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## Third Committee

### Summary record of the 31st meeting

Held at Headquarters, New York, on Friday, 20 October 2023, at 3 p.m.

*Chair:* Ms. Monica (Vice-Chair) ..... (Bangladesh)

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*In the absence of Mr. Marschik (Austria), Ms. Monica (Bangladesh), Vice-Chair, took the Chair.*

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

**Agenda item 71: Promotion and protection of human rights (continued) (A/78/198)**

**(a) Implementation of human rights instruments (continued) (A/78/40, A/78/44, A/78/48, A/78/55, A/78/56, A/78/240, A/78/263, A/78/271, A/78/281, A/78/324 and A/78/354)**

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**(c) Human rights situations and reports of special rapporteurs and representatives (continued) (A/78/54, A/78/204, A/78/212, A/78/223, A/78/244, A/78/278, A/78/297, A/78/299, A/78/316, A/78/326, A/78/327, A/78/338, A/78/340, A/78/358, A/78/375, A/78/511, A/78/526, A/78/527 and A/78/540)**

**(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued) (A/73/36)**

1. **Ms. Satterthwaite** (Special Rapporteur on the independence of judges and lawyers), introducing her report (A/78/171), said that the present vulnerability of independent justice operators was a matter of serious concern. Judges encountered administrative and disciplinary sanctions that interfered with their ability to complete their vital work and even, in some cases, faced threats to their lives. States had the responsibility to protect independent judges and guarantee their conditions of work, security of tenure and capacity to serve. The threats and harassment faced by lawyers, particularly those representing human rights defenders and political opposition figures, were also deeply troubling. States must take all necessary measures to

ensure that judges and lawyers alike were able to play their essential roles.

2. Data showed that formal legal systems alone were failing to ensure access to justice for the majority of people on the planet. Salient problems included a lack of awareness of relevant laws, the unaffordability or unavailability of legal support and, in the case of new and emerging issues, the absence of relevant laws. A growing number of Member States, civil society organizations and researchers agreed that solutions to those problems should be identified from the perspective of those experiencing justice problems through so-called people-centred justice approaches. One example that offered particular promise was legal empowerment, which could expand access to justice rapidly and relatively inexpensively through measures to support people's knowledge, use and shaping of the law. Legal empowerment could, in addition, drive progress towards achieving target 16.3 of the 2030 Agenda for Sustainable Development, to "promote the rule of law at the national and international levels and ensure equal access to justice for all".

3. **Ms. Lelisa** (Lesotho) said that her Government had recently increased the annual budgetary allocation for its judiciary and had appointed seven judges to the high court. Lesotho would continue to support the Special Rapporteur's mandate and the achievement of target 16.3 of the 2030 Agenda for Sustainable Development.

4. **Ms. Keogh** (Representative of the European Union, in its capacity as observer) said that she would be interested to learn which issues the Special Rapporteur intended to address next under her mandate. As to the report currently before the Committee, she said that she had read with interest how community justice workers could support the achievement of target 16.3 and would therefore welcome specific examples of multi-stakeholder and community-based efforts to that end. Noting the information in the report on the role that lawyers and judges could play in legal empowerment, she would be grateful for further details about the relevance of the impartiality and independence of the judiciary in that regard.

5. **Mr. Oehri** (Liechtenstein) said that his Government shared the concerns expressed by the Office of the United Nations High Commission for Human Rights (OHCHR) about the recent arrest warrants issued by the Russian Federation for senior judges of the International Criminal Court. He would be grateful if the Special Rapporteur would comment on how Member States could respond to such actions and ensure that judges were able to perform their vital duties

without interference or intimidation. Additional information on how corruption related to barriers to justice would be welcome.

6. **Ms. Fernández** (Chile) said that her country had identified a lack of legal education to be a barrier to legal empowerment. She would therefore be grateful for information about specific measures that States could adopt to improve legal education, especially for vulnerable groups such as children, women, Indigenous Peoples and migrants.

7. **Ms. Sánchez García** (Colombia) said that the concept of “legal empowerment” neatly encapsulated the ideals of guaranteeing access to, the availability of and information about justice. Further details about the connection between legal empowerment and Sustainable Development Goal 16 would be welcome.

