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Chair: Mr. Braun (Luxembourg)

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

Agenda item 61: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)

(A/C.3/74/L.50/Rev.1)

Draft resolution A/C.3/74/L.50/Rev.1: Assistance to refugees, returnees and displaced persons in Africa

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

2. **Mr. Tshishiku** (Democratic Republic of the Congo), introducing the draft resolution on behalf of the Group of African States, said that it was aimed at addressing the challenges faced by African refugees, returnees and displaced persons while providing recognition for the various initiatives carried out by African Governments with the support of the international community. The present year was especially important, having been designated by the African Union as the African Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa, in commemoration of the fiftieth anniversary of the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa and the tenth anniversary of the Kampala Declaration on Jobs, Livelihoods and Self-reliance for Refugees, Returnees and Host Communities in the Intergovernmental Authority on Development (IGAD) Region.

3. Despite support from host countries and the international community, the gap between humanitarian needs and funding continued to grow. The delegations therefore appealed to the international community and other partners to continue to lend support and to implement burden-sharing mechanisms, in the spirit of global partnership and solidarity. All Member States that had not yet done so were invited to join the list sponsors.

4. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Canada, Finland, Georgia, Germany, Greece, Indonesia, Ireland, Italy, Japan, Malta, Palau, Portugal, Spain and United States of America. He then noted that Norway and Venezuela (Bolivarian Republic of) also wished to become sponsors.

5. **Ms. Nemroff** (United States of America) said that her delegation's sponsorship and full support for the draft resolution reflected its deep concern about the plight of millions of persons displaced across the African continent as a result of conflict, violence and natural disasters. It was also deeply troubling that

internal displacement rates remained high year after year and that a resolution to the situation remained out of reach for many. More effort was required, both within the United Nations and globally, to better address the issues facing displaced persons. States should also investigate and, where appropriate, prosecute crimes against humanitarian personnel in their territory and subject to their jurisdiction. With regard to other issues, including the non-binding nature of General Assembly resolutions, which did not create or alter rights or obligations under international law, her delegation had addressed its concerns in a detailed statement delivered at the 44th meeting (see A/C.3/74/SR.44).

6. **Ms. Lee** (Canada) said that her delegation had joined the consensus on the draft resolution in order to express its strong support for refugees, returnees and displaced persons in Africa. Her delegation strongly supported the principles of voluntary refugee repatriation, in safety and dignity and with full restoration of their rights, in accordance with the New York Declaration for Refugees and Migrants, the global compact on refugees and the relevant conclusions of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees.

7. It was also important to address the plight of refugees at all times, and not only "during emergencies", as such caveats risked diminishing the urgency of the situation of most refugees, who faced inherently dire circumstances and depended on the international community for protection and assistance. The specific needs of women and girls and other populations at risk must also be addressed, as they faced increased vulnerabilities in situations of forced displacement. Lastly, the phrase "respect and ensure respect for international humanitarian law" spoke to relevant international legal obligations that Canada would always meet, such as those pursuant to common article 1 of the Geneva Conventions relating to the protection of victims of international armed conflicts and Additional Protocol I thereto.

8. *Draft resolution A/C.3/74/L.50/Rev.1 was adopted.*

Agenda item 66: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*) (A/C.3/74/L.21/Rev.1 and A/C.3/74/L.64)

Draft resolution A/C.3/74/L.21/Rev.1: Rights of the child and proposal A/C.3/74/L.64: Amendment to draft resolution A/C.3/74/L.21/Rev.1

9. **The Chair** said that neither the draft resolution nor the proposed amendment thereto had any programme budget implications.

10. **Mr. Salovaara** (Finland), introducing the draft resolution on behalf of the European Union and the States Members of the United Nations that were members of the Community of Latin American and Caribbean States (CELAC), said that the draft resolution addressed a comprehensive range of issues. It represented a commitment to strengthen efforts to ensure the full realization of the rights of all children, including those without parental care, through key recommendations to prevent unnecessary separation of children from their families, while stressing the best interests of the child as a primary consideration, which was a core principle of the Convention on the Rights of the Child. The draft resolution should therefore provide a good basis for future consideration of the issue by the Committee, in particular during deliberations on the rights of the child and the Sustainable Development Goals at the seventy-sixth session.

11. Reading out oral revisions to the text, he said that, at the end of the twenty-fourth preambular paragraph, the phrase “the adoption of the Guidelines” should be replaced by “its adoption”. The word “paedophilia” should be added in paragraph 16, after “trafficking in or sale of children and their organs”. The word “notably” should be replaced by “and” after the word “frameworks” and the words “the Guidelines” replaced by the word “those” in paragraph 35 (a). The phrase “relevant United Nations entities, including” should be deleted after the word “requests” and the phrase “and relevant United Nations entities, within their respective mandates” inserted after “the Office of the United Nations High Commissioner for Human Rights” in paragraph 39.

12. Lastly, a new subparagraph should be inserted before the existing paragraph 41 (a), to read as follows: “To request the Secretary-General to submit to the General Assembly at its seventy-fifth session a comprehensive report on the rights of the child, containing information on the implementation of the Convention on the Rights of the Child, bearing in mind

the thirtieth anniversary of its adoption in 2019”. The numbering of all other subparagraphs of that paragraph should be adjusted accordingly.

13. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Andorra, Australia, Canada, Côte d’Ivoire, Iceland, Japan, Lesotho, Liberia, Madagascar, Morocco, New Zealand, Nigeria, Norway, Papua New Guinea, Philippines, Republic of Korea, San Marino, South Africa, Sri Lanka, Switzerland, Thailand, Timor-Leste, Tunisia, Turkey and Ukraine. He then noted that the following delegations also wished to become sponsors: Cabo Verde, Equatorial Guinea, Rwanda and Togo.

14. **Ms. Nemroff** (United States of America), introducing the amendment to the draft resolution, said that the proposed amendment would replace the current paragraph 13 with an alternate paragraph 13, using agreed language from General Assembly resolution 70/138 of 2015. Despite concessions made to bring the language closer to the views expressed by several delegations, the paragraph as presented in the revised draft did not sufficiently express the critical role played by parents and families in the formal and informal education of children. The amendment was not a new formulation but simply a reaffirmation of her delegation’s preference for the alternate language proposed during the negotiation process, which had been previously agreed to by consensus. Her delegation urged all others to vote in favour of the amendment if a vote were requested.

15. **Mr. Mahmassani** (Secretary of the Committee) said that Eritrea had joined in sponsoring the proposed amendment.

