges that accompanied the rising number of migrants around the world, the framework set out in the Convention should be duly taken into consideration by all States. While the relevance of the Convention remained undisputed, there was a need not only to increase the number of States parties but also to enlarge their geographical coverage. She asked what more could be done to address the challenges and barriers to the ratification of the Convention. She also asked whether sufficient mechanisms were in place within the United Nations to protect the human rights of migrants.

14. **Ms. Mehdiyeva** (Azerbaijan) said that her Government was grateful that the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families had accepted its invitation to an informal meeting in Baku; the meeting had taken place in September 2019. The Constitution of Azerbaijan guaranteed the rights and liberties of everyone without discrimination, and the Labour Code provided that foreigners and stateless persons enjoyed the same rights as citizens. Migrants were provided with free language and culture courses and training on their rights and obligations under national law. The Government had ensured that national laws were consistent with the provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Azerbaijan was currently preparing its third periodic report to the Committee. Her Government hoped that the Committee's recent visit to Baku had given it an insight into the experience of Azerbaijan in hosting communities of migrants and integrating them into the labour market, and that the fruitful cooperation in identifying and closing existing gaps and inconsistencies would continue.

15. **Mr. Salah** (Libya) said that his country complied with all of its international obligations and intended to accede to further international human rights treaties,

provided that they did not conflict with Libyan cultural and social values and Islam. In its concluding observations on the initial report of Libya (CMW/C/LBY/CO/1), the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families had expressed concern that Law No. 6 (1987) regulating the entry, residence and exit of foreign nationals and Law No. 19 (2010) on combating irregular migration were not consistent with the Convention, as they required all non-nationals to obtain a valid visa. It was not clear which articles of the Convention required States parties to allow non-nationals to enter and reside in their territory without permission or a valid visa, in violation of domestic legislation. Indeed, several provisions of the Convention established the State's right to regulate the entry and residence of non-nationals. For example, it was explicitly stated in article 5 that migrant workers were considered as documented or in a regular situation if they were authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State was a party. Similarly, article 79 provided that nothing in the Convention would affect the right of each State party to establish the criteria governing admission of migrant workers and members of their families.

16. **Mr. Habib** (Indonesia) said that the protection of migrants, in particular women migrant workers, was a top priority of his Government. Indonesia had nearly 4 million migrant workers overseas, and the number of Indonesian women migrant workers was usually double that of men. Indonesia had supported the adoption of the Global Compact for Migration and the establishment of the International Migration Review Forum. However, given that the first Forum would not be convened until 2022, the momentum must be sustained. Recognizing that many women migrant workers, especially those working in the domestic and informal sectors, were vulnerable to exploitation and violence, Indonesia and the Philippines were jointly facilitating the draft resolution on violence against women migrant workers to be considered at the current session. His delegation fully supported the draft resolution to be presented by the delegation of Mexico on the protection of migrants. While his delegation welcomed the fact that more Member States had taken measures to improve their domestic laws on the protection of migrant workers and their families, it was also important to increase the number of States parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Having just been elected as a member of the Human Rights Council for the period 2020–2022, Indonesia would remain

committed to contributing constructively to deliberations pertaining to the human rights of migrants.

17. **Mr. Ünver** (Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families) said that, having reviewed the third periodic report of Colombia at its most recent session, the Committee welcomed the improvements made in Colombia. The Government of Colombia had faced big challenges owing to the developments in that part of the world. The Committee had provided recommendations in its concluding observations (CMW/C/COL/CO/3) and hoped to improve cooperation with Colombia.

18. A member of the Committee was participating in the working group on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Global Compact for Migration. Although not a legally binding instrument, the Global Compact complemented the Convention. The aim was to align the principles of the Convention with those of the Compact. The Committee hoped that the adoption of the Global Compact would lead to more accessions to the Convention.

19. There were two challenges to the implementation of the Convention: the first was the difficulties faced by States parties in compliance, and the second was the low number of ratifications. The Committee, together with United Nations treaty bodies and other institutions, was working to promote ratification and, despite the many years that had passed since the adoption of the Convention, remained optimistic that more States would ratify it.

20. The Committee was grateful to the Government of Azerbaijan for its hospitality during the regional meeting. It welcomed the improvements made by the Government to national laws. The Committee was working with Azerbaijan to convince other States in the Caucasus and Central Asia to accede to the Convention.

21. Every country had the right to adopt and implement its own legislation, as established in article 79 of the Convention. However, irregular migrants or migrants without visas or residence permits should not be criminalized.

22. He was aware of the situation in Indonesia, in particular the severe threats faced by female Indonesian migrants in various countries. The Committee commended the positive improvements made by the Government of Indonesia in that regard.

23. **Mr. González Morales** (Special Rapporteur on the human rights of migrants), said that, in his recent report to the Human Rights Council on the impact of

migration on migrant women and girls (A/HRC/41/38), he had stressed that existing discriminatory social and cultural norms and policies continued to contribute to the specific situations of vulnerability of migrant women and girls throughout all stages of the migration process. He had conducted a second study of that topic with the aims of identifying good examples of gender-responsive migration legislation and policies and providing recommendations to States.