8. **Ms. Sandiori** (Indonesia) said that she would be grateful if the Special Rapporteur, mindful of the variation in resources available to Member States, would share guidance on how best to implement her recommendations on ensuring effective legal assistance under domestic law.

9. **Mr. Breen** (United States of America) said that respect for the rule of law and an independent judiciary was manifest in the freedom of judges to rule without fear of retribution. The predetermination of judges’ decisions by government officials in many parts of the world was regrettable. Amid the increase in attempts to limit the independence of the judiciary, he would be interested to hear the Special Rapporteur’s views on how States might support efforts to increase public awareness of the importance of the judiciary in the protection of human rights.

10. **Mr. Kuzmenkov** (Russian Federation) said that his delegation, agreeing that citizens must be afforded access to an independent and impartial judicial system, wished to ask the Special Rapporteur to look closely at the situation in Ukraine where, following the unconstitutional coup d’état in 2014, the Kyiv authorities had begun persecuting those who stood by their political convictions and spoke out against the severing of ties with Russia. The repression had intensified in recent years. Many civil activists had been imprisoned under false allegations by the Ukrainian security forces and detained in inhumane conditions, subjected to torture and beaten into false confessions. Where cases were heard in court, the subservient Ukrainian courts sentenced innocent people to long stints in prison. The situation was unacceptable.

11. Noting the comments by the United States about other countries’ judicial systems, he encouraged the

delegation to consider its own. In the United States, African Americans experienced difficulties in gaining access to legal services – as accurately observed in the Special Rapporteur’s report – and constituted the majority of the prison population.

12. **Ms. Mudrenko** (Ukraine) said that, since the beginning of the Russian occupation of Crimea in 2014, the human rights situation in the peninsula had significantly deteriorated. Lawyers working in temporarily occupied Crimea in the interests of Crimean Tatars and Ukrainian political prisoners were subjected to arbitrary arrests and detention, harassment and persecution. The situation had deteriorated further after the beginning of the full-scale invasion in 2022. Many Ukrainian lawyers and judges had been imprisoned and tortured by the Russian Federation. Her delegation condemned the use of such strategies by Russia, an occupying State, which was unjustly punishing, intimidating and censoring legal professionals exercising their professional duties. Her delegation stressed the urgent need to boost the international monitoring presence in Ukraine to prevent further persecutions and human rights violations. Lastly, she observed the irony of the false accusations made by the Russian Federation, which was quick to refer judicial decisions to a “higher power”.

13. **Ms. Zhang** Qiuruo (China) said that her delegation wished to hear the Special Rapporteur’s vision for how difficulties in gaining access to justice experienced by vulnerable groups, including refugees and immigrants, might best be solved.

14. **Mr. Muñoz** (Observer for the Sovereign Order of Malta) said that advocating for proper funding and resources for judicial systems was essential to ensuring that judges had the support they needed to execute their duties fairly and efficiently.

15. **Ms. Satterthwaite** (Special Rapporteur on the independence of judges and lawyers) said that she wished to highlight the good practices outlined in her report in relation to community justice workers, who were particularly effective promoters of legal empowerment. Such workers, although not qualified lawyers, had received relevant legal training that allowed them to raise awareness about rights, laws and policies among the communities they served, help community members to navigate legal and administrative processes in pursuit of remedies and support communities’ engagement in law and policy reform. In addition, they were in a position to identify where legal systems were failing and offer solutions designed from the bottom up. Community justice workers democratized the rule of law. However, like

lawyers, they faced obstacles to the completion of their work, including, most significantly, the threat of criminalization in countries where their activities were considered unauthorized legal practice. Relevant Member States must work with bar associations to decriminalize the provision of legal assistance by trained community justice workers. Beyond that, Member States might support trained community justice workers in myriad ways. Some specific good practices spanning different regions and economic situations had been set out in her report.

16. In response to the enquiry as to which issues she would next be turning her attention to as part of her mandate, she said that she would examine in her forthcoming report to the Human Rights Council the independence of judicial systems, including obstacles to judicial independence, types of threat experienced by judges and steps to be taken to recover a judicial system's independence where it had been undermined.