16. **Mr. Amorín** (Uruguay), speaking on behalf of the main sponsors of draft resolution A/C.3/74/L.21/Rev.1, said that it was regrettable that an amendment had been introduced on such an important resolution, especially on the eve of the thirtieth anniversary of the Convention on the Rights of the Child. The decision to return to previously agreed language in paragraph 13 had been made after extensive and concerted efforts had failed to find alternative language acceptable to all delegations. Despite widely diverging views, agreement had been reached on multiple occasions in recent years, including in draft resolution A/C.3/74/L.23 on the girl child, adopted by consensus three days earlier, at the 47th meeting of the Committee.

17. The promotion and protection of children’s rights was a crucial priority requiring responsible action. Undermining consensus on the issue sent a very negative message to the world and affected first and

foremost the rights of the children who needed it most. The States members of CELAC and the European Union would always advocate in the best interests of the child and would therefore vote against the amendment. All Member States were called upon to do the same.

18. **Ms. Inanç Örnekol** (Turkey), speaking also on behalf of Albania, Argentina, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czechia, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Iceland, Ireland, Italy, Japan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Namibia, the Netherlands, New Zealand, North Macedonia, Norway, Peru, Portugal, Romania, Serbia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay, said that the breaking of the consensus on the draft resolution through a last-minute amendment was both surprising and regrettable, in particular given the importance of the topic, and showed a lack of regard for Third Committee procedure.

19. Equal access to comprehensive education on sexuality was vital to ensuring that all people could grow and learn in safety, health and confidence. Evidence-based programmes that encompassed gender equality were well established as being more effective in enabling individuals, especially adolescent girls and boys and young women and men, to make informed and autonomous decisions on sexual and reproductive health. The reference to education being “in full partnership” with parents and guardians already provided recognition for that important element, while further sensitivities were addressed through clear indications that such education be age appropriate and aimed only at adolescent girls and boys and young women and men. The omission of the phrase “in the best interests of the child”, a clear obligation under the Convention on the Rights of the Child, was especially troubling. Discussion on the issue had evolved in recent years, and the proposed amendment would upset carefully balanced compromise language in use in other resolutions, declarations and intergovernmental documents. All delegations were therefore urged to support the rights of the child by voting against any amendments to the draft resolution.

20. **Ms. De Man** (Netherlands) said that the proposed amendment represented an attack on updated language also found in previously adopted resolutions and its adoption would result in a universal-level setback with regard to the health and rights of girls and boys and create a slippery slope for all other agreed language.

That updated language took into account relevant developments, including recent commitments to achieving the Sustainable Development Goals through collective action. With regard to substance, access to comprehensive, scientifically accurate and age-appropriate information and education, including on sexual and reproductive health and rights, was crucial to ensuring that future generations were able to make informed decisions and achieve their full potential. With regard to process, the late-stage introduction of the amendment was deeply regrettable, as it undermined the working methods and functionality of the Committee, did not help to foster understanding and consensus and politicized the issue at the expense of children, whose best interests must remain the main concern. All States were therefore called upon to vote against the amendment.

21. **Mr. Skoog** (Sweden), speaking on behalf of the Nordic and Baltic countries (Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden), said that, in the lead-up to the thirtieth anniversary of the Convention on the Rights of the Child, it was more important than ever to be able to join together as one international community on a resolution aimed at ensuring the rights of children. It was regrettable that the United States should seek to amend a fundamental principle of the Convention by deleting a key guiding phrase that had been widely agreed to and reaffirmed, thus potentially undermining the protection and promotion of children’s rights and their safety and well-being globally.

22. Universal access to comprehensive, scientifically accurate and rights-based education and health, including sexual and reproductive health education and services, saved lives and was an important tool for ensuring that every young person was able to make informed choices. Amending the agreed language set a negative precedent by moving backwards instead of forwards in the protection of the rights of children, young people and women, which was fundamental for achieving the Sustainable development Goals.

23. Unity was ensured through transparent and inclusive negotiations aimed at achieving a consensual outcome and a willingness to honour agreed language. Reservations should be expressed, not through amendments put to a vote, but through explanations of position or general statements. The delegations of the Nordic and Baltic countries would therefore vote against any amendment and called on all delegations to do the same.

24. *A recorded vote was taken on the proposed amendment contained in [A/C.3/74/L.64](#).*

In favour:

Azerbaijan, Bahrain, Belarus, Brunei Darussalam, Burundi, Cameroon, China, Djibouti, Egypt, Eritrea, Ethiopia, Iran (Islamic Republic of), Iraq, Kuwait, Libya, Maldives, Nauru, Nigeria, Oman, Pakistan, Palau, Qatar, Russian Federation, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Timor-Leste, United States of America, Uzbekistan, Yemen.

Against:

Afghanistan, Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guinea, Guyana, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Jordan, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mexico, Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, North Macedonia, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Bhutan, Brazil, Cambodia, Chad, Dominica, Equatorial Guinea, Gambia, Grenada, Haiti, Indonesia, Jamaica, Kenya, Kiribati, Liberia, Malaysia, Mauritius, Myanmar, Papua New Guinea, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Singapore, Solomon Islands, Uganda, United Arab Emirates, Vanuatu, Viet Nam.

25. *The amendment contained in document A/C.3/74/L.64 was rejected by 100 votes to 31, with 29 abstentions.*

26. **Mr. Verdier** (Argentina) said that it was regrettable that an attempt was being made to weaken agreed language by limiting protections of basic rights

established in several international human rights treaties. The language in the draft resolution was already balanced and took into account the positions of Member States. Any modification would only undermine efforts made to achieve consensus during the negotiation process.

27. Comprehensive sexual education provided children and young people with a better understanding of human rights, including in relation to sexual and reproductive rights and gender equality. It helped them to make informed decisions, led to increased communication with parents and other trusted adults and increased the use of protection against unwanted pregnancies and sexually transmitted infections. It was also troubling that the proposed amendment would eliminate the reference to “the best interests of the child”, which was agreed language found in several resolutions and a fundamental principle of the Convention on the Rights of the Child. States had an obligation to advance human rights, including through the empowerment of all children; any language that would undermine that goal and restrict children's rights was unacceptable.

28. **Mr. Salovaara** (Finland), speaking on behalf of the European Union and the States Members of the United Nations that were members of CELAC, said that the decision by one delegation to call for a vote on paragraph 13 was disappointing. The draft resolution had been the result of extensive and transparent negotiations with interested delegations. It provided key recommendations for preventing unnecessary separation of children from their families. In addition, States were urged to take specific action ensure the enjoyment of the human rights of all children without parental care, always stressing the best interests of the child as a primary consideration, which was one of the core principles of the Convention on the Rights of the Child. Discussions throughout the negotiation process had clearly reaffirmed common objectives to continue to improve the promotion and protection of rights of all children. The priority was to adopt the draft resolution by consensus. All delegations were therefore encouraged to vote in favour of retaining the paragraph.