24. In preparing his report to the General Assembly (A/74/191), he had sent questionnaires to Member States and other relevant stakeholders. He was grateful to the 27 States that had responded and welcomed the observations and information shared by 14 national human rights institutions, 14 civil society organizations, 2 United Nations entities and 1 regional intergovernmental human rights organization.

25. Migration was never a gender-neutral phenomenon. To comply with international human rights law, in particular with respect to the elimination of all forms of discrimination and the promotion of gender equality in the area of migration governance, States should develop gender-responsive migration policies. However, there was no internationally agreed definition of “gender responsiveness”. A gender-responsive policy essentially ensured that the needs of all individuals were equally addressed. In the context of migration governance, recognizing and responding specifically to the needs of women and girls through migration policies was the most effective way to ensure equitable and positive migration outcomes.

26. Some States had adopted initiatives to support the integration of migrant women in their countries of destination by providing services that addressed their gendered needs and the specific challenges they might face. For example, some States granted resident visas to the parents of a child born in the country on the basis of their relationship to their child, who was granted citizenship by birth. However, the majority of gender-sensitive initiatives had been adopted quite recently, and some had been only partially implemented. Challenges also remained with regard to fully gender-responsive migration legislation, policies and practices and their implementation.

27. States seemed to have made limited advances in collecting data disaggregated by gender and age in the context of international migration, in particular data on the migrant population in detention. The current knowledge of international migration was still limited by data gaps, the lack of reliable data and the irregularity of data collection.

28. Gender responsiveness in national migration governance was best achieved when situated within broader human rights-based and gender-responsive policies and commitments towards the achievement of gender equality. With a view to increasing the gender responsiveness of national laws and policies related to migration governance, he urged States to sign and ratify the relevant international human rights treaties, including, in particular, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

29. Gender-responsive approaches in migration legislation and policies should remain a priority at all levels. The adoption of the Global Compact for Migration had advanced global recognition among States in that regard. He was committed to assisting Member States, including through enhanced interaction and cooperation with the United Nations Network on Migration, to ensure a human rights-based, gender-responsive and child-sensitive implementation of the Global Compact.

30. In light of the increasing number of reports of hate speech and incitement to discrimination, hostility and violence, he had issued an open letter together with other independent United Nations human rights experts, in which they had called on States and social media companies to take action to curb the spread of hate speech. States should adopt policies that protected the rights to equality and non-discrimination, the freedom of expression and the right to live a life free of violence through the promotion of tolerance, diversity and pluralistic views.

31. The year 2019 marked the twentieth anniversary of the mandate of the Special Rapporteur on the human rights of migrants. On 12 and 13 November 2019, a commemoration event would be held in Mexico City to reflect on the impact and achievements of the mandate over the past 20 years and on the existing challenges to the full and effective protection of the human rights of migrants.

32. **Mr. Roijen** (Observer for the European Union) said that lifting gender-specific barriers to the access of regular migrants to the labour market was a vital step in promoting and protecting their human rights. He asked what the biggest challenges were to lifting such barriers and what role international cooperation played in overcoming them. In many cases, accurate and disaggregated migration data were not available. He asked what could be done to overcome that data deficit and how Member States could cooperate with the

private sector and civil society to make such data available.

33. **Mr. Skoknic Tapia** (Chile) said that, in recent years, more than 1.2 million people had migrated to his country, representing more than 7 per cent of the population. His Government had adopted measures to support the fundamental rights of pregnant women and children in relation to their health. The Government guaranteed health care for women during the prenatal and post-partum periods and up to 12 months after birth, and for children and adolescents up to the age of 18 years. Many women who embarked on a migratory journey to Chile did so when they were pregnant, which could lead to their children being born in transit. He asked what measures should be taken to protect such women and their future newborns. He also asked what measures should be taken to protect children who were born stateless.

34. **Ms. Fréchin** (Switzerland) said that her country welcomed the recent publication by the Special Rapporteur and other mandate holders of an open letter on concerns about the alarming increase in hate speech and discrimination against migrants. Switzerland supported the Committee on the Elimination of All Forms of Discrimination against Women in its efforts to draft a general recommendation on the treatment of women and girls in the context of global migration and encouraged the Special Rapporteur to contribute to that process.

35. In the light of the need for reliable data on migration, her country was supporting an innovative project involving the collection of data disaggregated by gender on migratory movements. All stakeholders should explore innovations with the aim of contributing to gender-sensitive migration policies. It was important to recognize the leadership and the voices of women in the global discourse on migration. Migrant women played a key role in protection and access to employment.

36. She asked what the role and the objectives of the Special Rapporteur were in the context of the twentieth anniversary of his mandate and what his priorities were for the forthcoming year. She also asked in which areas his mandate could bring about change in the future.

37. **Mr. Christodoulidis** (Greece) said that, having been confronted with an unprecedented migratory and refugee crisis in recent years, his country was striving to effectively manage migratory and refugee flows in a humane and dignified way, while at the same time focusing on the protection of the most vulnerable. His Government had adopted a gender-responsive approach to migration, which focused not only on protecting the

human rights of migrant women and girls, but also on their empowerment.