17. She wished to draw Member States' attention to one specific example of legal empowerment at the community level outlined in her report where an Indigenous community, suffering from the effects of unlawful activities being conducted on its territory, had nominated some of its members to receive training on data collection to be used as evidence in legal proceedings against the culprits. Providing training to community members on monitoring courts for signs of corruption, for instance, would also be an effective legal empowerment approach.

18. Lastly, she noted with dismay that many States were not reporting data under indicator 16.3.3 of the 2030 Agenda, "Proportion of the population who have experienced a dispute in the past two years and who accessed a formal or informal dispute resolution mechanism, by type of mechanism". Member States should endeavour to obtain relevant data, including by conducting legal needs surveys and consulting legal empowerment organizations that might have already gathered relevant data.

19. **Mr. Tidball-Binz** (Special Rapporteur on extrajudicial, summary or arbitrary executions), introducing his report (A/78/254), said that the murder of girls and women, including trans women, on the grounds of gender was a global tragedy that must be stopped. The majority of those murders could be prevented by the adoption of relatively simple measures. He had outlined a number of practical recommendations in his report that would support States in improving the effective investigation, monitoring and prevention of femicide. States were obliged under international law to respect, protect and guarantee the right to life.

20. **Ms. Qureshi** (Pakistan) said that her delegation would be grateful for the Special Rapporteur's views on how independent and credible investigations could be carried out by United Nations human rights mechanisms into the thousands of extrajudicial killings of women and girls by Indian occupational forces in illegally occupied Jammu and Kashmir and, more broadly, what could be done to ensure that femicide in conflict situations became part of the international peace and security agenda.

21. **Ms. Tokarska** (Ukraine) said that summary and arbitrary executions had been Russia's hallmark violation of the rules of war and norms of international humanitarian law since the onset of its war of aggression in Ukraine. Cities such as Mariupol had become the site of brutal mass killings of innocent civilians in cold blood by the Russian military. OHCHR had documented numerous violations of international humanitarian law and human rights law by the Russian military against Ukrainian prisoners of war and civilians, including summary executions. Perpetrators must be held accountable and justice must be found for victims. Her delegation welcomed the Special Rapporteur's scheduled visit to Ukraine in December 2023, hoping that it could contribute to the investigation of Russia's crimes.

22. **Ms. Usabiaga** (Mexico) said that her Government had established a national council for preventing and eradicating violence against women and had developed protocols for investigating gender-based crimes, including femicide. Gender-based violence was a challenge that Mexico continued to face and was committed to overcoming. Her delegation would be grateful if the Special Rapporteur would outline measures that States could adopt to prevent and eradicate domestic violence, including the phenomenon of femicide at the hands of spouses and intimate partners.

23. **Mr. Von Uexküll** (Sweden), speaking on behalf of the Nordic and Baltic countries (Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden), said that his delegation had noted with interest the Special Rapporteur's proposal to add a "femicide addendum" to the Minnesota Protocol on the Investigation of Potentially Unlawful Death and would be grateful for information about how that proposal might be taken further.

24. **Ms. Sánchez García** (Colombia) said that her Government had made extensive efforts to implement the provisions of the Minnesota Protocol across the country, including by establishing dedicated

institutions, to ensure the proper investigation of extrajudicial killings.

25. **Mr. Bauwens** (Belgium) said that his delegation would welcome the Special Rapporteur's views on how States' investigation units might successfully incorporate a gender perspective into their investigations, thereby enhancing their ability to correctly identify and reliably document gender-based killings.

26. **Mr. Sylvester** (United Kingdom) said that his delegation wished to know which three of the Special Rapporteur's recommendations he considered to be most urgent for States to adopt to protect the lives of women and girls worldwide.

27. **Mr. Tun** (Myanmar) said that the United Nations must not ignore the suffering of the people of Myanmar as the military junta continued to attack and kill the civilian population. His delegation wished to know what advice the Special Rapporteur might offer to the United Nations and Member States to improve its response and prevent further extrajudicial, arbitrary and summary killings by the military junta in Myanmar.