29. *A recorded vote was taken on paragraph 13 of draft resolution A/C.3/74/L.21/Rev.1, as orally revised.*

In favour:

Afghanistan, Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria,

Cabo Verde, Cambodia, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Greece, Grenada, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, North Macedonia, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam.

Against:

Bahrain, Belarus, Burundi, Cameroon, Egypt, Kuwait, Russian Federation, Saudi Arabia, United States of America, Yemen.

Abstaining:

Algeria, Chad, Eritrea, Ethiopia, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kiribati, Libya, Pakistan, Sudan, Syrian Arab Republic, Uganda, United Arab Emirates.

30. *Paragraph 13 of draft resolution A/C.3/74/L.21/Rev.1, as orally revised, was adopted by 131 votes to 10, with 16 abstentions.*

31. **Mr. Tshishiku** (Democratic Republic of the Congo), speaking on behalf of the Group of African States, said that, while many of the ideas promulgated in the draft resolution were welcomed, its biennialization was extremely disappointing. The present resolution should be examined every year, as it responded to one of the fundamental priorities of the African continent and served to reaffirm the Committee's strong commitment to ensuring the full promotion and protection of children's rights as set out in the widely ratified Convention on the Rights of the Child. Children continued to face many challenges that violated their basic human rights. The Group had

therefore joined consensus on the draft resolution in the hopes that its biennialization would not compromise prior efforts made by the Committee in the area.

32. *Draft resolution A/C.3/74/L.21/Rev.1, as orally revised, was adopted.*

33. **Ms. Khusanova** (Russian Federation), said that, on the eve of the thirtieth anniversary of the adoption of the Convention on the Rights of the Child, it was necessary to develop an instrument that would enjoy unqualified support, as protecting the rights of children and improving their well-being were universal values. Regrettably, negotiations had begun too late for a draft resolution with such a broad scope, and efforts at constructive dialogue had failed to find a compromise that reflected the views of all interested States. The minor modifications made during the consultation period did not address the concerns of delegations, resulting in a text that, inexplicably, did not incorporate the fundamental approaches and principles enshrined in the Convention with regard to the rights and responsibilities of parents and the importance of supporting families.

34. Given the fact that the priority theme for the current draft resolution had been children without parental care, it was unfortunate not to have stressed the importance of protecting and assisting families and parents by avoiding the unnecessary institutionalization of children and establishing conditions for the prompt return of such children to their families. Her delegation also could not support approaches that ignored the need for children to reach a certain age before enjoying some human rights, or the role of parents or guardians in the lives of minors. Her delegation was also troubled by the increased status given to the Guidelines for the Alternative Care of Children, which were non-binding unless States voluntarily committed to them.

35. The inclusion of the reference to the International Criminal Court in paragraph 20 was also regrettable. Her delegation dissociated itself from that paragraph for reasons it had explained many times in the past with regard to the activities of the Court. While there was not enough time to list all of its remaining concerns, given the importance of the issue and the commitment of the Russian Federation to improving the situation of children and supporting them, their families and their parents, her delegation had joined the consensus on the draft resolution, with the caveat that it was a forced consensus. In the future, the sponsors should take a more responsible approach to drafting the text and avoid imposing their own views as the only correct view.

36. **Ms. Korac** (United States of America) said that her delegation had joined the consensus on the draft

resolution to underscore the priority that it gave to the well-being of children. Nevertheless, her delegation wished to clarify its position on several of the provisions. The language “sexual and reproductive health” in the text remained problematic. The United States therefore dissociated itself from paragraphs 13 and 18 because the terms “sexual and reproductive health” and “health-care services” had unacceptable connotations that suggested the promotion of abortion or a right to abortion.

37. The United States supported, as appropriate, optimal adolescent health and locally-driven, family-centred sex education provided in a context that increased opportunities for youth to thrive and empowered them to avoid all forms of sexual risk. However, the inclusion of the term “comprehensive education” in conjunction with the phrase “with information on sexual and reproductive health” was unacceptable. The application of those terms often normalized adolescent sexual experimentation, failed to incorporate family, faith and community values and was inconsistent with public health messages that promoted the highest attainable standard of health.

38. Her delegation noted that States could not ensure the enjoyment of human rights, because non-State actors could also have an impact on their enjoyment. While children should have the ability to be heard, there was no general right to be heard.

39. Her delegation dissociated itself from the ninth and twenty-first preambular paragraphs and paragraphs 17, 24, 27, 28, 34 (e), 35 (o) and 35 (q). Her Government’s current practices were consistent with applicable laws and with its commitment to ensuring that migrant children, including those in its custody, were treated in a safe, dignified and secure manner and with special concern for their particular vulnerabilities. Her delegation did not read the draft resolution to imply that States must join international instruments to which they were not a party, or that they must implement those instruments or any obligations under them, including the principle of the best interests of the child derived from the Convention on the Rights of the Child.

40. In general, the phrase “child sexual abuse material or child sexual abuse imagery, often referred to or criminalized as child pornography” was preferred over “child pornography and other child sexual abuse material”. In paragraphs 8 and 16, her delegation would have preferred the terms “child sex trafficking,” the “commercial sexual exploitation of children” or “exploitation of children in prostitution”, as appropriate, rather than the term “child prostitution”.

41. The United States strongly supported the registration of all children upon birth and understood the obligations in that regard to be those set out in article 24 (2) of the International Covenant on Civil and Political Rights. With regard to the suggestion reflected in the text that bullying always constituted violence, her delegation noted that not all forms of bullying rose to the level of physical violence. With respect to children in armed conflict, her delegation understood such references to refer only to children unlawfully recruited and used. With regard to other issues raised in the draft resolution, including the International Criminal Court, climate change, economic, social and cultural rights and education, her delegation had addressed its concerns in a general statement delivered at the 44th meeting.

42. **Ms. Ali** (Singapore) said that her delegation had joined the consensus on the draft resolution in support of its objective to protect the rights of children. Singapore had been a State party to the Convention on the Rights of the Child since 1995 and remained committed to promoting and protecting the well-being of its children in accordance with its obligations thereunder. Nevertheless, her delegation wished to express reservations with regard to the sixteenth and twenty-second preambular paragraphs and paragraphs 35 (o) and (p), in line with the reservations and declarations made by Singapore in relation to the Convention. In protecting the rights and well-being of children in the context of migration, it was necessary to recognize and take into account the different national contexts, realities, capacities and levels of development of Member States and respect their national policies and priorities.

