



# General Assembly

Seventy-third session

Official Records

Distr.: General  
5 December 2018

Original: English

---

## Third Committee

### Summary record of the 45th meeting

Held at Headquarters, New York, on Thursday, 8 November 2018, at 10 a.m.

*Chair:* Mr. Saikal ..... (Afghanistan)

## Contents

Agenda item 73: Right of peoples to self-determination (*continued*)Agenda item 74: Promotion and protection of human rights (*continued*)(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)Agenda item 109: Crime prevention and criminal justice (*continued*)

---

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Management Section ([dms@un.org](mailto:dms@un.org)), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org/>).

18-18908 (E)



Please recycle



*The meeting was called to order at 10.05 a.m.*

**Agenda item 73: Right of peoples to self-determination (continued) (A/C.3/73/L.37)**

*Draft resolution A/C.3/73/L.37: Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination*

1. **Mr. Cepero Aguilar** (Cuba), introducing the draft resolution, said that the use, recruitment, financing, protection and training of mercenaries was a matter of deep concern that was contrary to the purposes and principles enshrined in the Charter of the United Nations. The sponsors acknowledged the work of the Working Group on mercenaries and the importance of continuing the work done by previous special rapporteurs, especially in terms of strengthening the international legal framework for the prevention and punishment of the recruitment, use, financing and training of mercenaries.

2. **Mr. Khane** (Secretary of the Committee) said that Botswana, Burundi, Chile, the Comoros, Equatorial Guinea, Guinea, the Lao People's Democratic Republic, Libya, Mali, Namibia, Saint Vincent and the Grenadines, South Africa, South Sudan, Sri Lanka, Uganda and Zimbabwe had joined the sponsors.

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

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued) (A/C.3/73/L.30, A/C.3/73/L.34, A/C.3/73/L.35, A/C.3/73/L.36 and A/C.3/73/L.46)**

*Draft resolution A/C.3/73/L.30: United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas*

3. **Ms. Cordova Soria** (Plurinational State of Bolivia), introducing the draft resolution, said that the purpose of the draft resolution was to adopt the declaration on the rights of peasants and other people working in rural areas that was adopted during the thirty-ninth session of the Human Rights Council. The draft resolution strengthened the protection and realization of the human rights of peasants and others working in rural areas and, as such, did not imply the defence or particularization of a single group, but ultimately defended traditional forms of land use that were being increasingly threatened by the expansion of export-oriented industrial agriculture, causing increasing levels of poverty and therefore migration

among rural populations. In that regard, the draft resolution was consistent with the implementation of the United Nations Decade of Family Farming and the United Nations Decade of Action on Nutrition.

4. The draft resolution also played a fundamental role in the accomplishment of the common goal of eliminating hunger and ensuring adequate food for all. Peasant agriculture contributed to biodiversity, generated development in rural areas and contributed to the implementation of the Sustainable Development Goals. Peasant farmers, who produced 70 per cent of the food consumed worldwide, must be protected in order to eliminate hunger and ensure global food security.

5. **Mr. Khane** (Secretary of the Committee) said that Algeria, Bangladesh, Burundi, Equatorial Guinea, Haiti, Namibia, the Philippines and Togo had joined the sponsors.

*Draft resolution A/C.3/73/L.34: Promotion of a democratic and equitable international order*

6. **Mr. Cepero Aguilar** (Cuba) introducing the draft resolution, said that a democratic and equitable international order must be based on equity, sovereign equality, interdependence, common interest and international cooperation among all States, regardless of their economic and social systems. The draft resolution called on Member States to fulfil the commitment expressed during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development. Only through broad and sustained efforts to create a shared future based upon our common humanity, and all its diversity, could globalization be made fully inclusive and equitable.

7. **Mr. Khane** (Secretary of the Committee) said that Algeria, Angola, Burundi, the Comoros, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Guinea, the Islamic Republic of Iran, the Lao People's Democratic Republic, Libya, Madagascar, Mali, Namibia, the Niger, Nigeria, Saint Vincent and the Grenadines, South Africa, South Sudan, Sri Lanka, the Sudan, the Syrian Arab Republic, Togo, Uganda, the United Republic of Tanzania and Zimbabwe had joined the sponsors.

*Draft resolution A/C.3/73/L.35: Promotion of peace as a vital requirement for the full enjoyment of all human rights by all*

8. **Mr. Cepero Aguilar** (Cuba), introducing the draft resolution, said that the draft resolution reaffirmed the

need for States to preserve and promote peace through policies aimed at eliminating the threat of war and to call for the settlement of international disputes by peaceful means in accordance with the Charter of the United Nations. It also emphasized the importance of ensuring respect for the principles of sovereignty, territorial integrity and political independence of States and of non-intervention in matters that were essentially within the domestic jurisdiction of a State, in accordance with the Charter and international law. The draft resolution welcomed the Declaration on the Right to Peace, adopted by the General Assembly in its resolution 71/189.