38. The new Act on the promotion of substantive gender equality, adopted in March 2019, set out a holistic approach for the mainstreaming of gender across all national policies, including those on migration; the national code on immigration and social integration safeguarded the principle of non-discrimination based on sex, age, origin or religion, placing particular emphasis on the protection of migrant women and girls; the national action plan on gender equality prioritized the protection of all human rights of migrant women and girls and their enhanced participation in social and public life; and the new national action plan on preventing and combating trafficking in persons and protecting its victims promoted a comprehensive and victim-centred approach to the security and protection of the human rights of migrants, including women and girl migrants. Effective gender-responsive migration management required coordinated action and comprehensive, holistic and gender-sensitive solutions based on solidarity and fair burden-sharing among States.

39. **Ms. Fangco** (Philippines) said that the protection of the human rights of migrants, regardless of their migration status, was of the utmost importance for her country. Migrants constituted about 10 per cent of the population, and remittances comprised about 10 per cent of the country's gross domestic product on average. The Philippines recognized the links between migration and sustainable development and the benefits of migrant workers. The availability of migrant household service workers, for example, freed up women for valuable economic participation that promoted gender equality and the empowerment of women in destination countries. Women migrant workers regrettably continued to experience discrimination, exploitation, abuse and violence. She asked whether the gender-responsive and multi-stakeholder approaches promoted by the Global Compact for Migration had had an impact on the ground since its adoption. Her delegation would also be interested to learn of good practices adopted by States in lifting gender-specific barriers to the labour market.

40. **Ms. Sánchez García** (Colombia) said that, through its income generation strategy for the migrant population from the Bolivarian Republic of Venezuela and host communities, Colombia had identified gender gaps that impeded the access of women to the labour market. To close those gaps, the strategy set out priority actions, including assessment of the living conditions of migrant women in Colombia, their levels of education and the obstacles to their insertion into the labour

market; investment in care infrastructure to enable women with children to access formal employment; and the establishment of support and guidance centres to provide a safe space for migrant women who had been victims of gender-based violence or who suffered discrimination based on sexual orientation or gender identity to receive psychosocial support. She asked what other good practices could be applied in the current migratory context.

41. **Mr. Driuchin** (Russian Federation) said that coping with the consequences of the migration crisis required joint efforts by all States under the coordination of the United Nations. The most effective way to solve migration problems and challenges was to address the root causes forcing people to leave their home countries, such as armed conflicts and political and economic instability. The Global Compact for Safe, Orderly and Regular Migration was a compromise document, was not legally binding and did not impose any legal or financial obligations upon the States that had supported it.

42. **Mr. González Morales** (Special Rapporteur on the human rights of migrants) said that, in the two years that he had served as Special Rapporteur, he had witnessed the adoption or strengthening of significant multilateral initiatives on migration in various regions and at the United Nations, such as the New York Declaration for Refugees and Migrants, the Global Compact for Migration and the United Nations Network on Migration. Such initiatives were without prejudice to the role of each State in the design and execution of its own migratory policies. However, given the current characteristics of migration, it was crucial to ensure coordination among States.

43. After many years of significant challenges in migration across all continents, he hoped that a positive response to that very complex situation would emerge. That was a goal and priority of his mandate in the context of the twentieth anniversary of its establishment. The meeting to commemorate the anniversary, to be held in Mexico in November 2019, would hopefully provide an opportunity to reflect on the current situation, to take stock of the work of the Office of the Special Rapporteur over the past 20 years and to consider what could be done to strengthen its work and its links with States and other stakeholders.

44. Discrimination against women and discrimination against migrants were intersecting forms of discrimination. It was therefore important to ratify both the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Protection of the Rights of All

Migrant Workers and Members of Their Families. States had adopted a number of initiatives in the area of protecting the human rights of women and girl migrants, many of which had been adopted very recently and had only just begun to be implemented. It was very important to translate those measures into concrete action and migrant policies that had a gender perspective as a central element.

45. The need for data had been underscored in the Global Compact. Although that need was broadly acknowledged, effective measures were required. The need for such data was linked to the issue of access to information. It was not only State institutions that should have access to information on the situation of migrants, including women migrants; civil society, academia and other actors should also have such access to enable them to contribute to the development of public migration policies.

46. In his report, he had highlighted the positive measures taken in Chile to protect the right to health of migrant women. In various Latin American countries, there was confusion with regard to what was meant by a “person in transit”. With regard to the recent events in Colombia, he stressed the need to grant nationality to children born in Colombia to Venezuelan migrants who otherwise would be stateless. In some countries, children born to pregnant women in transit would not have the right to nationality. A woman who either had arrived in the host country while pregnant or was pregnant while in transit and who had effectively settled in the host country should not be considered to be in transit, and nationality must be granted to children born in that context.

47. With regard to combating hate speech against migrants, beyond simply not adopting such rhetoric, States should promote greater tolerance towards migrants and recognition of their contribution to society in the host countries.

48. Another priority of his mandate was to combat the criminalization of migration, including irregular migration. He had heard of many cases in which people were seen as irregular migrants from a legal standpoint when in fact many of them were asylum seekers and should be granted refugee status. The Office of the United Nations High Commissioner for Refugees had observed that, although many people on the move in various regions of the world should be granted refugee status and other forms of international protection, often that did not happen, either because States had restrictive refugee policies or because they had not allocated sufficient resources for the lengthy process required.