43. **Monsignor Hansen** (Observer for the Holy See) said that the theme of “children without parental care” provided the Committee with an opportunity to address the situation of children suffering from the negative consequences of family breakdown or family separation, which left them more exposed to violence, exploitation and abuse. His delegation remained concerned, however, about fact that central principles outlined the Convention on the Rights of the Child with regard to the fundamental role of the family in the growth and well-being of all members of society, in particular children, were deemed too controversial for inclusion in a resolution.

44. The Holy See considered the terms “sexual and reproductive health” and “sexual and reproductive health-care services” to refer to a holistic concept of health, which did not include abortion, access to abortion or access to abortifacients. Regarding information on sexual and reproductive health, parents had the primary responsibility and prior rights, including the right to freedom of religion, in the

education and upbringing of their children as enshrined, inter alia, in the Universal Declaration of Human Rights and the Convention on the Rights of the Child.

45. References to gender and related terms such as “gender perspective”, “gender specific”, “gender disparities”, “gender-responsive” and “gender-sensitive”, were understood to be grounded in biological sexual identity and difference. It was noted that those concepts were not found in the Convention or in the Optional Protocols thereto.

Agenda item 69: Right of peoples to self-determination (*continued*) (A/C.3/74/L.36)

Draft resolution A/C.3/74/L.36: Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

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

47. **Ms. Rodríguez Abascal** (Cuba), introducing the draft resolution, said that its adoption would send a message that the use of mercenaries posed a threat to peace, security, self-determination of peoples and the enjoyment of all human rights. The text highlighted the danger that mercenary activities posed to the peace and security of developing countries, in particular in areas of armed conflict, and recognized that armed conflict, terrorism, arms trafficking and covert operations by third parties increased the demand for mercenaries worldwide.

48. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Belarus, Bolivia (Plurinational State of), Botswana, Burundi, China, Comoros, Ecuador, Egypt, Lao People’s Democratic Republic, Lesotho, Libya, Madagascar, Malaysia, Myanmar, Nigeria, Saint Vincent and the Grenadines and Sri Lanka. He then noted that the following delegations also wished to become sponsors: Cameroon, Equatorial Guinea, Eritrea, Mali, Namibia and Sierra Leone.

49. **Mr. Thompson** (United States of America), speaking in explanation of vote before the voting, said that his delegation condemned the grave threat that non-State armed groups continued to present to the ability of States to protect human rights and maintain order. It disagreed, however, with the premise that private security companies and private military companies were functionally identical to and equally problematic as mercenaries. Such companies remained, in many instances, legitimate civilian forces whose operations were consistent with applicable international law, and efforts by the United States to champion

innovative approaches to developing international frameworks and codes of conduct addressing their activities were bearing fruit. The Working Group on mercenaries should focus its attention solely on the issue of mercenaries. His delegation would vote against the draft resolution and encouraged other delegations to do the same.

50. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/74/L.36.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Chad, Chile, China, Comoros, Congo, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated

States of), Monaco, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Poland, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Brazil, Colombia, Fiji, Mexico, Palau, Switzerland, Tonga.

51. *Draft resolution A/C.3/74/L.36 was adopted by 127 votes to 51, with 7 abstentions.*

52. **Mr. Verdier** (Argentina) said that his Government fully supported the right to self-determination of peoples subjected to colonial domination and foreign occupation, in accordance with General Assembly resolutions 1514 (XV) and 2625 (XXV). The exercise of the right to self-determination required an active subject, namely a people subjected to alien subjugation, domination and exploitation, without which the right to self-determination was not applicable. The draft resolution just adopted should be interpreted and implemented in keeping with the relevant resolutions of the Assembly and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

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

Draft resolution A/C.3/74/L.33/Rev.1: The human rights to safe drinking water and sanitation

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

54. **Mr. Heusgen** (Germany), introducing the draft resolution also on behalf of Spain, said that the focus of the draft resolution was twofold. First, it provided recognition of menstruation as healthy and natural and of the importance of menstrual health and hygiene management to the full realization of the human right to sanitation. Second, it provided acknowledgement of the effects of climate change on access to and availability of safe drinking water around the world, in particular for people and communities in vulnerable situations. It was a fortunate coincidence that the draft resolution would be adopted only one day ahead of World Toilet Day, which, together with World Water Day, was an important reminder of the progress made towards achieving the full realization of those rights and of the work that remained to be done in that connection. The fact that 11 per cent of the global population still had no access to drinking water

and that 26 per cent still had no access to basic sanitation services underlined the need for the international community to step up its efforts in that area.

55. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Afghanistan, Algeria, Antigua and Barbuda, Bahamas, Bangladesh, Bolivia (Plurinational State of), El Salvador, Ethiopia, Fiji, Gambia, Haiti, Kiribati, Lesotho, Libya, Madagascar, Mali, Micronesia (Federated States of), Mongolia, Morocco, Namibia, Nicaragua, Nigeria, Palau, Panama, Paraguay, Peru, Qatar, Republic of Korea, San Marino, Saudi Arabia, Serbia, Seychelles, Singapore, South Africa, Tajikistan, Thailand, Togo, Tuvalu, Uganda, United Arab Emirates and Venezuela (Bolivarian Republic of). He then noted that the following delegations also wished to become sponsors: Angola, Burkina Faso, Chad, Equatorial Guinea, Eritrea, Ghana, Guinea, Maldives, Norway, Saint Vincent and the Grenadines, Samoa, Sierra Leone and Solomon Islands.

56. *Draft resolution A/C.3/74/L.33/Rev.1 was adopted.*

57. **Mr. Kelly** (United States of America) said that his delegation wished to reiterate its understandings on the topic as expressed previously, as well as its explanations of position on Human Rights Council resolutions 21/2, 24/18, 27/27 and 33/10, which also extended to Council resolution 39/8. His delegation had joined the consensus on the draft resolution on the understanding that it did not alter the current state of conventional or customary international law or imply that States must implement obligations under human rights instruments to which they were not a party. The United States was not a party to the International Covenant on Economic, Social and Cultural Rights, and the rights contained therein were not justiciable in United States courts.