28. **Ms. Carlé** (Representative of the European Union, in its capacity as observer) said that her delegation would be interested to hear the Special Rapporteur's views on how States could enhance their collection of data on sexual and gender-based violence, and the role that initiatives like femicide watches could play to that end.

29. **Ms. Fernández** (Chile) said that her delegation, aware that language regarding gender was frequently the subject of debate in multilateral forums, would be grateful if the Special Rapporteur could outline a strategy for promoting consensus among States, bearing in mind their legitimate differences, on the importance of adopting a gender perspective in public policy. Achieving such consensus would facilitate the incorporation of the Special Rapporteur's recommendations into a General Assembly resolution.

30. **Ms. Demosthenous** (Cyprus) said that her delegation wished to learn how, in the Special Rapporteur's view, States could assume a "gender lens" when investigating gender-based killings of women and girls.

31. **Mr. Kuzmenkov** (Russian Federation) said that the concept of femicide was not, in his delegation's view, widely recognized. It would be better, perhaps, to adopt a broader approach to the problem of extrajudicial killings, which was becoming increasingly acute, particularly in Ukraine. There was chilling footage online of Ukrainian nationalist fighters torturing

wounded Russian military personnel before killing them point-blank or leaving them to die. Some of those fighters had used the phones of the murdered military personnel to call their relatives in Russia and tell them what they had done. Such were the defenders of Ukrainian democracy that the West was currently financing and arming. A mass of information about the crimes committed by Ukrainian fights had come to light following the liberation of the city of Mariupol, where the Azov brigade had been stationed and had often seized and killed civilians.

32. **Ms. Bouchikhi** (Morocco) said that the right to life was protected explicitly under the Moroccan Constitution but was at risk in the Bolivarian Republic of Venezuela, where cases of torture, including sexual violence against women, had been documented by the independent international fact-finding mission on the Bolivarian Republic of Venezuela. States had a legal obligation to protect the right to life and must therefore investigate those crimes and punish the perpetrators.

33. **Ms. Sonkar** (India) said that her Government, fully committed to ensuring a gender-sensitive and safe environment for women, had provided legal protections for women against violence, established one-stop centres offering a range of police, medical, legal and psychological services and had taken the pioneering step of establishing women-only police stations to offer special support to women reporting violent crimes.

34. Her delegation strongly condemned the abuse of a United Nations platform yet again by Pakistan to propagate its false and malicious propaganda against India. Her delegation dismissed and condemned all such efforts with the contempt they deserved.

35. **Ms. Billingsley** (United States of America) said that her delegation was deeply troubled by instances of impunity for extrajudicial, summary or arbitrary executions and efforts to obstruct accountability. Attacks on journalists for attempting to shine light on that accountability must stop. As part of efforts to promote accountability, which was also a key element of transitional justice, States must work to bridge the gap in trust between communities and the authorities. Her delegation therefore wished to know which policy reforms had most successfully rebuilt such trust and, in so doing, aided transitional justice efforts.

36. **Ms. Zhang** Qiuruo (China) said that her Government was highly committed to the respect of human rights, including the right to life. Under national law, the death penalty was applied according to rigorous criteria and, in any case, only to persons convicted of the most serious crimes. Her Government had improved

protections for women and girls since the enactment in 2016 of a law on domestic violence.

37. **Mr. McGuire** (Observer for the Sovereign Order of Malta) said that he wished to reiterate the growing call within society to abolish the death penalty. The primary aim of a punishment was to restore the balance disrupted by an offence, seeking both justice and rehabilitation. The right to life was the most fundamental of human rights and must be safeguarded.

38. **Mr. Tidball-Binz** (Special Rapporteur on extrajudicial, summary or arbitrary executions) said that he would urge Member States to consider the practical recommendations in his report, which were based not only on international standards but also on the fruitful experiences of Member States. Two essential first steps for States were to adopt a zero-tolerance policy on femicide and to ensure that the crime was clearly defined in legislation. Other effective measures included establishing specialized institutions, or adapting existing ones, to support efforts to investigate, document, punish and prevent femicide; and fostering interinstitutional coordination to that end. States might also consider taking measures to support and protect the indirect victims of femicide, such as enacting a law under which children of murdered women were entitled to financial support, as done by Chile.