49. The adoption of the Global Compact was an important, unprecedented step as an international response to migration. Its implementation was still in the initial phases. Some States had adopted initiatives to design specific activities or migrant policies that were consistent with the provisions of the Global Compact, but they were isolated initiatives. It was therefore very important to ensure the participation of the United Nations Global Network on Migration. He had convened a working group of special rapporteurs and other independent experts with an interest in migration issues to ensure their ongoing involvement in the Network.

50. In his report, he had analysed measures to lift gender-specific barriers to the labour market, many of which could be adopted with a broader outlook that would benefit all women, both nationals and foreigners. For example, childcare should be available so that all women, both nationals and migrants, could have access to the labour market. It was clear that additional measures would be necessary for migrant women. For example, those who had been victims of violence in their country of origin, in particular gender-based violence, might face risks to their lives if they were deported. Yet sometimes they also became victims of violence in the host country, and they would not necessarily try to take legal action if they feared deportation. Migrant women victims must therefore have access to justice with protection from deportation. Measures to ensure access to health and reproductive care for all migrants and to education for the children of migrants were also important. The status of migrant women must be further strengthened to ensure that they did not fear that sending their children to school or going to hospitals would result in their deportation.

51. Given the volatility of migratory policies in many countries, it was important to make such policies consistent. The international community had an important role to play in terms of developing implementation standards and strengthening international cooperation and dialogue on the matter.

52. **Mr. Shaheed** (Special Rapporteur on freedom of religion or belief), introducing his interim report (A/74/358), said that violence, discrimination and expressions of hostility driven by antisemitism were serious obstacles to the enjoyment of the right to freedom of religion or belief and a range of other human rights. The frequency of antisemitic incidents appeared to be increasing in several countries, including online. Such incidents, together with discriminatory acts perpetuated by individuals or advanced by State laws and policies, had fostered a climate of fear among Jewish populations.

53. His report was the outcome of consultations in nine countries with victims of antisemitic acts, representatives of Jewish communities, human rights monitors and advocates, academics, legal experts and security officials, and of the responses received to his call to Member States and civil society organizations to submit information. In the report, he had explored the classic narratives and tropes employed to express antisemitic views; identified the vehicles used to disseminate those views; and demonstrated the global nature of the problem.

54. While the ethnic, religious and racialized narratives and tropes used to incite hostility, discrimination and violence against Jews throughout history continued to inform antisemitic views, virulent expressions of such views were ubiquitous owing to social media platforms and networking tools, which enabled their instantaneous and extensive dissemination. The responses of Governments to antisemitic acts and speech were varied, with government officials denouncing antisemitic expression at the highest levels in some cases, while remaining silent in others. Under international human rights law, States were required to prohibit discrimination based on religion or belief, including against Jews, and to take all appropriate measures to combat intolerance and violence on such grounds, including where such acts were committed by private persons.

55. Against that backdrop, he had offered recommendations to States, civil society actors, the media and the United Nations system, centred on a human rights-based approach to combating antisemitism. Among his recommendations were that social media companies should enforce terms of service and community rules that did not allow the dissemination of hate messages and offered user-friendly mechanisms and procedures for reporting and addressing hateful content. He had called upon the Secretary-General to appoint a senior-level focal point in his Executive Office to coordinate system-wide efforts to combat antisemitism. He had also recommended that the working definition of antisemitism adopted by the International Holocaust Remembrance Alliance be used by all States as a critical non-legal tool in education and awareness-raising and for monitoring and responding to manifestations of antisemitism.

56. The purpose of the report was to contribute to constructive dialogue that grappled with the various manifestations of antisemitism and recognized that antisemitic views and the acts they engendered must be urgently and effectively combated in order to promote social cohesion and lasting peace for all.

57. **Mr. van Oosterom** (Netherlands) said that his Government was grateful to the Special Rapporteur for visiting the Netherlands earlier in 2019. Later that year, on 18 and 19 November, the Netherlands would host the seventh meeting of the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief.

58. His Government strongly condemned the application of the death penalty, which was still being used against people of different religions and faiths and against people who were not religious. Freedom of religion or belief should not be used as an argument to limit the human rights of certain groups, especially women and lesbian, gay, bisexual, transgender and intersex persons. His Government disagreed with those who abused religion in order to limit the sexual and reproductive health rights of women.

59. States should remove all undue restrictions imposed on freedom of religion or belief and freedom of expression, including blasphemy laws. He asked how blasphemy laws that restricted both the freedom of expression and the freedom of religion and belief could be addressed.

60. **Ms. Bogyay** (Hungary) said that her Government had adopted a zero-tolerance policy towards all forms of antisemitism, a policy that was bolstered by legislative measures, Holocaust education and remembrance, and support for Jewish culture and organizations. The Constitution and civil laws protected against incitement to violence against a community, both online and offline, and the Criminal Code banned public Holocaust denial.