58. The United States disagreed that safe drinking water and sanitation were inextricably linked to the right to life as understood under the International Covenant on Civil and Political Rights and did not believe that the legal duty of a State to protect the right to life entailed that it must address general conditions that could threaten life or affect standard of living. While the United States agreed that safe water and sanitation were critically important, it did not accept all of the analyses and conclusions of the reports of the Special Rapporteur mentioned in the draft resolution. With respect to the potential impacts of climate change, the United States considered the latter to be one factor among many that affected access to safe drinking water and sanitation, and supported a balanced approach that promoted economic growth and improved energy security while protecting the environment.

59. With regard to references in the draft resolution to the 2030 Agenda for Sustainable Development and the outcome documents of the International Conference on Population and Development, the Fourth World Conference on Women and their review conferences, his delegation had addressed its concerns in a general statement delivered at the 44th meeting. The United Nations must also respect the independent mandates of other processes and institutions, including trade negotiations, and must not involve itself in resolutions and actions in other forums, including at the World Trade Organization. The United Nations was not the appropriate venue for such discussions, and there should be no expectation or misconception that the United States would heed decisions made by the General Assembly on those issues, including calls that undermined incentives for innovation, such as technology transfer that was not voluntary and on mutually agreed terms.

60. **Ms. Rodriguez** (Argentina) said that her country supported the progressive development of international human rights law, bearing in mind that the core international human rights treaties had become a fundamental pillar of the country's legal system, having acquired constitutional rank following the reform of its Constitution in 1994. The importance of having access to drinking water and basic sanitation services as a means of safeguarding health and the environment was recognized by various international treaties to which Argentina was a party. Argentina understood that one of the primary responsibilities of States was to guarantee the right to water as a precondition for guaranteeing the right to life and an adequate standard of living. Nevertheless, while her delegation had joined the consensus on the draft resolution, it maintained that States were only obliged to guarantee the right to water and the right to sanitation of those individuals under their jurisdiction and not in respect of other States. Her delegation also wished to reaffirm its commitment to General Assembly resolution 1803 (XVII) on permanent sovereignty over natural resources.

(a) Implementation of human rights instruments
(continued) (A/C.3/74/L.32/Rev.1)

Draft resolution A/C.3/74/L.32/Rev.1: Implementation of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto: accessibility

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

62. **Ms. McDowell** (New Zealand), introducing the draft resolution also on behalf of Mexico, said that the focus of the draft resolution was on issues that were key

to enabling persons with disabilities to live independently and to fully enjoy all human rights on an equal basis with others, including the need for all States to implement minimum standards of accessibility; the use of universal design in physical and virtual environments, products and services; and the use of public procurement for promoting accessibility. The draft resolution also contained an acknowledgement of work undertaken to promote disability inclusion across all three pillars of the United Nations system, which would have a tangible impact on persons with disabilities working for or engaging with the United Nations. The main sponsors had held numerous open informal consultations and meetings with the aim of producing a text that could be agreeable to all, and the text represented the best possible balance that could be achieved.

63. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Albania, Andorra, Australia, Bahamas, Burkina Faso, Canada, Croatia, Denmark, El Salvador, Estonia, Guatemala, Hungary, India, Indonesia, Israel, Italy, Japan, Latvia, Lebanon, Lithuania, Luxembourg, Madagascar, Maldives, Monaco, Montenegro, Nicaragua, Norway, Palau, Paraguay, Peru, Philippines, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, South Africa, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela (Bolivarian Republic of). He then noted that the following delegations also wished to become sponsors: Belgium, Benin, Brazil, Dominican Republic, Gambia, Ghana, Guinea, Haiti, Mali, Netherlands, North Macedonia, Rwanda, Saint Kitts and Nevis, Samoa, Senegal, United Republic of Tanzania, Zambia and Zimbabwe.

64. **Ms. Korac** (United States of America) said that her delegation had joined the sponsors of the draft resolution but regretted the absence of references to Security Council resolutions, in particular resolution 2475 (2019), which had represented a significant and groundbreaking step towards mainstreaming the rights of persons with disabilities across the United Nations. Her delegation had first-hand knowledge of the challenges involved in such efforts, including with respect to improving physical access in New York. In that regard, her delegation welcomed references to the United Nations Disability Inclusion Strategy, the Steering Committee on Accessibility and the decision on accessible seating found in General Assembly resolution 73/341. It also welcomed the consideration of the

diverse types of disabilities and accessibility challenges faced by persons with disabilities and the need for them to be involved in decision-making processes.

65. While the United States could not ensure the enjoyment of human rights, because non-State actors could have an impact thereon, it recognized the importance of promoting and protecting the human rights of persons with disabilities and enabling them to live independently and participate fully in all aspects of life. States should take appropriate measures to ensure that persons with disabilities had access, on an equal basis with others, to facilities and services open or provided to the public, both in urban and in rural areas.

66. Her delegation understood references to the right to privacy to refer to those protections provided under the International Covenant on Civil and Political Rights and confirmed the importance of respect for applicable data protection laws and regulations. With regard to references in the draft resolution to the 2030 Agenda or to the reaffirmation of international instruments to which the United States was not a party, among other issues, her delegation had addressed its concerns in a statement delivered at the 44th meeting. It was important to redouble efforts to fully mainstream accessibility for persons with disabilities throughout the work of the United Nations and the international community.

67. *Draft resolution A/C.3/74/L.32/Rev.1 was adopted.*

68. **Ms. Rodriguez** (Argentina) said that her delegation had joined the consensus on the draft resolution for several reasons, including the recognition therein of the following aspects: the United Nations Disability Inclusion Strategy; the need to take into account the specific challenges linked to accessibility for older persons with disabilities, especially older women; and the relevance of developing, adopting and promoting national accessibility standards and guidelines.

69. **Monsignor Hansen** (Observer for the Holy See) said that the Holy See had consistently called for the complete and compassionate integration into society of persons with disabilities. His delegation welcomed the explicit recognition in the draft resolution that access to education was crucial as a means to foster full inclusion. It also welcomed the attention given to older persons with disabilities and to the need for special provisions for those with more serious forms of disability. Lastly, his delegation welcomed the recognition given to the contributions of family members and to the need to provide them with assistance, as they were frequently the primary caregivers for persons with disabilities. References to gender and derivative related terms were

understood to be grounded in biological sexual identity and difference.

Agenda item 26: Advancement of women (continued)

(a) Advancement of women (continued) (A/C.3/74/L.20/Rev.1)

Draft resolution A/C.3/74/L.20/Rev.1: Improvement of the situation of women and girls in rural areas

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

71. **Mr. Purev** (Mongolia), introducing the draft resolution, said that rural women and girls were central to achieving almost all the Sustainable Development Goals because of their crucial role in achieving the economic, environmental and social changes required for sustainable development. The aim of the draft resolution was to improve their situation by increasing their access to education, health-care services and facilities, resources and opportunities, infrastructure and technology, safe water and sanitation, land, energy, agricultural input and justice.