39. In all of their efforts, Member States should prioritize cooperation. There was no need to reinvent the wheel; many Member States, particularly in the global South, had valuable experience to offer. Many countries in Latin America, for instance, had made use of the guidance in the Latin American Model Protocol for the Investigation of Gender-related Killings of Women and had made significant strides in combating femicide. Lastly, he wished to recall that Member States could make use of his mandate to support their efforts and he stood ready to respond to their requests.

40. **Ms. Aoláin** (Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism), introducing her report (A/78/520), said that the rights of victims of terrorism must be protected under domestic and international law and those responsible for acts of terrorism must be held accountable. When acting to prevent terrorism, States must do so in full compliance with human rights and humanitarian law to avoid contributing to the conditions conducive to terrorism itself. However, a global study had found that many counter-terrorism measures had imposed restrictions on civil society and even violated the human rights of civil society activists, who were key actors in preventing

terrorism. She invited Member States to consider the recommendations in that regard set out in her report.

41. She had conducted technical visits to the north-east of the Syrian Arab Republic and the detention facility at the United States naval station in Guantanamo Bay, Cuba. She thanked both States for their cooperation and wished in particular to acknowledge the adherence by the United States of America to the Code of Conduct for Special Procedure Mandate Holders of the Human Rights Council during her visit. She had found the conditions in the detention facility in Guantanamo Bay to still reach the standard for cruel, inhuman or degrading treatment or punishment under international law and expressed the hope that her recommendations would be implemented. Her findings from her technical visit to the Syrian Arab Republic should be a matter of profound concern for all Member States. Violations of child rights were rife in multiple places of detention, including the Al-Roj and Al-Hol camps, and detainees were subjected to torture, cruel, inhuman and degrading treatment and punishment. The detained population was estimated to number 70,000. The only practicable solution to the humanitarian crisis was for Member States to repatriate nationals detained in the territory and she urged all Member States to do so. Member States had an obligation to prevent and remedy serious violations of international law, particularly when those violations amounted to breaches of peremptory norms, as they did in the north-east of the Syrian Arab Republic.

42. **Mr. Wägli** (Switzerland) said that the global study on the impact of counter-terrorism measures on civil society and civic space had identified the misuse of counter-terrorism measures against civil society actors and human rights defenders. His delegation therefore wished to know how to better protect civil society partners and to ensure that those responsible for retaliatory action were held accountable.

43. **Ms. Bouchikhi** (Morocco) said that her delegation would be grateful if the Special Rapporteur would outline some of the measures taken as part of her mandate to address and counter the recruitment and use of children to perpetuate terrorist attacks. Her delegation would also be grateful for information about her efforts to deal with violations and abuses committed by terrorist groups against children and women, including killing, maiming, abduction and rape and other forms of sexual violence.

44. **Mr. Elizondo Belden** (Mexico) said that counter-terrorism must not be divorced from human rights or the rule of law. His delegation wished to ask the Special Rapporteur to outline which key capacities the United Nations peace and counter-terrorism architecture was in

need of to identify and prevent undue restrictions on civic space, thereby ensuring that that civil society could contribute effectively to efforts to counter terrorism and prevent violent extremism.

45. **Ms. Qureshi** (Pakistan) said that Islam had been the focus of many counter-terrorism measures, resulting in the targeting of innocent Muslims worldwide by neo-fascists and Islamophobic extremists. The international community had failed to address the root causes of terrorism, including foreign occupation. Her delegation sought the views of the Special Rapporteur on what steps would be taken within the scope of her mandate to discourage the deeply troubling trend whereby occupying Powers, such as India in illegally occupied Jammu and Kashmir and Israel in Palestine, were framing legitimate freedom struggles as terrorist movements. In addition, her delegation wished to know what tangible action would be taken to change the United Nations counter-terrorism architecture to make it compliant with human rights, including the right to self-determination.

46. **Mr. Bauwens** (Belgium) said that his Government was alarmed by the Special Rapporteur's reports of grave violations against children in the north-east of the Syrian Arab Republic. His delegation wished to know whether the Special Rapporteur had shared her findings with the Special Representative of the Secretary-General for Children and Armed Conflict and, if so, whether any operational conclusions had been drawn.