61. Hungary took a leadership role in uniting efforts to support persecuted Christians and other religious communities. The Hungary Helps programme had helped thousands of displaced families in the Middle East and sub-Saharan Africa, including those belonging to the Yazidi community of Northern Iraq. Hungary had also participated in the independent international fact-finding mission on Myanmar to find ways to support Rohingya refugees in Bangladesh.

62. **Ms. Furman** (Israel) said that antisemitism was not a problem for Jewish communities alone but posed a deep-seated threat to democratic societies. One reason for the rise in antisemitism in recent years was the Internet and social media. Antisemitic hate speech was particularly prevalent online, where people could express and incite hatred without having to deal with the consequences of their words. The casualness with which hate speech was expressed must be stopped. Highlighting the recommendation made by the Special Rapporteur to social media companies, she asked

whether he was optimistic that his recommendations would be implemented and what Member States could do to help in that regard.

63. **Mr. Potter** (Ireland) said that, in the light of the approaching seventy-fifth anniversary of the liberation of Auschwitz-Birkenau, Ireland was deeply concerned by the increased incidence of antisemitism. His Government condemned antisemitism and all other forms of religious intolerance in their entirety and urged States to ensure that their national laws did not support religious discrimination or infringe upon the freedom of religion or belief. It was only by tackling the root causes of religious intolerance and discrimination that that scourge could be eliminated. He asked how States could facilitate effective civil society coalition-building to address religious intolerance and discrimination in a holistic manner.

64. **Mr. de Souza Monteiro** (Brazil) said that, in line with its commitment to religious freedom, his country stood firmly in support of Jewish communities worldwide. Jewish Brazilians had made decisive contributions to all aspects of Brazilian society. All religious expression should be equally protected, as should the freedom not to have any religion. The rise in persecution, discrimination and violence against religious groups around the world was of great concern, including the persecution suffered by Yazidis and Rohingya and other Muslim groups and the destruction of churches and historic sites in many countries, such as Sri Lanka.

65. Brazil had joined the group of countries that had submitted the General Assembly resolution proclaiming 22 August the International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief, which had been marked by the first-ever Arria formula meeting on religion, peace and security. During the second Ministerial to Advance Religious Freedom, held in Washington, D.C., in July 2019, Brazil had announced the establishment of a new national committee on religious freedom and belief and the adoption of measures to ensure the continued full exercise of religious freedom in the country for all faiths. Brazil had joined, as a founding member, the International Religious Freedom Alliance proposed by the United States during that meeting.

66. **Ms. Alsulaiti** (Qatar) said that the elimination of all forms of religious intolerance was a national priority for her country. Her delegation condemned all forms of discrimination based on religion, gender or race. Qatar was committed to promoting interfaith dialogue at the national and international levels. The Doha International Centre for Interfaith Dialogue was actively

engaged in fostering constructive dialogue between followers of different religions in order to ensure better understanding of religious principles and teachings, based on mutual respect, recognition and acceptance of differences. The fourteenth Doha Interfaith Dialogue Conference would take place in March 2020 on the theme “Religions and hate speech ... practice and scriptures”. Qatar had provided funding to support the establishment of the Hamad bin Khalifa Civilization Centre in Copenhagen, Denmark, which aimed to promote peaceful coexistence between religions. The State of Qatar welcomed on its territory a large number of residents of different religions and cultures, all of whom enjoyed the freedom to practise their religious rites without discrimination.

67. **Ms. Wacker** (Observer for the European Union) said that European Union institutions and member States had adopted concrete measures to combat the threat of antisemitism, such as the appointment of a Coordinator on Combating Antisemitism. In his report, the Special Rapporteur had outlined practical recommendations that were consistent with the declaration on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe, adopted by the European Council in December 2018. The non-legally binding working definition of antisemitism developed by the International Holocaust Remembrance Alliance was a useful guidance tool for law enforcement authorities in their efforts to identify and investigate antisemitic attacks more efficiently and effectively. The European Union therefore fully supported the call to adopt that definition. A meeting on education about Jewish life, antisemitism and the Holocaust would be held in Brussels in December 2019.

68. The European Union would welcome the appointment of a senior-level focal point in the Executive Office of the Secretary-General, as recommended by the Special Rapporteur, which would be a similar position to the Coordinator on Combating Antisemitism. She asked how to better structure dialogue with Jewish organizations and their allies in combating antisemitism together with the United Nations and its agencies and committees, including the Human Rights Committee.

69. **Mr. Christodoulidis** (Greece) said that, over the past decades, his country had managed to effectively address antisemitism through education, training and the implementation of laws to combat racism. The inauguration in 2018 of the Holocaust Museum of Greece by the President of Israel and the Prime Minister of Greece had been an important event. The Museum served the following purposes: to pay homage to the loss

of Jewish life in Greece during the Holocaust; to celebrate 2,000 years of Jewish presence in the city of Thessaloniki; and to enable new generations to understand how past lessons could help to shape the future. Greece would hold the presidency of the International Holocaust Remembrance Alliance for the year 2021.