72. Reading out oral revisions to the text, he said that the phrase “as appropriate” should be deleted in paragraph 2 (a), before the word “contributions”. A new subparagraph should be added after paragraph 2 (b), to read as follows: “Supporting the important role of civil society in promoting the realization and fulfilment of the human rights and fundamental freedoms of all women, including rural women”. A new paragraph should also be added after paragraph 3, to read as follows: “Encourages Member States, appropriate United Nations entities and all other relevant stakeholders to promote the full and equal participation of rural women, including indigenous women as well as women farmers, fishers and agricultural workers, in sustainable agricultural and rural development”. All Member States who had not yet done so were invited to join the list of sponsors.

73. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Argentina, Australia, Austria, Bahamas, Belgium, Belize, Bolivia (Plurinational State of), Bulgaria, Burkina Faso, Canada, China, Costa Rica, Croatia, Cyprus, Czechia, Denmark, El Salvador, Estonia, Finland, France, Germany, Ghana, Greece, Haiti, Honduras, Hungary, Iceland, India, Ireland, Italy, Japan, Latvia, Lesotho, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Montenegro, Morocco, Myanmar, Netherlands, Nicaragua, Nigeria, Norway, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of

Moldova, Romania, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Togo, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of) and Zambia. He then noted that the following delegations also wished to become sponsors: Albania, Algeria, Angola, Antigua and Barbuda, Benin, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, Eritrea, Gambia, Guatemala, Guinea, Israel, Jordan, Lebanon, Malawi, Mali, Mozambique, Namibia, New Zealand, Niger, North Macedonia, Panama, Rwanda, United Republic of Tanzania and Viet Nam.

74. *Draft resolution A/C.3/74/L.20/Rev.1, as orally revised, was adopted.*

75. **Mr. Verdier** (Argentina) said that the inclusion of positive new elements in the draft resolution would contribute to strengthening the human rights of rural women. Such elements included measures for preventing and eliminating violence and the integration of a gender perspective as a tool for designing fiscal policy. The draft resolution also included important elements sourced from the agreed conclusions of the Commission on the Status of Women at its sixty-second session and its priority theme.

76. **Ms. Korac** (United States of America) said that her delegation had joined the consensus on the draft resolution. With regard references in the draft resolution to the 2030 Agenda, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and the outcome documents of the Fourth World Conference on Women, the International Conference on Population and Development and their review conferences, her delegation had addressed its concerns in a general statement delivered at the 44th meeting. Its concerns with regard to health-care services and economic, social and cultural rights had been addressed in the same statement.

77. The United States was firmly committed to equal opportunity and equal access to education and recognized that educational systems varied in their successes, challenges and appropriate actions needed in that regard. To the extent that the fifteenth preambular paragraph referred to school-related punishment, her delegation read that as punishment that rose to the level of child abuse, in line with domestic law.

78. Her delegation dissociated itself from paragraph 2 (k). The United States defended human dignity and supported access to high-quality health care for women and girls across their lifespans. Her delegation did not, however, accept references to “sexual and reproductive health”, “sexual and

reproductive health-care services”, “safe termination of pregnancy” or other language that suggested or explicitly stated that access to legal abortion was necessarily included in the more general terms “health services” or “health-care services” in particular contexts concerning women. Each nation had the sovereign right to implement related programmes and activities consistent with their laws and policies. There was neither an international right to abortion nor any duty on the part of States to finance or facilitate it. Furthermore, consistent with the reports and outcome documents of the International Conference on Population and Development and the Fourth World Conference on Women, her Government neither recognized abortion as a method of family planning nor supported abortion as part of its global health assistance.

79. **Monsignor Hansen** (Observer for the Holy See) said that his delegation commended all endeavours aimed at protecting the dignity of women, including rural women, and at promoting both their full development and advancement and their important role within the family and society. Sustaining rural families remained key to the fulfilment of those endeavours. The Holy See considered the terms “sexual and reproductive health”, “sexual and reproductive health-care services” and “reproductive rights” to refer to a holistic concept of health, which did not include abortion, access to abortion or access to abortifacients. References to gender were understood to be grounded in biological sexual identity and difference.

Agenda item 70: 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.3/74/L.37/Rev.1, A/C.3/74/L.38, A/C.3/74/L.39/Rev.1 and A/C.3/74/L.40/Rev.1)

Draft resolution A/C.3/74/L.37/Rev.1: The right to food

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

81. **Ms. Rodríguez Abascal** (Cuba), introducing the draft resolution, said that the right to food had been recognized in human rights instruments and declarations that enjoyed broad international acceptance. Fully realizing that right, however, remained a utopian dream. It was alarming that, in the twenty-first century and within the framework of the implementation of the 2030 Agenda, more than 820 million people in the world were still hungry, despite the fact that the world was producing enough food for everyone. It was also

alarming that up to 45 per cent of children who died every year under 5 years of age died of malnutrition and hunger-related illnesses, at least one in three children under 5 years of age was undernourished or overweight and one in two suffered from hidden hunger, undermining the capacity of millions of children to grow and develop to their full potential.

82. Without the consolidation of an enabling economic environment at both the national and international levels, it would be impossible to give adequate priority to the human right to food. Responsibility for tackling the global problem of hunger, however, did not lie solely with the United Nations. States had the primary responsibility to promote and protect the right to food, and the international community should provide, through a coordinated response and upon request, international cooperation and the assistance necessary to support appropriate national and regional efforts. Relevant international organizations were invited to continue to promote policies and projects that had a positive impact on the right to food. A failure to heed that call to action would place Member States on the wrong side of history.

83. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Andorra, Angola, Austria, Bahamas, Belarus, Belgium, Bulgaria, Burkina Faso, Burundi, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Egypt, Eritrea, Estonia, Germany, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Kazakhstan, Kenya, Latvia, Lesotho, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Maldives, Malta, Monaco, Mongolia, Montenegro, Morocco, Netherlands, Norway, Panama, Peru, the Philippines, Poland, Portugal, Qatar, Saint Lucia, San Marino, Senegal, Serbia, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, Thailand, Togo, Tunisia, Turkey, United Arab Emirates and Viet Nam. He then noted that the following delegations also wished to become sponsors: Cameroon, Chad, Djibouti, Equatorial Guinea, Gambia, Guinea, Japan, Jordan, Mali, Mexico, Nigeria, Pakistan, Saint Kitts and Nevis, Sudan, Uganda and United Republic of Tanzania.