47. **Ms. Lee Yeseung** (Republic of Korea) said that the international security landscape was changing rapidly with the advance of technologies, posing new and unexpected challenges to the promotion and protection of human rights. Member States must collectively rise to those challenges. Her delegation would be grateful if the Special Rapporteur would identify priority areas for action in that regard.

48. **Mr. Kuzmenkov** (Russian Federation) said that his Government supported the Special Rapporteur's visits to places of detention but could not join her in praising the United States for granting access to the facility at the naval station in Guantanamo Bay, Cuba, the very existence of which was a demonstration of flagrant disregard for human rights.

49. Attaching great importance to the repatriation, rehabilitation and reintegration of children and women belonging to the families of so-called foreign terrorists, his Government had cooperated with the Syrian Arab Republic to repatriate Russian children from the detention centres in the north-east of the country. His delegation joined the Special Rapporteur's call on all States to repatriate their nationals. The conditions in the

Al-Hol and Al-Roj camps, which were controlled by United States-backed non-governmental forces, were particularly brutal for women and children. His delegation called for the immediate end to the occupation of the Syrian Arab Republic by the United States.

50. **Mr. González Behmaras** (Cuba) said that his delegation had taken note of the troubling information in the Special Rapporteur's report about the conditions under which people were arbitrarily detained by the United States at the naval station on illegally occupied Cuban territory. The practices in the detention facility amounted to torture and other cruel, inhuman and degrading treatment. His delegation wished to know the Special Rapporteur's opinion on what the international community and the United Nations human rights mechanisms could do to compel the United States Government to permanently close the detention facility and fulfil its obligations in respect of persons whom it had arbitrarily detained and tortured.

51. **Ms. Leonard** (Ireland) said that the limited progress made in prosecuting sexual or gender-based violence committed by members of terrorist groups or in counter-terrorism contexts was a matter for concern. Reaffirming her Government's commitment to the women and peace and security agenda, she asked the Special Rapporteur how States and the United Nations could best support efforts to ensure accountability for sexual and gender-based violence in terrorism and counter-terrorism contexts.

52. **Mr. Eldahshan** (Egypt) said that additional information about the role that non-governmental organizations could play in raising awareness about counter-terrorism would be appreciated.

53. **Ms. Carlé** (Representative of the European Union, in its capacity as observer) said that her delegation was alarmed by the denial of humanitarian access and gross and systematic human rights violations reported by the Special Rapporteur and wished for her to elaborate on the importance of predictable humanitarian access in that context.

54. **Mr. Passmoor** (South Africa) said that his Government condemned in the strongest possible terms the killing of civilians in Palestine and Israel. The attack by Hamas on civilians in Israel had been abhorrent, yet his delegation stood aghast at the actions taken by Israel under the guise of counter-terrorism. There was no justification for bombing civilian infrastructure in Gaza and denying civilians access to water, food, fuel and electricity. His delegation wished to ask the Special Rapporteur what action could be taken to ensure that international human rights law and the rule of law were



at the core of all counter-terrorism policies, and to ensure accountability, particularly when human rights violations were often committed by State actors countering terrorism.

55. **Mr. Altarsha** (Syrian Arab Republic) said that his delegation wished to thank the Special Rapporteur for bringing to light the deteriorating humanitarian situation in the illegal detention centres in the north-east of the Syrian Arab Republic. The Special Rapporteur had failed to mention, however, that the forces detaining the families of terrorists in the north-east were separatist militias, the so-called Syrian Democratic Forces, which were directly supported by the United States, and that there was an American military presence in those detention centres. As that country had repatriated only 32 children to date out of a total of 70,000 detainees, he asked what should be done with the families of those children. Countries should not be choosing only certain age groups for repatriation. States were leaving those camps in the Syrian Arab Republic in order to blackmail and weaken his country. He stressed the importance of cooperation with the Syrian Arab Republic to repatriate all foreign detainees in the region. Lastly, his delegation wished to echo the comments made by the representatives of Cuba and the Russian Federation regarding the human rights violations at Guantanamo Bay.