9. **Mr. Khane** (Secretary of the Committee) said that Algeria, Angola, Burundi, China, the Comoros, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Guinea, the Islamic Republic of Iran, the Lao People's Democratic Republic, Mali, Mozambique, Namibia, the Niger, Nigeria, Saint Vincent and the Grenadines, Seychelles, South Africa, South Sudan, Sri Lanka, the Sudan and the Syrian Arab Republic had joined the sponsors.

*Draft resolution A/C.3/73/L.36: The right to food*

10. **Mr. Cepero Aguilar** (Cuba), introducing the draft resolution, said that it was alarming that in the twenty-first century and within the framework of the implementation of the 2030 Agenda on Sustainable Development, the number of people suffering from hunger had increased from 804 million in 2016 to nearly 821 million in 2017, despite the fact that the world was producing enough food for everyone. It was also alarming that up to 45 per cent of the children who died every year before the age of 5 were dying from undernutrition and hunger related illness, and that the vast majority of those affected lived in developing countries. In that regard, the draft resolution recognized that without the consolidation of an enabling economic environment at both the national and international levels, it would be impossible to give adequate priority to that human right. The draft resolution emphasized that States had the primary responsibility to promote and protect the right to food and that the international community should provide, through a coordinated response and upon request, international cooperation in support of national and regional efforts by providing the assistance necessary to increase food production and access to food. It also stressed the importance of fighting hunger, particularly in rural areas, through national efforts to stop desertification and land degradation and through investments and public policies that were specifically appropriate to the risk of drylands.

11. **Mr. Khane** (Secretary of the Committee) said that Algeria, Angola, Benin, Burundi, the Central African Republic, the Comoros, the Congo, Ecuador, Equatorial Guinea, Eritrea, Guinea, Guinea-Bissau, Indonesia, the Islamic Republic of Iran, Jamaica, Kenya, Kuwait, the Lao People's Democratic Republic, Libya, Madagascar, Mali, Mozambique, Namibia, the Niger, Nigeria, Panama, the Philippines, Qatar, Saint Vincent and the Grenadines, Senegal, Seychelles, South Africa, South Sudan, Sri Lanka, the Sudan, the Syrian Arab Republic, Tajikistan, Togo, Tunisia, Uganda, the United Arab Emirates, the United Republic of Tanzania and Zambia had joined the sponsors.

*Draft resolution A/C.3/73/L.46: Human rights in the administration of justice*

12. **The Chair** said that the draft resolution had no programme budget implications.

13. **Mr. Mahidi** (Austria), introducing the draft resolution, said that the text had been negotiated in a very constructive spirit and was a significant contribution to further strengthening the protection of human rights in the administration of justice.

14. **Mr. Khane** (Secretary of the Committee) said that Albania, Andorra, Argentina, Armenia, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, the Dominican Republic, Ecuador, El Salvador, Finland, France, Georgia, Greece, Guatemala, Honduras, Iceland, India, Ireland, Israel, Italy, Latvia, Lebanon, Lithuania, Luxembourg, Mexico, Monaco, Mongolia, Morocco, the Netherlands, New Zealand, Norway, Panama, Peru, the Philippines, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Serbia, Slovakia, South Africa, Thailand, the former Yugoslav Republic of Macedonia, Uruguay and Vanuatu had joined the sponsors.

15. **Ms. Korac** (United States of America) said that her Government was unable to sponsor the draft resolution given that it called upon Member States to comply with or implement various obligations under treaties to which the United States was not subject and that were not imposed by customary international law. The obligations in the draft resolution, such as emphasizing the best interests of the child in the administration of justice and using certain terms without defining them, were not consistent with United States law, federal sentencing guidelines and practice that helped to ensure just outcomes in individual criminal cases. Her delegation dissociated itself, for example, from paragraph 21 owing to the inclusion of the terms "overincarceration" and "overcrowding" therein, as well as from the twenty-sixth preambular paragraph on

the recognition by the international community of the specific situation and needs of former child soldiers given that vulnerability should be associated with membership in a marginalized group, rather than with the particular fact-specific situation in which individuals might immediately find themselves. Moreover, the assertion made in paragraph 10 that Member States should consider establishing an independent mechanism to monitor places of detention, including by making unannounced visits, was inconsistent with United States policy and practices that already ensured acceptable standards. The United States preferred the approach set out in the United Nations Standard Minimum Rules for the Treatment of Prisoners, which called for external and independent monitoring of prisons to include monitoring bodies that might or might not be governmental.