84. **Mr. Thompson** (United States of America), speaking in explanation of vote before the voting, said that the international community was currently confronting one of the gravest food security emergencies in modern history. Hunger remained on the rise after decades of progress. Over 35 million people in South Sudan, Somalia, the Lake Chad Basin and Yemen were facing severe food insecurity and, in the case of the latter, potential famine. The United States remained

fully committed to addressing those conflict-related crises.

85. Nevertheless, his delegation had requested a vote on the draft resolution, and would vote against its adoption, for several reasons. While the draft resolution rightfully acknowledged the hardships that millions of people were facing and included an important call to Member States to heed urgent United Nations humanitarian appeals, it also contained many unbalanced, inaccurate and unwise provisions that the United States could not support. It also did not articulate meaningful solutions for preventing hunger and malnutrition or avoiding their devastating consequences.

86. The United States supported the right of everyone to an adequate standard of living, including food, as recognized in the Universal Declaration of Human Rights. Moreover, the International Covenant on Economic, Social and Cultural Rights provided that each State party undertook to take the steps set out in article 2 (1) of that instrument with a view to achieving progressively the full realization of the rights therein. The United States did not accept any reading of the draft resolution or related documents that would suggest that States had particular extraterritorial obligations arising from any concept of a right to food. It was concerned that the concept of food sovereignty could be used to justify protectionism or other restrictive import or export policies, with negative consequences for food security, sustainability and income growth. Food security required that appropriate domestic actions be taken in a way that was consistent with international commitments.

87. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution [A/C.3/74/L.37/Rev.1](#).*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Eswatini, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia,

Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, North Macedonia, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

None.

88. Draft resolution [A/C.3/74/L.37/Rev.1](#) was adopted by 185 votes to 2.

Draft resolution [A/C.3/74/L.38](#): Promotion of a democratic and equitable international order

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

90. **Ms. Rodríguez Abascal** (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. 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.

91. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Angola, Antigua and Barbuda, Bangladesh, Belarus, Bolivia (Plurinational State of), Burkina Faso, Burundi, China, Comoros, Dominican Republic, Ecuador, Egypt, El Salvador, India, Iran (Islamic Republic of), Lao People's Democratic Republic, Libya, Madagascar, Mali, Myanmar, Namibia, Nicaragua, Russian Federation, Saint Vincent and the Grenadines, Sri Lanka, Togo, Viet Nam and Zimbabwe. He then noted that the following delegations also wished to become sponsors: Cameroon, Djibouti, Guinea, Nigeria, Saint Kitts and Nevis, South Africa, Sudan, Uganda and United Republic of Tanzania.

92. **Mr. Thompson** (United States of America), speaking in explanation of vote before the voting, said that his delegation had requested a vote on the draft resolution and would vote against its adoption, owing to its long-standing and well-known concerns with respect to both its general premise and specific aspects of the text.

93. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution [A/C.3/74/L.38](#).*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chad, China, Comoros, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan,

Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Armenia, Brazil, Chile, Colombia, Costa Rica, Kiribati, Liberia, Mexico, Peru.

94. Draft resolution [A/C.3/74/L.38](#) was adopted by 125 votes to 53, with 9 abstentions.

Draft resolution [A/C.3/74/L.39/Rev.1](#): Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

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

96. **Ms. Rodríguez Abascal** (Cuba), introducing the draft resolution, said that the draft resolution contained reaffirmations of the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues and of ensuring the independence, impartiality and discretion of United Nations representatives and working group members in carrying out their mandates. It also included an emphasis on the obligation of all Governments to promote and protect human rights and fundamental freedoms in accordance with their responsibilities under international law and the Charter of the United Nations.

97. [A/C.3/74/L.39/Rev.1](#) was adopted.

98. **Mr. Thompson** (United States of America) said that his delegation agreed with the important concepts of non-selectivity, impartiality and objectivity and found the anti-Israel bias within the United Nations, and

in particular the Human Rights Council, inexcusable. With regard to other references in the draft resolution, his delegation had addressed its concerns in a general statement delivered at the 44th meeting.

Draft resolution [A/C.3/74/L.40/Rev.1](#): The right to development

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

100. **Ms. Rodríguez Abascal** (Cuba), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries, said that the text constituted a genuine effort by the members of the Movement to support the just aspirations of their peoples to development and prosperity.

101. The delegation of Cuba, on behalf of the Movement of Non-Aligned Countries, had conducted transparent and open negotiations and wished to thank all delegations that had participated. The absence of certain delegations from the negotiations was regrettable, however; although they were usually the ones to call for a vote on the text, they had been reluctant to engage in dialogue. It was clear that their intention, far from being to support the Committee's work, was to inhibit and poison it against multilateralism. The members of the Movement had striven to present a text that could be supported by all. There was a need for greater acceptance, effectiveness and realization of the right to development at the international level. She urged all States to develop national policies and measures that would realize the right to development as a key component of all human rights and fundamental freedoms.

102. The right to development was an inalienable human right that enabled all human beings and peoples to participate in economic, social, cultural and political development, on the basis of which all human rights and fundamental freedoms could be realized. The human right to development also entailed the full realization of the right to self-determination, which included the inalienable right of peoples to full sovereignty over their wealth and natural resources.

103. **Mr. Mahmassani** (Secretary of the Committee) said that Uganda had joined the sponsors.

104. **Mr. Thompson** (United States of America), speaking in explanation of vote before the voting, said that his country was firmly committed to the promotion and advancement of global development efforts. The Government collaborated with developing countries, other donor countries, non-governmental organizations

and the private sector to alleviate poverty and aid development efforts across all dimensions.

105. Nevertheless, owing to its long-standing concerns about the existence of a “right to development”, which did not have an agreed international meaning or enjoy universal recognition, his delegation had called for a vote and would vote against the draft resolution. The United States remained concerned that the right to development as identified in the draft resolution protected States instead of individuals. States must implement their human rights obligations regardless of external factors, including the availability of development and other assistance. The lack of development could not be invoked to justify the abridgement of internationally recognized human rights. States must respect their human rights obligations and commitments, regardless of their levels of development.

106. In addition, the United States could not support the inclusion of the phrase “to expand and deepen mutually beneficial cooperation”, which had been promoted interchangeably with “win-win cooperation” by a single Member State in order to insert the domestic policy agenda of its Head of State into United Nations documents. No delegation should support the inclusion in a multilateral document of political language targeting a domestic political audience or language that undermined the fundamental principles of sustainable development.

107. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution [A/C.3/74/L.40/Rev.1](#).*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius,

Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Austria, Belgium, Bulgaria, Croatia, Czechia, Denmark, Estonia, Finland, France, Germany, Hungary, Israel, Japan, Latvia, Lithuania, Netherlands, Poland, Slovakia, Spain, Sweden, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Andorra, Australia, Brazil, Canada, Cyprus, Georgia, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Mexico, Monaco, Montenegro, New Zealand, North Macedonia, Norway, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovenia.

108. *Draft resolution [A/C.3/74/L.40/Rev.1](#) was adopted by 137 votes to 24, with 26 abstentions.*

109. **Mr. Sparber** (Liechtenstein), speaking also on behalf of Australia, Iceland, New Zealand and Norway, said that the 2030 Agenda represented the most ambitious and comprehensive implementation programme for the vision enshrined in the Declaration on the Right to Development adopted by the General Assembly in 1986, including recognition of the centrality of people to development and a reaffirmation of States' responsibility to ensure equal opportunities for their citizens without discrimination.

110. Their delegations recognized the challenges involved in discussing the topic constructively and were concerned by the widely differing interpretations of the phrase “leaving no one behind” and by attempts to obscure the meaning of the right to development, which was the inalienable right of every individual to participate in, contribute to and enjoy economic, social,

cultural and political development, whereby all human rights and fundamental freedoms could be fully realized. They had abstained from the voting because they could not support the reference to a legally binding instrument on the right to development, which could undermine consensus and obstruct the achievement of the Sustainable Development Goals. It was hoped that future development paradigms would be brought into line with the guidance already provided in the Declaration and that future discussions would move away from the current polarization and enable a return to broader consensus on such a fundamental human right.

111. **Mr. Elizondo Belden** (Mexico), said that his delegation had abstained from the voting, as it had done for Human Rights Council resolution 42/23. The so-called right to development affected the work of all international and regional bodies and mechanisms. Although Mexico agreed with the spirit of the draft resolution, the establishment of a legally binding international instrument on the right to development, as proposed in the text, would fragment international law by introducing protections with regard to a specific legal interest, in contrast with other human rights standards. Doing so would generate confusion and weaken ongoing efforts to implement the Agenda 2030. The drive for sustainable development was key to achieving a prosperous and harmonious world. Efforts must be focused on aligning actions on the ground with the Sustainable Development Goals and the objectives of the Addis Ababa Action Agenda.

112. **Ms. Stepanyan** (Armenia) said that democracy must be based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. While her delegation had voted in favour of the draft resolution, it wished to dissociate itself from the twenty-second preambular paragraph, owing to the reference therein to the Eighteenth Summit of Heads of State and Government of Non-Aligned Countries, held in Baku in October 2019. Azerbaijan had abused its position as host of the Summit and current Chair of the Movement of Non-Aligned Countries by promoting a misleading and extremely biased narrative on the Nagorno-Karabakh conflict in the outcome document of the Summit, which ran contrary to the principles and values of the Movement and of the co-chairmanship of the Minsk Group of the Organization for Security and Cooperation in Europe, the only international mechanism mandated to deal with the conflict.

113. **Ms. Pritchard** (Canada) said that her country recognized the existence of the right to development, in accordance with the Declaration on the Right to

Development, and regarded the Vienna Declaration and Programme of Action as the authoritative point of reference on the interplay between human rights and development. Enshrined in the latter document was the recognition that while development facilitated the enjoyment of all human rights, the lack of development could not be invoked to justify the abridgement of internationally recognized human rights. Her delegation welcomed the incorporation of that element in the draft resolution, including through language reaffirming that democracy, development and respect for human rights and fundamental freedoms were interdependent and mutually reinforcing. Canada supported efforts by all Member States to realize the right to development and had served as a co-facilitator, with Ghana, of the High-level Dialogue on Financing for Development and as a co-founder, with Jamaica, of the Group of Friends of Sustainable Development Goal Financing. It would be through innovative partnerships such as those that the Goals would be achieved and the right to development would be realized.

114. **Ms. Wagner** (Switzerland) said that her Government's cooperation and development activities followed a human rights-based approach and included a recent country visit by the Special Rapporteur on the right to development. Collective efforts should be focused on implementing the 2030 Agenda and achieving the Sustainable Development Goals, as follow-up to the Declaration on the Right to Development, as well as on finding practical solutions for effectively realizing that right.

115. In order to make progress on the right to development at the international level, it was necessary to tear down barriers, work on reconciliation and seek a common narrative. The development of a new and legally binding instrument, as mentioned in paragraph 8 of the draft resolution, was far from finding international consensus and was, moreover, unnecessary. Human rights and development had always been inextricably linked; the lack of development could not be invoked to justify the violation of human rights. In addition, the subsidiary expert mechanism mentioned in paragraph 11 was a simple duplication of the existing Working Group on the Right to Development. For those reasons, her delegation had abstained from the voting.

116. **Mr. Zhang Zhe** (China) said that development was the solution to all problems. As a developing country, China had consistently protected and promoted human rights in the course of its development and had cooperated extensively with other countries in that regard. His delegation had joined the sponsors of the draft resolution and had voted in favour of its adoption because mutual benefits and win-win results were

fundamental principles of international cooperation. One Member State in particular should refrain from overreaction and overinterpretation.

117. **Ms. Jauhiainen** (Finland), speaking on behalf of the European Union and its member States and the candidate countries Albania and Montenegro, said that the European Union reiterated its support for the right to development based on the indivisibility, interdependence and universality of all human rights. The full realization of all rights and the creation of an enabling environment for individuals involving a wide range of actors at different levels, in line with the 2030 Agenda, were prerequisites to fulfilling the right to development, for which States bore the primary responsibility.

118. She expressed appreciation for the constructive steps taken by the facilitator to address concerns during negotiations. Nevertheless, differing views remained on fundamental issues, including with regard to indicators, content on the right to development and its implications and appropriate instruments for its realization. It was regrettable that the decision had been made, despite strong opposition, to go ahead with the development of a legally binding international standard, which was not the appropriate instrument for the present purpose and did not contribute to the achievement of consensus or serve the common objective of realizing the right to development. For that reason, the European Union could not support paragraphs 8 and 11 as drafted. It remained ready, however, to engage constructively on the right to development and to pursue consensus in upcoming negotiations, in order to achieve a positive outcome for all parties.

The meeting rose at 1 p.m.