70. **Ms. Duda-Plonka** (Poland) said that her country had been one of the initiators of the General Assembly resolution designating 22 August as the International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief. At the national level, a ministerial plenipotentiary on freedom of religion had been established within the Ministry of Foreign Affairs. In October 2019, Poland had hosted the annual Warsaw Dialogue for Democracy, the theme of which had been “Freedom of religion as a pillar of democracy”.

71. Sharing the concern expressed about the rise of antisemitism worldwide and recognizing the need to find workable solutions to combat it, Poland had provided detailed answers to the questionnaire sent by the Special Rapporteur to Member States. Her Government took any case of alleged racism, antisemitism or discrimination very seriously and attached importance to effective preventive measures, such as training for the judiciary and police and measures to address antisemitism in educational environments. Poland was one of the few countries in which teaching about the Holocaust was compulsory at all levels of education.

72. In the light of the worrying cases of discrimination against and persecution of Christian minorities that had recently been observed around the world, she wondered whether the Special Rapporteur was considering the preparation of a report on discrimination against religious minorities.

73. **Ms. Nicolae** (Romania) said that, when her country had chaired the International Holocaust Remembrance Alliance in 2016/17, the most important outcome had been the adoption by the plenary of the working definition of antisemitism. The Romanian Chamber of Deputies had adopted that definition and an Act on combating antisemitism in June 2018. Her Government attached great importance to the harmonious cohabitation of religious minorities and to interfaith dialogue and its role in preventing conflicts. The visit of Pope Francis to Romania in 2019 had served as an opportunity to demonstrate the solid relationship between the State and religious denominations in the country. During its recent presidency of the Council of the European Union, Romania had established combating hate speech and extremism and combating

racism, intolerance, xenophobia, populism and antisemitism as top priority themes. A conference entitled “The positive dimension of religious freedom – how can Governments support religious organizations?” had been organized in Bucharest on 6 and 7 June 2019, at which the European Union Special Envoy for the promotion of freedom of religion or belief outside the European Union, religious leaders, academics and others had participated.

74. **Mr. Leiro** (Norway), speaking on behalf of the Nordic and Baltic countries, said that the tragic events in Halle, Germany, earlier that month should serve to boost the determination of the international community to combat antisemitism. The Nordic and Baltic countries expressed their sympathy to the victims and their families, and their solidarity with Germany in its efforts to prevent such incidents from recurring.

75. Antisemitic sentiments, misconceptions, prejudices and harassment or attacks were challenges faced by the Nordic and Baltic countries; measures to combat antisemitism had therefore been adopted in those countries, such as the Norwegian action plan against antisemitism, which had been mentioned by the Special Rapporteur in his report. In October 2020, 20 years after the Stockholm International Forum on the Holocaust, Sweden would host a high-level international forum on Holocaust remembrance and combating antisemitism.

76. Given the importance of understanding the underlying causes and drivers of antisemitism, the Nordic and Baltic countries accorded high priority to increased research. He asked how important research was in combating antisemitism and how international efforts could be strengthened to better coordinate such efforts. Considering that the lack of communication between civil society and United Nations human rights monitors inhibited the ability of United Nations entities to address antisemitic acts, he asked what civil society entities and the United Nations could do to improve the current situation. Noting that the Special Rapporteur was alarmed by information that some authorities had allegedly incited, engaged in or failed to respond to violent or threatening antisemitic acts, he asked how the United Nations could prevent and react adequately to such actions by authorities, including the failure to respond.

77. **Mr. Dunkel** (Germany) said that his country was deeply shocked by the antisemitic attacks on a synagogue in Halle, Germany, during Yom Kippur. His Government condemned such attacks of violence in the strongest possible terms, and its thoughts were with the families of the victims. Those despicable events

underlined the need to firmly counter Holocaust denial and distortion, and also any developments that fostered a climate of general intolerance towards the religion or belief of others. The attack had demonstrated the major role played by social media in exacerbating hate speech. With regard to recent attacks by violent extremists, such as those in Christchurch, New Zealand, Pittsburgh, United States, and Halle, Germany, and in Sri Lanka, his delegation would be interested to learn of best practices and measures that States could take to combat the spread of hate speech and conspiracy theories online.

78. **Mr. Mack** (United States of America) said that the world had unfortunately witnessed recent violent incidents of antisemitism, including within the United States. He paid tribute to those who had perished in the despicable killings at synagogues in Pittsburgh and San Diego. All States bore responsibility in countering the radical ideologies that motivated such crimes and in providing accountability for acts of intimidation and violence based on religion or belief.

79. In Iran, members of minority religious groups, including Christians and Baha'i, continued to suffer from harassment and arbitrary arrests by the Government, and blasphemy, apostasy in Islam and the proselytizing of Muslims by non-Muslims were crimes punishable by death. The Iranian Government should embrace religious tolerance, respect and diversity.

80. In China, the State perpetrated egregious human rights violations and abuses against members of all faiths, often under the guise of countering so-called religious extremism or terrorism. Particularly troubling were the detention of more than 1 million Muslims in the Xinjiang Uighur Autonomous Region since April 2017 and the reports of forced labour, torture, sexual violence and deaths in the camps. The Chinese Government should close the camps, release all those who were arbitrarily detained and respect the rights of Muslims in Xinjiang, as well as the rights of the members of all religious minority groups throughout the country. He asked whether the Chinese Government had agreed to grant the Special Rapporteur access to Xinjiang to carry out an independent assessment, and what more could be done to address the situation.