56. **Mr. Murphy** (United States of America) said that his Government had been pleased to grant the Special Rapporteur unprecedented access to the detention centre in Guantanamo Bay as part of its ongoing commitment to upholding human rights. His delegation was deeply concerned by the shift in Member States' use of terminology from "violent extremism conducive to terrorism" to the entirely unqualified "extremism", which risked undermining civil society members' ability to exercise their right to freedom of expression and emboldening authoritarians to brand any undesirable act as "extremist". He asked the Special Rapporteur to share her assessment of how human rights protections in international frameworks might be strengthened to prevent and counter violent extremism.

57. **Ms. Zhang** Qiuruo (China) said that the international community's collective efforts to combat terrorism should be guided by a vision of common, comprehensive, cooperative and sustainable security. Member States should address all countries' legitimate counter-terrorism fears and concerns; oppose smear campaigns launched against legitimate counter-terrorism efforts under the guise of the promotion of human rights, democracy and religion; and reject double standards and the instrumentalization of counter-terrorism.

58. **Ms. Sonkar** (India) said that her delegation condemned the frivolous, baseless and politically motivated remarks made by the representative of Pakistan regarding the Union Territory of Jammu and Kashmir, which was an integral part of India. Such malicious and false propaganda was unworthy of a response.

59. **Ms. Mudrenko** (Ukraine) said that her delegation, noting the emphasis placed by the representative of the Russian Federation on the importance of returning children to their home country, demanded that the Russian Federation ensure the swift and safe return of all Ukrainian children forcibly and illegally held in the Russian Federation, Belarus and the temporarily occupied territories of Ukraine. Since 2014, the Russian Federation had been implementing a policy of mass abduction and indoctrination of Ukrainian children. Once deported, children were illegally given up for adoption and subjected to so-called re-education, which was designed to erase their sense of Ukrainian identity. Such actions constituted a gross violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and the Convention on the Rights of the Child.

60. **Mr. Espiritu** (Observer for the Sovereign Order of Malta) said that his delegation would welcome the views of the Special Rapporteur's on how humanitarian agencies could contribute to preventing the exploitation of humanitarian aid for terrorist activities or purposes.

61. **Ms. Aoláin** (Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism) said that the surest way of supporting victims of terrorism was to recognize, enforce and protect their human rights. Another way was to prevent them from becoming victims in the first place through effective counter-terrorism measures. States must choose such measures carefully, guarding against the use of administrative measures that targeted civil society, journalists, humanitarians, lawyers and other actors upholding the rule of law, and most certainly refraining from retaliatory action against civil society members for cooperating with United Nations entities. Such measures did not advance counter-terrorism and served only to breach human rights. Instead, States must work in partnership with civil society and ensure that legislation on terrorism – and the definition of terrorism itself – was specific and compliant with the rule of law, human rights and international law. Use of the term "extremism", which was unqualified and ill defined, was counter-productive.

62. She wished to underscore that the only international law-compliant solution to the detention



situation in the north-east of the Syrian Arab Republic was repatriation. Failure to do so would equate to a failure by States to meet their fundamental obligations to children, who comprised the majority of the detained population, and a failure to prosecute perpetrators of terrorist acts who, as long as they were detained indefinitely, would not be tried for their crimes. She also wished to insist on the importance of ensuring reliable and consistent humanitarian access in all terrorism contexts, be that in north-east Syria or in Gaza. In that connection, she emphasized that hostage-taking was prohibited by international law and that all hostages, including those taken by Hamas, must be released.

63. One key area that States should focus on in respect of emerging technologies was surveillance. Commercial spyware, if misused, posed an existential threat to civil society. Its use must be regulated. Self-governance by commercial spyware companies was not a solution.

64. In response to delegations' comments regarding detention facilities, she urged all States to follow the example set by the United States of America and the Syrian Arab Republic by granting mandate holders unfettered access to high-security places of detention.

65. As to the issue of discrimination in counter-terrorism, she stressed that terrorism in all of its forms, regardless of the perpetrators, must be rejected. To fail to identify violence by one group as terrorism out of a sense of convenience or political correctness was to undermine the meaningful application of counter-terrorism.

*The meeting rose at 5.40 p.m.*