16. *Draft resolution A/C.3/73/L.46 was adopted.*

**Agenda item 109: Crime prevention and criminal justice (continued) (A/C.3/73/L.12/Rev.1)**

*Draft resolution A/C.3/73/L.12/Rev.1: Strengthening and promoting effective measures and international cooperation on organ donation and transplantation to prevent and combat trafficking in persons for the purpose of organ removal and trafficking in human organs*

17. **Mr. Khane** (Secretary of the Committee) said that the United Nations Office on Drugs and Crime (UNODC) would require extrabudgetary resources in the amount of \$372,100 to implement the requests contained in paragraph 13. The funds would provide for: one P-3-level professional staff post for three working months to improve analysis of instances of trafficking in persons for the purpose of organ removal and relevant prosecutions and to promote research among diverse fields; one General Service staff post for twelve working months to support data collection, storage and analysis as well as the organization of expert group meetings; consultancy services to assess the status of knowledge, identify relevant stakeholders, evaluate and report on the information collected and ensure systematic communication with other United Nations entities; travel costs for one staff member to make two trips to Geneva and one trip to New York to support consultations with United Nations entities; two expert group meetings for two days in Vienna with 10 participants from various regions; information technology support for the development of tools for the collection and storage of data on trafficking in persons for organ removal.

18. UNODC would require extrabudgetary resources in the amount of \$298,600 to implement the requests

contained in paragraph 14. The funds would cover costs regarding assessment of trafficking in persons for organ removal, including detailed legislative and policy analysis, fieldwork and research among key stakeholders; the development of specialized investigative tools adapted to the national legislative and policy context, such as a video crime scene investigation interactive tool and an accompanying basic module; the organization of three specialized capacity-building workshops per country, subject to the analysis and recommendations of the assessments, with a target audience of law enforcement officials, prosecutors, judicial representatives, health officials, medical and transplant professionals and members of civil society; one P-4-level professional staff post for one working month to guide technical assistance and capacity-building efforts to prevent and combat trafficking in organs in the three selected Member States; one P-3-level professional staff post for six working months to lead the country assessments and technical assistance provided to the three countries and to oversee the development of specialized investigative tools; one General Service post for two working months to support the organization of the assessment missions and technical assistance activities as well as the recruitment of consultants; one national programme officer post for nine working months; and one international and one national consultant post to conduct assessments on trafficking in persons for organ removal, including detailed legislative and policy analysis, fieldwork and research among key stakeholders in the three countries, as well as to develop the specialized investigative tools and support the delivery of technical assistance activities to those countries.

19. UNODC would require extrabudgetary resources in the amount of \$91,600 to implement the requests contained in paragraph 16. The funds would provide for one P-4-level professional post for three working months to prepare a 16-page report and arrange for its printing and translation into six languages.

20. The activities related to the requests contained in paragraphs 13, 14 and 16 would be carried out only if the requisite extrabudgetary resources were made available. The adoption of the draft resolution would not entail any additional appropriations under the programme budget for the biennium 2018–2019.

21. **Mr. Santos Maraver** (Spain), introducing the draft resolution, said that the theme of trafficking in persons for the purpose of organ removal and trafficking in human organs had not received much attention in the Third Committee. The draft resolution, the first of its kind before the Committee, emphasized the need for a multidisciplinary approach, with a focus on human

rights, health and criminal justice. Appropriate collaboration and training of authorities, health specialists and national security forces would be required to prevent and prosecute the two types of trafficking. Effective national transplant systems based on the World Health Organization guiding principles on human cell, tissue and organ transplantation and governed by the principles of transparency, equal access and organ donation as a gesture of altruism could drastically reduce cases of trafficking.

22. **Mr. Khane** (Secretary of the Committee) said that Albania, Algeria, Belarus, Belize, Canada, Chile, Costa Rica, Czech Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Finland, Iceland, Israel, Italy, Liberia, Liechtenstein, Lithuania, Madagascar, Malaysia, Maldives, Mauritius, Montenegro, Morocco, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Qatar, Romania, San Marino, Serbia, Slovakia, Slovenia, Sri Lanka, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uruguay had joined the sponsors.

23. **Ms. Velichko** (Belarus) said that the draft resolution under consideration was particularly relevant because of recent developments in organ transplantation, bioengineering and cosmetology, the deepening of internal conflicts and the increase in flows of migrants and refugees. In 2014, at the Commission on Crime Prevention and Criminal Justice, Belarus had been the first Member State to suggest considering the topic of trafficking in persons for the purpose of organ removal and trafficking in human organs. Draft resolution [A/C.3/73/L.12/Rev.1](#) was largely based on the initial resolutions that the Belarus delegation had proposed in Vienna.

24. Her delegation supported the inclusion in the draft resolution of provisions on the need to develop orderly and ethical programmes for the acquisition and transplantation of human organs for therapeutic purposes, including through the promotion of organ donation. It was beyond doubt that organ transplantation improved quality of life and boosted life expectancy, but the gulf between supply and demand was a catalyst for crime and transplant tourism. Implementation of the draft resolution would boost the effectiveness of current international and national instruments and increase the momentum for new instruments. As a next step, the international community should consider drafting a universal instrument on trafficking in persons for the purpose of organ removal and trafficking in human organs.

25. *Draft resolution [A/C.3/73/L.12/Rev.1](#) was adopted.*

*The meeting rose at 11 a.m.*