81. **Ms. Bartel** (Austria) said that Austria had been one of the first countries to officially adopt at the governmental level the working definition of antisemitism of the International Holocaust Remembrance Alliance. Her Government had also sought to strengthen the implementation of the recommendations of the Alliance in the areas of education, especially with regard to the training of judicial and police personnel. The United Nations

Strategy and Plan of Action on Hate Speech had a key role to play at the international level. Effective global measures were vital for tackling the spread of messages of hatred. She asked what mandate was envisaged for the proposed focal point in the Executive Office of the Secretary-General. Austria supported the call for closer cooperation between different United Nations actors and mechanisms. She asked how the Special Rapporteur, as a member of the United Nations Alliance of Civilizations, envisaged cooperation with the United Nations High Representative for the Alliance, who was the newly designated focal point for matters related to the United Nations Plan of Action to Safeguard Religious Sites.

82. **Mr. Roscoe** (United Kingdom) said that, over the past two years, his Government had made freedom of religion or belief a central part of its human rights policy and its international advocacy. In September 2019, it had appointed a new Special Envoy of the Prime Minister on freedom of religion or belief, who would serve to support ministers on the issue of religious freedom. The United Kingdom stood up for members of religious minorities all over the world, including the more than 1 million Uighurs detained in so-called re-education camps in China and the Baha'i in Iran and Yemen. The Government had launched an independent review of the persecution of Christians in December 2018 and since then had accepted all the recommendations made on the basis of the review and begun to implement them.

83. The Special Envoy of the Prime Minister had helped the Government to focus on delivering real action in the area of freedom of religion or belief and to make progress on many practical recommendations, such as those of the Special Rapporteur. He asked whether such envoys were useful allies of the Special Rapporteur and whether other countries should appoint their own.

84. **Ms. Joltopuf** (Canada) said that, following the attacks in Halle, Germany, earlier that month, her country was determined to combat antisemitism together with Germany and the rest of the world. No country was immune to that scourge. Her Government had therefore considered it important to welcome the Special Rapporteur to Canada to enable him to consult Jewish communities for his report. With the seventy-fifth anniversary of the liberation of the Auschwitz Birkenau German Nazi concentration and extermination camp and the twentieth anniversary of the adoption of the Declaration of the Stockholm International Forum on the Holocaust approaching in 2020, the international community should reflect on the resurgence of antisemitism and resolve to eradicate it. To do so,

antisemitism must be clearly defined. Canada had adopted the definition of the International Holocaust Remembrance Alliance for its strategy on combating racism. She asked the Special Rapporteur to expand on his recommendation that States should adopt and use the definition of the Alliance.

85. **Mr. Geng Gai** (China) said that the delegations of the United States and the United Kingdom had made unfounded accusations against his country and were interfering in the internal affairs of China in violation of the spirit of dialogue and cooperation in the Third Committee.

86. His Government protected the religious freedom of its citizens. All people of all ethnic groups enjoyed full freedom of religion. In Xinjiang, there were 24,800 religious venues, including 24,000 mosques, and 29,300 members of the clergy. The educational and vocational centres had been set up in Xinjiang as part of effective measures to protect the rights to life and to development and other basic rights of people of all ethnic groups to the greatest extent possible. Religion and religious extremism were two completely different matters. China was firmly opposed to using religious extremism to instigate and perpetrate separatist and terrorist activities. His Government had invited diplomats, journalists and academics to visit Xinjiang and would welcome all people without prejudice to visit on the precondition of respecting Chinese law. The United States and the United Kingdom should abandon their prejudices, respect the facts and examine religious policies and religious freedom in China in an objective manner.

87. Certain countries had not adopted any countermeasures in the face of the rising intolerance, discrimination, hate speech and violent acts in the world. It was reported that 75 per cent of the Muslims living in the United States believed that there was a very high level of discrimination against the Muslim population and that the situation was worsening. In the United Kingdom, more than half of the Muslim population was experiencing discrimination. The Special Rapporteur should pay more attention to those issues.

88. **Mr. Driuchin** (Russian Federation) said that the desecration of synagogues and Jewish cemeteries was increasing; neo-Nazi movements promoting the ideology of racial supremacy were gaining strength; and attempts were being made to falsify the history of the Second World War and to reinterpret the decisions of the Nuremberg Tribunal. Antisemitism was increasing in Europe, as noted by the European Union Agency for Fundamental Rights and by credible non-governmental

organizations such as the World Jewish Congress. Antisemitism went hand in hand with other manifestations of intolerance and hatred, Christianophobia and Islamophobia. Christianity – the foundation of the new European civilization – was facing serious threats, with Christians and members of the clergy suffering physical violence and falling victim to discriminatory laws and law enforcement practices, and Christian holy places being desecrated and destroyed. Another cause for concern was the growing intolerance in Europe against Muslims, marked by a sharp rise in anti-Islamic sentiment among and violence committed by ultranationalists, the desecration of mosques and religious symbols, and the spread of hate speech through social media sites. The United Nations system should make every effort to protect Christians, Muslims, Jews and followers of other religions.

89. His delegation was concerned by the attempts of the representative of the United States to politicize the discussion by making baseless accusations. The United States should refrain from using the Committee to settle scores with its political opponents.

90. **Mr. Mozaffarpour** (Islamic Republic of Iran) said that Iran was home to the largest Jewish community in the Middle East after occupied Palestine. Islamophobia was gradually overtaking all other forms of bigotry owing predominantly to populist politicians and media complacency. It was becoming more difficult to practise as a Muslim and even to look like a Muslim. Muslim women and girls in particular were becoming easy targets of hateful and discriminatory attacks. Having a Muslim name in many instances resulted in less favourable treatment. The scapegoating of Islam and Muslims was resulting in the victimization of individuals and communities in many countries that routinely claimed the moral high ground on human rights. A typical case was the United States, whose politicians were inciting prejudice and intolerance against vulnerable people, including Muslim individuals and communities.

91. **Mr. Roscoe** (United Kingdom) said that it was absolute nonsense to imply that 50 per cent of Muslims in the United Kingdom were experiencing discrimination. The United Kingdom valued all its citizens, and their rights were enshrined in law, including their right to freedom of religion or belief and, in particular, their right to practise their religion or belief freely and openly in British society. Most of the mosques in Xinjiang were closed on Fridays, when people would like to pray. While the representative of China had invited many people to visit Xinjiang, China should begin by inviting the Special Rapporteur on freedom of religion or belief and the Special Rapporteur

on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

92. **Mr. Shaheed** (Special Rapporteur on freedom of religion or belief) said that he had reported to the Human Rights Council on how to address blasphemy laws in March 2019. There was a misunderstanding that the freedom of expression and the freedom of religion or belief were antagonistic to one another. However, the freedom of religion or belief could not be enjoyed without the freedom of expression, and those two freedoms should therefore be viewed as mutually reinforcing rights. Countries that had blasphemy laws must examine the human cost of those laws. The call to repeal blasphemy laws should not be interpreted as an invitation for people to insult one another; rather, freedom of expression ensured that all people could assert their equality and their freedoms. It should be well understood that blasphemy laws were toxic, and that they corroded social cohesion and undermined human rights.

93. Together with the United Nations Educational, Scientific and Cultural Organization (UNESCO), he would be organizing a workshop in Geneva to bring together different stakeholders to examine how antisemitism could be addressed through education. He hoped to hold similar workshops in other regions. UNESCO had developed guidelines on addressing antisemitism through education in 2018 and was preparing a pedagogical guide on addressing antisemitism in the classroom. It was important to begin with the classroom because that was where many children experienced antisemitic tropes for the first time. For example, textbooks in many countries propagated such tropes. States should also share their experiences and best practices. It was important to recognize that antisemitism was a global problem. On account of conspiracy theories, scapegoating, prejudice and bias, antisemitism was found even in communities in which there was not a single Jewish person. A starting point for the implementation of his recommendations would be to coordinate efforts with United Nations agencies and other stakeholders and to explore how to engage with other communities.

94. A good example of coalition-building among interfaith bodies was the Faith for Rights initiative, which had been developed by the United Nations to bring together people of all faiths and those of no faith to discuss how they could uphold the standards of the Universal Declaration of Human Rights at the global and regional levels. The meeting of the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief to be held in the Netherlands in

November 2019 would showcase many interfaith initiatives.

95. Appointing a focal point in the Executive Office of the Secretary-General was a good way to improve dialogue and coordinate efforts between the United Nations and bodies monitoring antisemitism. It was important to look beyond the past and the Holocaust to recognize the positive contributions currently made by Jewish people and the richness and diversity of Jewish life. He had recommended the adoption of the working definition of antisemitism developed by the International Holocaust Remembrance Alliance because the specificities of antisemitism must be clearly understood and mapped. That definition was a non-legal tool that could be very useful in identifying the ways in which antisemitism was most often manifested and that was a good starting point for education and awareness-raising. According to his mandate, believers and non-believers were equal, and he would continue to pursue his work along that line.

96. While he welcomed the fact that the delegation of China had said that people were welcome to visit Xinjiang, there appeared to be a disconnect between that statement and statements made outside the Third Committee. He hoped that an invitation would be extended to him.

97. **Mr. Geng Gai** (China), speaking in exercise of the right of reply, said that vocational training and education centres had been set up in Xinjiang to help those who were being influenced by extremist ideas to eliminate those influences and be reintegrated into society. People all around China had endorsed that practice. Xinjiang was currently developing steadily, with ethnic solidarity and social harmony. All rights of the people had been fully guaranteed. In recent years, there had not been a single incident of violent terrorism. Certain countries that had shown no concern while Xinjiang was being ravaged by violent terrorist and extremist forces had suddenly, when harmony and peace had been restored, become extremely concerned and begun to point an accusing finger, in a display of pure hypocrisy. When China invited them to visit Xinjiang, they shied away from the invitation. Such a smear campaign by a small number of Western countries could not write off the achievement of China in combating terrorism and radicalization in Xinjiang.

The meeting rose at 5.45 p.m.